

Canada

Debates of the Senate

OFFICIAL REPORT
(HANSARD)

THE HONOURABLE SYDNEY J. SMITH,
SPEAKER

1967-68

SECOND SESSION, TWENTY-SEVENTH PARLIAMENT
16-17 ELIZABETH II

Parliament was opened on May 8, 1967
and was dissolved on April 23, 1968

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1968

The Speaker

THE HONOURABLE SYDNEY J. SMITH

The Leader of the Government

*THE HONOURABLE PAUL MARTIN, P.C.

The Leader of the Opposition

THE HONOURABLE JACQUES FLYNN, P.C.

**Appointed April 20, 1968*

THE MINISTRY

According to Precedence

At Dissolution, April 23, 1968

The Right Honourable Pierre Elliott Trudeau, M.P.	Prime Minister and Minister of Justice and Attorney General of Canada
The Honourable Paul Joseph James Martin, ..	Minister without Portfolio
The Honourable Paul Theodore Hellyer, M.P.	Minister of Transport
The Honourable Mitchell Sharp, M.P.	Secretary of State for External Affairs
The Honourable George James McIlraith, M.P.	Minister of Public Works
The Honourable Arthur Laing, M.P.	Minister of Indian Affairs and Northern Development
The Honourable Allan Joseph MacEachen, M.P.	Minister of National Health and Welfare
The Honourable Hédard Robichaud, M.P.	Minister of Fisheries
The Honourable Roger Teillet, M.P.	Minister of Veterans Affairs
The Honourable Charles Mills Drury, M.P. ..	Minister of Industry, Minister of Defence Production and Minister of Trade and Commerce
The Honourable Maurice Sauvé, M.P.	Minister of Forestry and Rural Development
The Honourable Edgar John Benson, M.P.	President of the Treasury Board and Minister of Finance and Receiver General
The Honourable Léo Alphonse Joseph Cadieux, M.P.	Minister of National Defence
The Honourable Jean-Luc Pepin, M.P.	Minister of Energy, Mines and Resources and Minister of Labour
The Honourable Jean Marchand, M.P.	Minister of Manpower and Immigration and Secretary of State of Canada
The Honourable John James Greene, M.P. ..	Minister of Agriculture
The Honourable Joseph Julien Jean-Pierre Côté, M.P.	Postmaster General
The Honourable John Napier Turner, M.P. ..	Minister of Consumer and Corporate Affairs and Solicitor General
The Honourable Jean Chrétien, M.P.	Minister of National Revenue
The Honourable Charles Ronald McKay Granger, M.P.	Minister without Portfolio
The Honourable Bryce Stuart Mackasey, M.P.	Minister without Portfolio
The Honourable Donald Stovel Macdonald, M.P.	Minister without Portfolio
The Honourable John Carr Munro, M.P.	Minister without Portfolio
The Honourable Gérard Pelletier, M.P.	Minister without Portfolio

PRINCIPAL OFFICERS OF THE PRIVY COUNCIL

Clerk of the Privy Council and Secretary to the Cabinet	R. G. ROBERTSON
Acting Clerk of the Privy Council and Acting Secretary to the Cabinet	O. G. STONER
Assistant Clerk of the Privy Council	J. L. CROSS

SENATORS OF CANADA

ACCORDING TO SENIORITY

At Dissolution, April 23, 1968

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.
ARTHUR LUCIEN BEAUBIEN	Provencher	St. Jean Baptiste, Man.
SALTER ADRIAN HAYDEN	Toronto	Toronto, Ont.
NORMAN MCLEOD PATERSON	Thunder Bay	Fort William, Ont.
LÉON MERCIER GOUIN	De Salaberry	Montreal, Que.
CYRILLE VAILLANCOURT	Kennebec	Lévis, 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.
CHARLES GAVAN POWER, P.C.	Gulf	St. Pacôme, Que.
JEAN-FRANÇOIS POULIOT	De la Durantaye	Rivière du Loup, Que.
SYDNEY JOHN SMITH (Speaker)	Kamloops	Kamloops, B.C.
WILLIAM ALBERT BOUCHER	Prince Albert	Prince Albert, Sask.
J. EUGÈNE LEFRANÇOIS	Repentigny	Montreal, Que.

SENATORS	DESIGNATION	POST OFFICE ADDRESS
THE HONOURABLE		
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.
GUSTAVE MONETTE	Mille Isles	Montreal, Que.
JOHN JOSEPH MACDONALD	Queens	R.R. 9, Charlottetown, P.E.I.
GUNNAR S. THORVALDSON	Winnipeg South	Winnipeg, Man.
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. WALLACE MCCUTCHEON, P.C.	Gormley	Gormley, Ont.
M. GRATTAN O'LEARY	Carleton	Ottawa, Ont.
ALLISTER GROSART	Pickering	Toronto, Ont.
EDGAR FOURNIER	Madawaska-Restigouche	Iroquois, N.B.
CLEMENT AUGUSTINE O'LEARY	Antigonish-Guysborough	Antigonish, N.S.
FRANK C. WELCH	Kings	Wolfville, N.S.
JACQUES FLYNN, P.C.	Rougemont	Quebec, Que.
DAVID JAMES WALKER, P.C.	Toronto	Toronto, Ont.
RHEAL 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.

SENATORS	DESIGNATION	POST OFFICE ADDRESS
THE HONOURABLE		
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.
NORMAN ARCHIBALD MACRAE MACKENZIE	University-Point Grey	Vancouver, B.C.
JOHN LANG NICHOL	Lion's Gate	Vancouver, B.C.
CHARLES ROBERT MCELMAN	Nashwaak Valley	Fredericton, N.B.
EARL WALLACE URQUART	Inverness-Richmond	West Bay, N.S.
DOUGLAS KEITH DAVEY	York	Toronto, Ont.
JEAN-PAUL DESCHATELETS, P.C.	Lauzon	Montreal, Que.
HAZEN ROBERT ARGUE	Regina	Kayville, Sask.
ALAN AYLESWORTH MACNAUGHTON, P.C.	Sorel	Montreal, Que.
J. G. LEOPOLD LANGLOIS	Grandville	Quebec, Que.
PAUL DESRUISSEAUX	Wellington	Sherbrooke, Que.
CHESLEY WILLIAM CARTER	The Grand Banks	St. John's, Nfld.
JAMES DUGGAN	.....	St. John's, Nfld.
THOMAS JOSEPH KICKHAM	.....	Souris, P.E.I.
DOUGLAS DONALD EVERETT	Fort Rouge	Winnipeg, Man.
MAURICE LAMONTAGNE, P.C.	Inkerman	Montreal, Que.
ANDREW ERNEST THOMPSON	.....	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	.....	Black's Harbour, N.B.
HERVE J. MICHAUD	.....	Fredericton, N.B.
WILLIAM JOHN PETTEN	.....	St. John's, Nfld.
RAYMOND EUDES	De Lorimier	Montreal, Que.
PAUL MARTIN, P.C.	.....	Windsor, Ont.
EDOUARD JOSEPH THÉRIAULT	.....	Digby, N.S.

SENATORS OF CANADA

ALPHABETICAL LIST

At Dissolution, April 23, 1968

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, ARTHUR L.	Provencher	St. Jean Baptiste, Man.
BEAUBIEN, L. P.	Bedford	Montreal, Que.
BELISLE, RHEAL	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.	Lauzon	Montreal, Que.
DESRUISSEAUX, PAUL	Wellington	Sherbrooke, Que.
DESSUREAULT, J.-M.	Stadacona	Quebec, Que.
DUGGAN, JAMES		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.
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.		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.
MACKENZIE, NORMAN A.	University-Point Grey	Vancouver, B.C.
MACNAUGHTON, ALAN, P.C.	Sorel	Montreal, Que.
MARTIN, PAUL, P.C.		Windsor, Ont.
MCCUTCHEON, M. WALLACE, P.C.	Gormley	Gormley, Ont.
MCDONALD, A. HAMILTON	Moosomin	Regina, Sask.
MCELMAN, CHARLES	Nashwaak Valley	Fredericton, N.B.
MCGRAND, FRED A.	Sunbury	Fredericton Junction, N.B.
MCLEAN, DONALD ALLAN		Black's Harbour, N.B.
MÉTHOT, LÉON	Shawinigan	Trois Rivières, Que.
MICHAUD, HERVE J.		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, CLEMENT A.	Antigonish-Guysborough	Antigonish, N.S.
O'LEARY, M. GRATTAN	Carleton	Ottawa, Ont.
PATERSON, NORMAN McL.	Thunder Bay	Fort William, Ont.
PEARSON, ARTHUR M.	Lumsden	Lumsden, Sask.
PETTEN, WILLIAM J.		St. John's, Nfld.
PHILLIPS, LAZARUS	Rigaud	Westmount, Que.
PHILLIPS, ORVILLE H.	Prince	Alberton, P.E.I.
POULIOT, JEAN-FRANÇOIS	De la Durantaye	Rivière du Loup, Que.
POWER, C. G., P.C.	Gulf	St. Pacôme, Que.
PROWSE, J. HARPER	Edmonton	Edmonton, Alta.
QUART, JOSIE D.	Victoria	Quebec, Que.
RATTENBURY, NELSON	Southern New Brunswick	Saint John, N.B.
ROEBUCK, ARTHUR W.	Toronto-Trinity	Toronto, Ont.
SAVOIE, CALIXTE F.	L'Acadie	Moncton, N.B.
SMITH, DONALD	Queens-Shelburne	Liverpool, N.S.
SMITH, SYDNEY J. (Speaker)	Kamloops	Kamloops, B.C.
SPARROW, HERBERT O.	Battlefords	North Battleford, Sask.
STANBURY, RICHARD J.	York Centre	Toronto, Ont.
SULLIVAN, JOSEPH A.	North York	Toronto, Ont.
THÉRIAULT, EDOUARD JOSEPH		Digby, N.S.
THOMPSON, ANDREW		Kendal, Ont.
THORVALDSON, GUNNAR S.	Winnipeg South	Winnipeg, Man.
URQUHART, EARL W.	Inverness-Richmond	West Bay, N.S.
VAILLANCOURT, CYRILLE	Kennebec	Lévis, Que.
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

At Dissolution, April 23, 1968

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. WALLACE MCCUTCHEON, P.C.	Gormley	Gormley
12	M. GRATTAN O'LEARY	Carleton	Ottawa.
13	ALLISTER GROSART	Pickering	Toronto.
14	DAVID JAMES WALKER, P.C.	Toronto	Toronto.
15	RHEAL BELISLE	Sudbury	Sudbury.
16	DANIEL AIKEN LANG	South York	Toronto.
17	JOHN BLACK AIRD	Toronto	Toronto.
18	WILLIAM MOORE BENIDICKSON, P.C.	Kenora-Rainy River	Kenora.
19	DOUGLAS KEITH DAVEY	York	Toronto.
20	ANDREW ERNEST THOMPSON	.....	Kendal.
21	KEITH LAIRD	Windsor	Windsor.
22	MARY ELIZABETH KINNEAR	Welland	Port Colborne.
23	RICHARD JAMES STANBURY	York Centre	Toronto.
24	PAUL MARTIN, P.C.	.....	Windsor.

QUEBEC—24

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

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	CLEMENT AUGUSTINE O'LEARY	Antigonish-Guysborough	Antigonish.
8	FRANK C. WELCH	Kings	Wolfville.
9	EARL WALLACE URQUHART	Inverness-Richmond	West Bay.
10	EDOUARD JOSEPH THÉRIAULT	.....	Digby.

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	.....	Black's Harbour.
9	HERVE J. MICHAUD	.....	Fredericton.
10	.....	.....	.....

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	.....	Souris.

MANITOBA—6

SENATORS	DESIGNATION	POST OFFICE ADDRESS
THE HONOURABLE		
1 ARTHUR L. BEAUBIEN	Provencher	St. Jean Baptiste.
2 GUNNAR S. THORVALDSON	Winnipeg South	Winnipeg.
3 OLIVE LILLIAN IRVINE	Lisgar	Winnipeg.
4 J. CAMPBELL HAIG	River Heights	Winnipeg.
5 PAUL YUZYK	Fort Garry	Winnipeg.
6 DOUGLAS DONALD EVERETT	Fort Rouge	Winnipeg.

BRITISH COLUMBIA—6

THE HONOURABLE		
1 JOHN WALLACE DE B. FARRIS	Vancouver South	Vancouver.
2 SYDNEY JOHN SMITH (Speaker)	Kamloops	Kamloops.
3 NORMAN ARCHIBALD MACRAE MACKENZIE	University-Point Grey	Vancouver.
4 JOHN LANG NICHOL	Lion's Gate	Vancouver.
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	.....	St. John's.
6 WILLIAM JOHN PETTEN	.....	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.
Chief Clerk of Committees and Assistant Law Clerk and Parliamentary Counsel	Robert J. Batt, B.A., LL.B.
Chief of Administration and Personnel	J. Walter Dean
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CANADA

Debates of the Senate

OFFICIAL REPORT

THE SENATE

Monday, May 8, 1967

OPENING OF SECOND SESSION TWENTY-SEVENTH PARLIAMENT

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

The Senate met at 4 p.m., the Speaker in the Chair.

Prayers.

COMMUNICATION FROM GOVERNOR GENERAL'S SECRETARY

The Hon. the Speaker informed the Senate that he had received the following communication:

GOVERNMENT HOUSE
Ottawa

8th May 1967

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 4 p.m. on this day, Monday, the 8th May, 1967, and when it has been signified that all is in readiness, will proceed to the Chamber of the Senate to open formally the Second Session of the Twenty-seventh 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

The Senate adjourned during pleasure.

SPEECH FROM THE THRONE

At 4 p.m. His Excellency the Governor General proceeded to the Senate chamber and took his seat upon the Throne. His Excellency was pleased to command the attendance of the House of Commons, and, that House being come, with their Speaker, His Excellency was pleased to open the Second Session of the Twenty-Seventh Parliament of Canada with the following speech:

Honourable Members of the Senate:

Members of the House of Commons:

As my words are being broadcast throughout Canada I should like to begin on a personal note. I want to say that I am deeply conscious of the possibilities for good for Canada of my new office and duty that which brings me here today to open the Centennial Session of Parliament. May I renew my pledge at the ceremony of Installation: that my sole purpose and effort will be to merit the confidence which had been reposed in me by Her Majesty our Queen on the advice of her Canadian Ministers and by the countless Canadians from every region who have so freely offered their good wishes. My wife and I are deeply grateful for such messages and greatly encouraged by them.

On this occasion we feel again the sadness of our loss in the recent death of His Excellency General Georges Vanier, my much beloved predecessor. His courageous and lifelong devotion to all that is good and honourable sets an example to inspire all Canadians.

The careers of my two distinguished Canadian predecessors have added to the traditional and constitutional functions of the Governor General as the representative of Her Majesty the Queen of Canada, that of representing the Canadian people in a broad range of their activities and attitudes. In this role I shall try to encourage the best features

of our national life, in all its diversity, and to symbolize the unity and continuity of the Canadian people as expressed in their federal institutions.

With you, I look forward this summer to the visit of Her Majesty the Queen and other members of the Royal Family. The presence of our Sovereign and the Heads of State of other countries will bring added joy and festivity to our land as it celebrates the centennial of its Confederation.

This Centennial Session of Parliament provides an opportunity to begin to give effect to our aspirations for the second century of Confederation.

The weak colonies joined together in 1867 have grown today into a prosperous and dynamic country. That so much could have been accomplished in the face of great difficulties is a tribute to the courage, determination and faith in human progress of countless Canadian men and women of all origins. It is also a tribute to the wisdom and foresight of the Fathers of Confederation who created the constitutional framework without which much of this progress would have been impossible.

Our country was not founded in 1867. It is far more deeply rooted in time than that. But, one hundred years ago, our predecessors —men of many races, creeds and tongues —embarked upon a great exercise in statecraft of which we, today, are the trustees. They laid the foundations. They anchored them in a fundamental sense of unity that generations of conflict had taught was vital to the common weal. With this realization they erected a structure of government for the freedom, welfare, and prosperity of all who might come in time to inhabit this land. They built according to a federal plan because they knew that unity, with cultural and regional diversity could be harnessed to a positive and enriching role in no other way.

The concept of Confederation was a call to Canadians to occupy and develop half a continent. In terms of physical effort, it demanded constructive work of a magnitude and in the face of obstacles never before tackled anywhere in the world. In terms of intellectual endeavour, it required the revolutionary application of federal arrangements to a parliamentary system in a sparsely populated country of enormous area.

The path of Confederation has been beset with great difficulties—some natural, some inevitable and some of our own making. Succeeding generations of men and women, however, had the courage to overcome these difficulties and make possible the material and social progress we today enjoy. They had the conviction of their forefathers that a sense of basic unity alone would secure the preservation of both the individuality and the diversity which they cherished. They knew that, while Confederation could never be perfect, it was in the last analysis the mainstay of their various interests and that, while there would inevitably be occasional failures in the tolerance and understanding essential to our political system, a fundamental friendship between our people remained and could be relied upon. They knew, above all, that there was no difference of opinion so great, no misunderstanding so deep, that could prevent men of good will from repairing the particular in order to preserve the whole.

During the past one hundred years the world has changed beyond the recognition of anything within the experience of those who laid the foundations of Confederation. That our constitutional structure has endured and served so well the progress of our country is a measure of the basic soundness of its principles as well as the willingness of those concerned to adapt their application to changing needs and changing conditions.

It is in this spirit that the government has in recent years actively promoted the reform of detailed federal-provincial arrangements which, with the fundamental law, compose the constitutional structure of our country. Such reform includes improving procedures for federal-provincial consultation and coordination that are increasingly vital to the effective operation of modern government.

The government is aware of its unique responsibility to ensure that our fundamental law is readily adaptable to our changing social needs. It is also conscious that the advantages and disadvantages of the present constitutional structure are deeply intertwined. While orderly reform may well be the best way of preserving and strengthening our heritage, the most careful consideration must be given to what we do. Studies to obtain the best advice on this important matter are now underway with a view to subsequent consideration of the whole problem by Parliament.

It was possible to think, in 1867, of the public responsibility primarily in terms of state responsibility. The new challenges, which we must and will meet, require the involvement of the whole society and the

efforts of all our people. In this time of fast-changing dimensions, the central concern of Canadian society must be the well-being of each individual, so that, regardless of his place or station at birth, he will have an equal chance to realize his full potential in the economic, social, political and cultural sense. A country is a home; it must be built and furnished for the good life of its people.

With our forefathers, the fight was against the immense odds of nature on our half of this continent. Today the main struggle is against social injustice, against cultural mediocrity, against spiritual stagnation and against all forms of intolerance.

During the first one hundred years of our Confederation we have been evolving, out of our bilingual and bicultural beginnings, an ideal of statehood that promises a new dimension of democracy: the dimension of social and cultural diversity within a political unity. Out of the two great cultural streams of our beginnings, we have evolved in Canada an independent statehood which has welcomed and been enriched by people of many other cultures. As we enter our second century of Confederation, we can take pride in a sense of purpose that, while taking account of our own national needs, also includes a unique capacity to contribute to the whole world community of man.

Today relations among industry, labour and governments at all levels are taking on a new significance. To maintain and improve Canada's economic strength it is necessary to exercise wisdom and restraint in our demands upon one another; to show a high degree of co-operation and a sense of responsibility in dealing with each other and with our respective institutions, including all levels of government.

The government is conducting a fundamental review of the many significant factors involved in the relationship between industry, labour and government. From this review, it will secure the best advice available in shaping new policies and determining the most effective day-to-day role for the federal government.

Honourable Members of the Senate,

Members of the House of Commons,

As our Centennial Session opens, more Canadians are employed than ever before in our history. To ensure that jobs keep pace with the labour force, the capacity, quality and productivity of Canadian manufacturing industries must be increased. The Government will take further appropriate measures to promote an environment in which industries can develop in the broad interests of the country, and promote increasing employment opportunities.

The Government will also take special measures in particular designated areas where human resources are not adequately utilized. While efforts by the government in this regard during recent years have met with a large measure of success, they are to be made even more effective. Parliament, therefore, will be invited to broaden the scope of the Area Development Incentive program and to provide increased funds for it. Continuing encouragement will be given to the work of the Atlantic Development Board in promoting industrial development in the Atlantic Region.

Our strong and dynamic economy has made possible a broad program of social security which is available to all Canadians. Social legislation in Canada has been advanced to a remarkable degree in recent years. This does not mean to imply that all our programs are complete. Improvements will be required, such as the amendment of the Unemployment Insurance Act, which Parliament will be invited to consider.

Parliament will also be asked to enact a measure further to assist Canadians when moving from their homes in order to obtain employment. This will be accompanied by administrative action to increase the effectiveness of Canadian manpower centres. A full service will be developed for counselling individuals looking for work and for helping all workers to take advantage of employment opportunities. At the same time the adult retraining program will be strengthened and, in consultation with the provinces, a number of pilot training projects will lay concrete plans for new approaches in manpower development.

While the government is conscious of the desirability of a greater degree of domestic control of our resources and our key industries it is also aware of the continuing importance of inflows of foreign investment in order to ensure an optimum development of the economy. To enable Canadians to gain a clearer understanding of these issues, a White Paper on this subject will be laid before Parliament.

The government attaches great importance to opening up new ways for the participation

of our people in the ownership of our industrial institutions. You will therefore be asked to consider a bill to establish a Canada Development Corporation in order to further the industrial development and trade of this country by reinforcing the supply of Canadian equity capital ready to share the risks as well as the rewards of investment in Canadian business.

Federal-provincial co-operation through the Fund for Rural Economic Development will permit a major effort for regional planning for particular areas in Canada. Implementation of development projects in northeastern New Brunswick, at Mactaquac in New Brunswick and the interlake area of Manitoba will provide the federal Government with tools of knowledge and experience for the benefit of other regions throughout the country. You will also be invited to approve the establishment, with the Government of Nova Scotia, of a Crown Corporation to phase out the uneconomic coal mining operations in Cape Breton, while creating alternative industrial employment.

Greater emphasis and encouragement, consistent with federal responsibilities, will be given to community development programs throughout Canada. In no case is the need for these more fully demonstrated than in the case of the Indians and Eskimos of Canada who face grave problems in their attempts to share the benefits and opportunities of our society. The Government will therefore put before the Centennial Session amendments to the Indian Act and it will take other administrative measures to encourage the process of community development, for the benefit of the Indian and Eskimo people.

In foreign affairs Canada has put its major effort into the pursuit of peace. Our diplomacy aims at strengthening Canada's position in the councils of nations so as to work towards that world peace and stability that is the agreed objective of all sectors of public opinion in this country.

The most serious situation in the world today remains that in Vietnam. The Government continues to attach the highest priority to initiatives designed to bring about a peaceful settlement of this conflict and we will continue to exert every effort to this end through diplomatic and other peaceful means. The Government is prepared to co-operate in the establishment of an international presence in Vietnam to provide the assurances and guarantees which may have to form part of any settlement. We are also prepared to assist in the economic reconstruction and rehabilitation in that area once peace has been restored.

The government will also continue to press vigorously for effective international action in the field of disarmament. It regards curbing the nuclear arms race as a first and essential step on the road to general disarmament.

With these objectives in mind, Canada is joining with its NATO partners in a review of the future tasks of the alliance. Besides the changing requirements of collective defence, we will have in mind the progressively important political role which NATO has undertaken in the pursuit of a peaceful settlement in Europe.

The United Nations remains for Canada a major consideration in foreign policy. Until the end of 1968 Canada will have the responsibility of membership on the Security Council, and in that role the government will strive to strengthen the capacity of the United Nations fully to discharge its proper functions.

It is also expected that the "Kennedy Round" of International Trade and Tariff Negotiations will soon be completed in Geneva. In the light of its conclusions, you will be asked to approve changes in tariffs and related laws necessary to implement the undertakings Canada will give in order to gain improved access for Canadian products in export markets.

The Government also intends to play an active part in the forthcoming meeting of the United Nations Conference on Trade and Development, as it attaches great importance to the trade problems of less-developed countries.

Unless there is a concerted international endeavour to promote economic, technical and social advances in the developing countries, the world will soon face a major crisis. The advances painfully won by the nations of Asia, Africa and the Americas must not be lost through the lack of aid or through impediments to trade. Steps will be taken further to develop Canada's special relations with the Commonwealth countries of the Caribbean.

The Government also intends to seek approval for a substantial increase in the external aid program, as a further step towards the aid target of one per cent of national income.

External aid, trade and the activities of a host of international agencies today bind the

peoples of the world more closely together than ever before in human history. There is an international flavour to modern life that was unknown to all but a select few in years past, but which will become commonplace for people generally in the years ahead.

All this is dramatically demonstrated by Expo 67 which recently opened in Montreal and by the Pan American Games to take place in Winnipeg this summer. These are features of our Centennial party, to which the whole world has been invited. Expo provides an extraordinary opportunity to extend hospitality to those who join with us in celebrating the one hundredth anniversary of Confederation. It is attracting visitors to Canada in greater numbers than ever before, and provides us with an unprecedented opportunity to display our achievements to the rest of mankind. Our country will also be receiving an increasing flow of people who will remain with us, to add to the variety and strength of our country. You will be asked to consider a complete revision of our immigration legislation.

If the century that has passed can be characterized by the development of the resources of our land, it is likely that the century to come must be marked by an increasing concentration upon the development of the resources of the mind and the spirit.

The Government has already embarked upon a number of programs to increase substantially the level of scientific innovation, but much information of potential use in upgrading the technological capability of our country is not being fully utilized. The Government has therefore initiated a study which will lead to a program to provide for the efficient dissemination of the latest scientific and technological information throughout Canada. The Government also intends to recommend substantial expansion in its assistance to science and technology in their broadest senses and to develop a climate conducive to more expenditure in this area by Canadian industry. Particular attention will be given to developing a climate of cooperation among governments, universities, and industries, that will provide effective solutions for the great problems associated with our environment: with health, transportation, energy, communications, housing and urban renewal, food production and many others that have particular relevance to this country.

The arts, humanities and social sciences also have an importance to our future that needs no elaboration. In recent years the Government has taken vigorous action to ensure unprecedented support for those branches of learning essential to the enrichment of the spirit and to the government of men. More remains to be done so that there will be provided a host of challenging opportunities to Canadians of all ages: opportunities of the kind that will excite the interests of our best minds; opportunities that, accepted with spirit and vigour, can lead to progress of exceptional significance in the social and economic life of Canada.

Recognizing that broadcasting is an important cultural instrument the Government supports a comprehensive and balanced national broadcasting service for Canadians of all ages, interests and tastes. Toward these ends a measure will be put before this session for better regulation and use of broadcasting privileges and responsibilities. Legislation will also be placed before Parliament concerning the provision of broadcasting facilities for educational purposes.

The Government is profoundly aware of the economic, social and cultural issues concerned in the development of satellite communications. Studies of this important matter are now underway and will be pressed to completion so that you may be thoroughly informed on all aspects when grave decisions as to use, ownership, regulation and control must be reached. A committee of Parliament will be invited to study the issues involved in this new means of communication.

In one form or another science is already reaching into the very heart of the community to transform the lives of each of us. It is essential that the control and development of our environment keeps apace. We have built towns and cities, canals and railroads, highways and other great works of construction at an unprecedented pace. But we have too often in the past made beauty the poor sister of material gain and careless workmanship the price of easy profit. We must lose no more time in making ugliness in our environment as unwelcome as financial losses in our balance sheets.

One of the great challenges of the century will be our capacity to plan our urban development so that Canadians in the future will continue to enjoy the benefits of living in health and harmony with their surroundings. To this end, the Government intends to propose to the provinces that a special study of urban development be undertaken in close

consultation with all the authorities concerned, which would be available to the federal, provincial and municipal governments and to the public generally; so that all Canadians will be aware of the problems which lie ahead and so that governments at all levels, will have the best possible advice to assist them in their own planning and in their respective contributions to this great problem.

You will be invited to consider new housing programs which, while recognizing the primary responsibility of the individual and the other levels of government in the provision of housing, will help to fill requirements that clearly lie ahead.

The impact of science, industrialization and urbanization and the changing conditions in Canada and abroad also demand that our agricultural goals and policies should be kept under continuous examination. The Government, confident that Canada can look forward in its second century to continuing as one of the great agricultural countries of the world, proposes to establish a Special Task Force under the Minister of Agriculture. It will be charged with projecting agricultural goals for the future and recommending policies to meet these goals. A firm basis should thus be provided for the development, in full co-operation with the provinces, of a national agricultural policy. This national policy will be designed to bring greater returns to the efficient farmers of this country consistent with those of other segments of our economy and consistent with the contribution to our well-being that is made by the agricultural segment. At the same time plans will be developed that will permit the retraining of those who wish to leave the agricultural field.

The changing needs of rural communities also deserve special attention. During the present Session, you will be asked to approve legislation to provide long-term loans to agricultural and fisheries associations and corporations to permit them to develop facilities commensurate with the needs of such communities. The pattern of agriculture is changing and with the change there is increased need for capital to permit the development and maintenance of a competitive agricultural structure. Therefore you will also be asked to broaden the scope of the Farm Credit Act, in particular to enable young men and farmers' sons to develop or acquire efficient and viable production units.

The great natural resources that we take into our second century will be vital to us in meeting our needs and in maintaining our position as a major world trader. Measures will be introduced by the Government at the present Session arising out of the need to conserve and preserve the great wealth with which Canada has been so richly endowed. Water itself is becoming a more and more valuable resource. Efforts to combat pollution are taking on an economic as well as a social significance and the federal Government intends to press forward in co-operation with the provinces. In keeping with this objective, you will be asked to approve a new Canada Water Act which will provide a framework for the improvement and implementation of Canadian water policy.

At the same time, the search for new resources hastens the opening of the North. Substantial progress has been made in recent years in the government of the Northwest Territories and the Yukon, and the Government intends to undertake new incentives for industry and regional economic planning intended to strengthen the economy of the North.

The encouragement of scientific and intellectual endeavour, and the development of natural resources, will be of no great benefit to Canadian society in its second century of Confederation unless a concerted effort is made to bring about a better relationship between the individual and his government. The Government therefore attaches great importance to administrative and law reform so as to assure the citizen an understanding and sense of identification with what is going on, the better to assure his support of and participation in the social institutions of our country. You will be asked to examine legal procedures and administration, not only with a view to their efficiency, but also as regards their simplicity and efficacy in so far as the individual citizen is concerned. Canada must set itself the task of developing a society in which every citizen can become an informed and real participant and plan a rôle to the measure of his wishes and abilities.

The Standing Committee of the House on Privileges and Elections will be asked to continue its study of the Report from the Committee on Election Expenses. When this study has been completed, the Government will put forward proposals for your consideration.

You will be asked to consider reforms in our laws governing divorce. The Government

will also put forward a proposal concerning capital punishment. In all of these matters where decisions depend so much on personal judgment and belief, careful consideration will be given to procedures for handling them in Parliament. Early action will also be taken to seek other amendments to the Criminal Code.

In the highly complex society of today, the interests of the consumer must be taken fully into account in the formulation of government policy. It is abundantly clear that in the whole area of matters affecting the investor and the consumer, the federal Government has special obligations arising out of its general responsibility for the economic well-being of the nation as a whole.

The rights of the consumer can be advanced through corporate and individual responsibility but they also impose an obligation on governments at all levels. At this session government measures recommended for the promotion of consumer interests will include the designation of a department of corporate and consumer affairs. Within this department there will be created an organization responsible for developing new policies and co-ordinating programs undertaken within the federal Government to assist the consumer and protect the small investor. It will also maintain liaison with the provinces in these fields.

The Government also attaches great importance to the encouragement of more efficient allocation of capital resources and to the creation of a situation in which any Canadian can invest in companies operating in Canada on the basis of comprehensive and accurate information. To this end, you will be asked to approve amendments to the Canada Corporations Act. They will ensure that federally incorporated companies are obliged to respect modern and high standards of financial disclosure and that their affairs are conducted in a way which will encourage a favourable investment climate.

Related to this is the improvement of the efficiency and stability of financial markets and institutions. Important changes were brought about in the last session of Parliament with respect to banking legislation and the control of other financial institutions. The objective of the Government is to encourage development of efficient financial institutions, with full regard for the public interest including the provision of adequate safeguards for depositors and investors. The Government is prepared to exercise its responsibility in fields where it has jurisdiction. In these fields as well as in areas where jurisdiction is divided, it will seek to co-operate with all provincial governments.

Another matter of fundamental importance in our highly industrialized society is safety. The government proposes to review the whole area of its jurisdiction with respect to the setting and enforcement of safety standards in all the areas where they are required if the day-to-day life of the average citizen is to be adequately safeguarded.

As we observe this year the beginning of a new century of Confederation, we who find ourselves in positions of authority must always remember that it is our responsibility and our opportunity to serve the needs and aspirations of the Canadian people. Ours is a proud past. Together we in Canada have a future as promising as that of any other country in the world. But, above all, we are a people of the present. It is well that in giving thought to the goals of the second century of Confederation, we be aware that, as our success and promise of today rest on the actions of the past, so what we have tomorrow will depend on what we do today.

Members of the House of Commons:

The legislative program that the Government proposes is large, and many of the issues it contains are complex. This has consistently been the case in recent years. It is a natural result of the growth and development of our country, the involvement of government in many matters, and the increasing technicality of modern society and the methods of its regulation. Parliament today requires virtually the full-time attention of its members, and this has been appropriately recognized. Likewise, you have recognized that the rules and methods of parliamentary government must be revised. In the last session you established a Committee on the Rules of the House which made valuable progress in this regard. In this session you will be asked to continue and expand that committee's work. Canada in embarking upon its second century of federal government, must provide its Parliament with every facility to ensure that efficiency and thoroughness of deliberation which, in the consideration of every item of public business, is alone the sure protection of the liberty and well-being of our people.

You will be asked to appropriate the funds required for the services and payments authorized by Parliament.

Honourable Members of the Senate:

Members of the House of Commons:

It is our honour and privilege to be responsible for the Government of our country in this one hundredth year of Confederation. It is our duty to govern well.

In addition to the measures already specified, you will be asked to consider a number of other legislative proposals.

In conclusion, I would end today, as the first Governor General of our country did one hundred years ago:

> "Within our borders peace, security and prosperity prevail, and I fervently pray that your aspirations may be directed to such high and patriotic objects, and that you may be endowed with such a spirit of moderation and wisdom as will cause you to render the great work of union which has been achieved, a blessing to yourselves and your posterity, and a fresh starting point in the moral, political and material advancement of the people of Canada."

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. A. Hamilton McDonald 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.

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

Hon. Mr. McDonald moved, seconded by Hon. Mr. Vaillancourt:

> 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. McDonald moved, seconded by Hon. Mr. Paterson:

> 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. McDonald moved, seconded by Hon. Mr. Roebuck:

> That pursuant to Rule 77, the following senators, to wit: Honourable Senators Beaubien (*Provencher*), Bourget, Brooks, Choquette, Connolly (*Ottawa West*), Denis, Fergusson, Grosart, Macdonald (*Cape Breton*), 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

Tuesday, May 9, 1967

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

Prayers.

THE LATE SENATOR JOHN HNATYSHYN

TRIBUTES

Hon. Jean-Paul Deschatelets: Honourable senators, in the absence of the honourable Leader of the Government (Hon. Mr. Connolly, Ottawa West), who is abroad taking part in an important Commonwealth Parliamentary conference, it is my sad task to pay tribute to an honourable senator who has passed away. We were all shocked a few days ago by the news of the sudden death of one of our most able and popular friends and colleagues, Senator John Hnatyshyn from Saskatchewan.

The *Parliamentary Guide* gives only an indication of the numerous fruitful activities of Senator Hnatyshyn. It is unfortunate that his community, his province and Canada will be deprived, and at such an early age, of the brilliant services of a man who desired to serve. His training and experience as a lawyer, his understanding of people, and the ease with which he fitted into the work of the Senate immediately after being summoned here, made him one of our most valued colleagues.

The honourable Senator Hnatyshyn was Chairman of the Standing Committee on Immigration and Labour, and the recollection of his willingness to serve and to be helpful surely adds to the distress that his death brings to all of us.

May I say one thing more about the personality of this man, and it is not the least important—the sociability of his character.

[*Translation*]

This man smiled easily. In fact, whenever one spoke to him, his gaiety, which made him one of the most popular members of the Senate, made one trust him instinctively. We are all deeply distressed over his death and, on behalf of the Government, the Senate Leader and all his colleagues who join with me on this occasion, I ask his wife and family to accept our heartfelt sympathy.

[*English*]

Hon. A. J. Brooks: Honourable senators, I wish to join with the Acting Leader of the Government (Hon. Mr. Deschatelets) in paying tribute to our very dear departed friend, Senator John Hnatyshyn.

I put it midly when I say we were deeply shocked and saddened to learn of his death. As the acting leader has told us, Senator Hnatyshyn led a most active life and should have had many more years of activity, as he was but 60 years of age when he passed away.

The late Senator Hnatyshyn's life could be taken as an example to young Canadians of every race and of every creed in this country. Born in the Ukraine, he came here as an infant with his parents, grew up on a farm in western Canada, became a teacher, graduated from the University of Saskatchewan, received a Bachelor of Arts degree and a degree in law. He soon rose high in his profession and became President of the Bar of Saskatchewan.

He was director of many companies and organizations. He entered politics and became president of his party organization in the Province of Saskatchewan. In whatever he attempted, Senator Hnatyshyn rose to the top.

Honourable senators, as I have said, Senator Hnatyshyn was born in the Ukraine. He was one of the distinguished representatives of a great people, the Ukrainians, a people who have made many notable and outstanding contributions to the development of Canada. We are indeed fortunate to have had such men as Senator Hnatyshyn and people of his ethnic group come to Canada in such large numbers and help us to build up our country.

Honourable senators, may I add a personal note. I found John Hnatyshyn's death a deep personal loss. Anyone who has to lead, whether in the Senate or in some other place, realizes what a valuable help it is to have someone behind him whom he can always trust, someone who is faithful. That was John Hnatyshyn's character. Whether he was asked to take part in debate, to look after matters in committee or to perform some other task, I could always rely on him to do it and to do it well.

Senator Hnatyshyn was always loyal to his party leader and to his party; but he was also always on friendly and kindly terms with those with whom he did not agree politically or otherwise. He liked all his colleagues, no

matter which side of the house they may have sat on, and I know that all his colleagues liked him and shall miss him very much.

I take the opportunity of extending to his widow and family our very sincere sympathy.

Hon. Walter M. Aseltine: Honourable senators, this is another of those sad occasions that confront us all too frequently. This time it is Senator Hnatyshyn to whom we pay tribute. Having known him intimately for the past 35 years, right up to the time of his death, I was deeply shocked to learn of his sudden passing last Thursday. Up to that time he had been in reasonably good health, and his death was totally unexpected.

As Senator Brooks has said, Senator Hnatyshyn was raised on a farm, was educated in a farming community, grew up more or less with a farmer complex, so to speak, and when he graduated from the university, obtained his degree in law and hung out his shingle in the city of Saskatoon, he continued to be the friend of the farmer. He built up a very successful legal practice having to do largely with the business affairs of an agricultural community.

A sound lawyer who will certainly be missed by his many friends and clients, Senator Hnatyshyn leaves to mourn him his charming, talented wife Helen and a very clever family of three sons and one daughter.

In 1958, when I became Leader of the Government in the Senate, I looked around everywhere for an executive assistant. I heard of a young man in Saskatoon, Ramon Hnatyshyn—we called him Ray. At that time his father John Hnatyshyn was not yet a senator; he became a senator only a year or so later. Ray Hnatyshyn agreed to accept the position, and he stayed with me for over two years. He had a fine personality. He was a good mixer and was a clever young lawyer. He filled the position capably and made very many friends on Parliament Hill.

The second son, Victor, has recently graduated in law from the University of Saskatchewan. Victor articled in Regina and then joined the father's firm in Saskatoon. The third son, David, is also studying law at university. When he graduates he intends also to join the legal firm. I now come to the daughter, Elizabeth, a fine young woman. It is her intention also to graduate in law and join the Hnatyshyn firm.

I cannot boast of anything like that, honourable senators—only three Aseltines ever became lawyers. The name of the senator's legal firm at the time of his death was Hnatyshyn, Hnatyshyn & Hnatyshyn. When David and Elizabeth graduate and join the firm I hope it will still be Hnatyshyn, Hnatyshyn & Hnatyshyn.

John Hnatyshyn was a devoted public-minded Canadian citizen. He loved his adopted country very much indeed, especially the Province of Saskatchewan. He always found time to take a prominent part in the social and political life of the province, and particularly of his own City of Saskatoon. He was a candidate in three federal elections and in one provincial election. Very few of us can boast of such a record. It is unfortunate that the elections in which he was a candidate took place during the drought years of the political party to which he gave faithful allegiance from the time he was old enough to vote. In addition to his other activities, he always found time to take an active part in the raising of money for the Community Chest and other local projects.

As the Leader of the Opposition (Hon. Mr. Brooks) has said, our late colleague was president of the Bar Association and was also prominent in university life and activities. At all times he was ably assisted by his loyal wife and family who stood bravely behind him, particularly in adversity.

He was called to the Senate in 1959 and took a prominent part in the activities of this house right up to the time of his death. I do not intend to deal with that aspect of his career because Senator Brooks has already dealt with it briefly and I understand that other speakers will also deal with it.

I join with other speakers in expressing our deep regrets and sincere sympathy to Mrs. Hnatyshyn, the family and other relatives. I am sure that they will have many happy memories of the senator to sustain them in the difficult days which lie ahead.

Hon. George S. White: Honourable senators, in the death of John Hnatyshyn Canada has lost an outstanding citizen, the Senate has lost a conscientious and capable member, and each one of us has lost a warm personal friend.

The senator deeply loved his adopted country, and he regarded his appointment to this chamber as the greatest honour that came to him in his lifetime. He had great enthusiasm for and appreciation of the opportunities that his adopted country offered, and he was very conscious of the personal liberty which exists in Canada.

The late Senator Hnatyshyn and I had been roommates for some time. He often told me stories of the early struggles of his family in the West, of his efforts to obtain an education, and his early days in starting a law practice. And then in his native province he rose to the very peak in his chosen profession. In his home City of Saskatoon, where he was best known, he had the respect and good will of everyone.

The senator was very proud of his family. His was a closely-knit family, and he told me many times how happy and fortunate he and his wife were that their children were born in Canada and grew up in this great land of freedom.

In the days ahead in this chamber we will miss his shy smile, his good humour and his sound, common sense judgment. I join with others in extending to his wife, his daughter and his sons my sympathy in their great loss of a devoted husband and a very loving father.

Hon. Fred M. Blois: Honourable senators, I should like to join with the Acting Leader of the Government, the Leader of the Opposition and the other speakers in paying tribute to the late Senator John Hnatyshyn.

As honourable senators know, he and I were seatmates here for several years, and now the seat on my right is vacant. During the time I had the pleasure of knowing Senator Hnatyshyn we became close friends, not only in this chamber but outside, and there I came to know the real worth of this honourable gentleman. He was a great Canadian—moreover, he was very proud that he was a Canadian. On more than one occasion he told me that he was not one of those who expected Canada to give him a living; he felt that as a Canadian he should play his part to make Canada a great nation and to make a place for himself. I think you will all agree with me that he did just that. He also told me that he was proud that he was able to serve Canada in his political life and in the work that he did in helping the underprivileged people of this country, our native Canadians and those who emigrated from other regions.

He was a man of integrity, a man of high honour, and during the years that I was closely associated with him I never heard him speak an unkind word about anyone. He was a man who believed that every person, both within this chamber and outside, had a perfect right to his own views, that he had the right and duty to express those views and that they should be listened to with respect. He believed that, and he lived that kind of life.

He was chairman of a committee of the Senate, and he was a regular attendant at the meetings of the other committees upon which he served. He participated at all times and his views were listened to with respect.

As has already been said, John Hnatyshyn will be missed in this chamber and by his many friends elsewhere. I should like to join with those others who have spoken in expressing our deepest sympathy to Mrs. Hnatyshyn and the family.

Hon. Paul Yuzyk: Honourable senators, I would like to join with other senators in honouring the memory of our deceased colleague.

I regret that I could not attend the funeral of Senator John Hnatyshyn in Saskatoon last Saturday, due to the fact that I had a speaking engagement in the United States.

For a long time we shall miss our colleague in the Senate, and the impact of his personality—his warm friendship, his pleasant smile, his willingness to co-operate in the performance of the work of this chamber, his courageous outlook upon life and his devotion to Canada and the needs of her diverse population.

Senator Hnatyshyn is a notable example of the contribution that the Ukrainians are constantly making to the building, the many-sided progress, and the greatness of Canada. His parents, who came from the Canora district of Saskatchewan, were among the many thousands of pioneer Ukrainian farmers who came to this country almost empty-handed before and after the turn of the century, and with great courage and unswerving faith in God and their newly-adopted land, opened up millions of acres of virgin soil on the Prairies, thus bringing civilization and prosperity to vast hitherto unsettled regions.

These humble, hard-working parents sent John to school until he graduated as a lawyer from the university in Saskatoon in 1932, and became a highly respected member of his profession.

It was in his university years that I became acquainted with the late Senator Hnatyshyn, and I realized then that he was of leadership calibre. His many activities and achievements have already been outlined by previous speakers, but honourable senators will allow me to add that Ukrainian Canadians were most happy when the Right Honourable John G. Diefenbaker, then Prime Minister of Can-

ada, appointed him to the Upper Chamber in 1959. This was in recognition of the increasing role Canadians of that origin are playing in the political life of the country.

Senator Hnatyshyn was the second of three Ukrainian Canadian senators, having been appointed four years after the late Senator William Wall who, as many here will recall, passed away in the prime of life in 1962. Senator Hnatyshyn was one of the 79 Ukrainian-Canadian parliamentarians who have served or who are still serving Canada at the federal and provincial levels. Consequently, he is mourned most profoundly by probably a half-million people of his origin throughout Canada, which fact was made manifest by the large funeral procession.

During the Requiem Mass in the Ukrainian Greek Orthodox Church the congregation sang the majestic, soul-stirring refrain Vichnaya Pamyat, which in translation means "Eternal Memory," and which also embraces my sentiments.

On behalf of my family, and on my own behalf, I extend heartfelt sympathy to our bereaved friend, Helen Hnatyshyn, widow of the late senator, to his three sons and daughter, his old and dear mother who is still living, and his two sisters and their families.

Hon. Arthur W. Roebuck: Honourable senators, I can add very little to the eloquent and sincere tributes that have been paid to the late Senator Hnatyshyn, but I should like to say just a few words.

The honourable Acting Leader of the Government (Hon. Mr. Deschatelets) has spoken about the late senator's willingness to serve. Senator Brooks has also pointed out that he had only to ask Senator Hnatyshyn to make some contribution, and he could always depend upon him to do what was asked of him and to do it well.

When Senator Hnatyshyn was appointed to the Senate some 10 years ago I was Chairman of the Standing Committee on Divorce. In those days the committee heard evidence at great length in the rooms just below this chamber. I called upon Senator Hnatyshyn and asked him if he would join us in that useful work. I told him it was not a plum I was offering him, but a rather trying and arduous job. That was the best appeal I could have made to him. He agreed to become a member of the committee, and did so. I told him that there was a certain esprit de corps among the members of that committee because of the type of work we were doing at that time and our association in the responsibilities that we carried.

He became a member of the Standing Committee on Divorce, and remained a member during the whole period of his sojourn among us. I can certify to the truth of what Senator Deschatelets said. The late Senator Hnatyshyn was always willing to do and to serve. Frequently he was the chairman of one of the subcommittees which heard the evidence, and on these occasions his skill as a lawyer, his knowledge of the rules of evidence and his understanding were always assets, and the work he did was always reliable, sound, and faithful.

I speak on behalf of the members of the Standing Committee on Divorce in expressing our sincere sympathy with his family, with his wife and his brilliant children. We have feelings of deep sorrow at his passing. This chamber has lost a very useful member, and an educated and cultured gentleman.

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 to the Second Session of the Twenty-Seventh Parliament, 1967, in English and in French.

Ordered: That the report do lie on the Table.

DOCUMENTS TABLED

Hon. Jean-Paul Deschatelets: Honourable senators, I wish to table certain documents, among which is the Report of the Ninth Meeting of the Canada-United States Interparliamentary Group.

The following documents were tabled:

Copy of a contract between the Government of Canada and the town of Battleford, 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 by the Tariff Board, dated February 8, 1967, relative to the Inquiry ordered by the Minister of Finance respecting Iron or Steel Products used in the Shipbuilding Industry, Reference No. 139 (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.

Order in Council P.C. 1967-695, dated April 13, 1967, authorizing under section 21 of the Exports Credits Insurance Act, contracts of insurance by the Export Credits Insurance Corporation for the sale of 120,000 metric tons of wheat to the Czechoslovak Socialist 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. 1967-778, dated April 20, 1967, amending Order in Council P.C. 1966-2427, dated December 22, 1966, authorizing under section 21A of the Export Credits Insurance Act, long-term financing by the Export Credits Insurance Corporation for the sale by Montreal Engineering Company Limited and Montreal Engineering (Eastern) Limited of capital equipment, engineering and procurement services, and by Atomic Energy of Canada Limited of nuclear engineering services to the President of India, 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. 1967-779, dated April 20, 1967, amending Order in Council P.C. 1966-2428, dated December 22, 1966, authorizing under section 21A of the Export Credits Insurance Act, long-term financing by the Export Credits Insurance Corporation for the sale by Montreal Engineering Company Limited and Montreal Engineering (Eastern) Limited of capital equipment, engineering and procurement services, and by Atomic Energy of Canada Limited of nuclear engineering services to the President of India, purusant to section 21B of the said Act, chapter 105, R.S.C., 1952, as amended 1960-61. (English text).

Copy of Protocol extending, with the exception of Article VII, the Trade Agreement between Canada and the People's Republic of Bulgaria of 1963, together with copies of correspondence exchanged. Done at Ottawa, April 26, 1967. (English and French texts).

Reports of the Department of Veterans Affairs and of the Canadian Pension Commission for the fiscal year ended March 31, 1966, 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 Ninth Meeting of the Canada-United States Interparliamentary Group held at Washington, D.C., May 18-22, 1966. (English and French texts).

Report of Agreements made under the Agricultural Products Co-operative Marketing Act for the fiscal year ended March 31, 1967, pursuant to section 7 of the said Act, chapter 5, R.S.C., 1952. (English and French texts).

NATIONAL MUSEUMS BILL

FIRST READING

Hon. Jean-Paul Deschatelets presented Bill S-2, to establish a corporation for the administration of the National Museums of Canada.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Deschatelets: Honourable senators, I move, with leave of the Senate, that this bill be placed on the Orders of the Day for second reading at the next sitting.

Hon. Lionel Choquette: Honourable senators, I realize, of course, that bills are not debatable upon first reading in the Senate, but perhaps I may be forgiven for making a few observations at this time in the interests of orderly procedure.

It is known that bills not passed by both Houses of Parliament at the prorogation of a session die on the Order Paper. The bill that has just been read the first time, together with four other bills which are to be read the first time this day, passed three readings in the Senate during the last session, after having been considered by the appropriate committees. They were not passed by the other place prior to prorogation, and thus they died on the Order Paper of the other place.

My leader (Hon. Mr. Brooks) has indicated already that they should have been dealt with to completion before prorogation. However, this was not done, and hence they are now being re-introduced. As was indicated by the honourable Acting Leader of the Government (Hon. Mr. Deschatelets) yesterday, in these

circumstances the second readings of these five bills will be proceeded with tomorrow afternoon and, if I am correct, this will be followed by their being read the third time on Thursday afternoon or perhaps tomorrow.

Hon. Mr. Deschatelets: Honourable senators, may I say to Senator Choquette that the plans are being changed. We are adjourning tomorrow afternoon.

Hon. Mr. Choquette: Yes. I do not suppose much has happened in the brief interval between the prorogation of the last session and the beginning of this Centennial Session to necessitate a full-scale examination of these pieces of legislation. I do hope, however, that the motions for second reading in respect of all these bills will be accompanied by clear and concise résumés by the movers. I believe that this would adequately meet the situation, and expedite the passage of the bills, having regard particularly to the rather tight timetable indicated by Senator Deschatelets.

Hon. Mr. Deschatelets: Honourable senators, I have listened very carefully to the remarks of my honourable friend, Senator Choquette, concerning the re-introduction of certain bills which died on the Order Paper. I think this is an appropriate occasion on which to mention the outstanding work done by the Leader of the Government (Hon. Mr. Connolly, Ottawa West) because most of these bills were introduced in the Senate. Although not much publicity has been given to this fact, I do not think we should wait for the press; we can say at least among ourselves that so far as these bills were concerned the Senate has done a remarkable job.

These bills must now be re-introduced. I think the remarks of Senator Choquette are fair, and that the sponsor for each bill should sum up or give a résumé pointing out that debate has taken place on each of them and that so far as the Senate is concerned we have done our job. I think these remarks will be well taken. It is my understanding with each sponsor that this will be done.

Motion agreed to.

VISITING FORCES BILL

FIRST READING

Hon. Mr. Deschatelets presented Bill S-3, respecting the armed forces of countries visiting Canada.

Bill read first time.

Hon. Mr. Deschatelets 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.

CANADIAN CITIZENSHIP ACT

BILL TO AMEND—FIRST READING

Hon. Mr. Deschatelets presented Bill S-4, to amend the Canadian Citizenship Act.

Bill read first time.

Hon. Mr. Deschatelets moved that the bill be placed on the Orders of the Day for second reading at the next sitting.

Motion agreed to.

CRIMINAL CODE (HATE PROPAGANDA)

BILL TO AMEND—FIRST READING

Hon. Mr. Deschatelets presented Bill S-5, to amend the Criminal Code.

Bill read first time.

Hon. Mr. Deschatelets 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.

INTERPRETATION ACT

BILL TO REVISE—FIRST READING

Hon. Mr. Deschatelets presented Bill S-6, to revise and consolidate the Interpretation Act and amendments thereto, and to effect certain consequential amendments to the Canada Evidence Act and the Bills of Exchange Act.

Bill read first time.

Hon. Mr. Deschatelets 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.

TELEFERRY BILL

FIRST READING

Hon. Mr. Deschatelets presented Bill S-7, respecting interprovincial and international teleferries.

Bill read first time.

Hon. Mr. Deschatelets 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-UNITED STATES INTERPARLIAMENTARY GROUP

MOTION TO PRINT NINTH REPORT AS APPENDIX

Hon. Jean-Paul Deschatelets: Honourable senators, with leave, I move that the report of the Ninth Meeting of the Canada-United States Interparliamentary Group, tabled today, be printed as an appendix to the *Debates of the Senate* of this day.

Hon. M. Wallace McCutcheon: Honourable senators, before the motion is adopted, may I ask if this is a report of the meeting a year ago?

Hon. Mr. Deschatelets: I am sorry, I cannot give the honourable Senator McCutcheon an answer because I have not seen the report. This report was among the documents that were brought to my attention just a few minutes before the opening and I just tabled them.

Hon. Mr. McCutcheon: There is a meeting of this organization starting tomorrow, honourable senators, and I was curious as to what report was being tabled—whether we are tabling reports in advance or in arrears. If they are in arrears, they are a year in arrears.

Hon. Mr. Croll: They are always in arrears.

The Hon. the Speaker: Honourable senators, as a member of this group may I say that the report which has been tabled is that of a meeting held last May.

Hon. Mr. McCutcheon: That is what I thought. I see it started on my birthday.

Hon. Mr. Macdonald (Brantford): May I ask if there is a meeting of this same group commencing tomorrow? I thought Senator McCutcheon referred to a meeting of this group tomorrow.

Hon. Mr. McCutcheon: I understand there will be a meeting of the Canada-United States Interparliamentary Group starting tomorrow. I believe there will be some changes of faces, but it is the same organization.

Hon. A. J. Brooks: Honourable senators, there will be a meeting tomorrow. I understand that the committee will meet here in Ottawa from May 10 to 12 and in Montreal from May 12 to 14. So far as the Opposition side of this house is concerned, Senator O'Leary (Carleton) and Senator Beaubien (Bedford) will be delegates. I do not know about the other side.

Hon. Mr. McCutcheon: They are away preparing for the meeting now.

The Hon. the Speaker: Honourable senators, is it your pleasure to adopt the motion?

Motion agreed to.

(For text of report see Appendix pp. 23-32.)

[*Translation*]

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. Paul Desruisseaux moved, seconded by Hon. John Nichol:

> 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, Governor General and Commander-in-Chief of Canada.
>
> May it please Your Excellency:
>
> We, Her Majesty's most dutiful and loyal 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 shall not try to stress here, on this occasion, the distress and regret we all felt on the death of the late lamented General Vanier, of the beloved wife of our distinguished Speaker, and of some of our most worthy senators, since these sentiments have been so well expressed by so many, including the Government and Opposition Leaders in the Senate.

However, I think it would be fitting for me to express today once more, on behalf of all the honourable senators and on the motion for the adoption of the address in reply to the Speech from the Throne, our satisfaction and pleasure at the appointment of His Excellency the Right Honourable Roland Michener as Governor General, a man

who is a friend of all those who have the privilege of knowing him and a loyal servant of Canada.

On behalf of all of us, Mr. Speaker, I congratulate you most sincerely on the perfect way in which you accomplish your functions, your willingness in serving the Senate well, and your unfailing understanding.

We were very happy, honourable senators, to see the honourable Leader of the Government in the Senate fully assume once again his functions and his responsibilities, after an unfortunate illness. We sincerely hope that he will stay in good health.

We are delighted at the choice of the honourable Senator Jean-Paul Deschatelets as acting leader, and we express to him our best wishes for a brilliant career. He can count right away on the co-operation of all senators.

I am happy to note on behalf of everyone that the courtesy and understanding of the honourable Leader of the Opposition in the Senate and of his assistant have won them our respect and our high regard.

May I repeat how personally grateful I am for the kind welcome and friendship of all the honourable senators since my arrival among you a few months ago.

I have highly appreciated the invitation extended to me by the Leader of the Government to move the motion on the address in reply to the Speech from the Throne in this hundredth year of our Confederation.

This honour reflects on my native city of Sherbrooke and on the Eastern Townships which I have the privilege to represent in the electoral division of Wellington. This is an excellent opportunity, I believe, to voice some constructive views and comments on Canada, especially with regard to our centennial.

[*English*]

Our centennial session, the second of the 27th Parliament, had a strong send-off yesterday. The Speech from the Throne, shortly after the closing of the first session, the longest in Canadian history, gave, I believe, much promise and much hope to our Canadians. I am sure we particularly noted this general remark in the speech:

> ...we who find ourselves in positions of authority must always remember that it is our responsibility and our opportunity to serve the needs and aspirations of the Canadian people.

We, as always, will remember this responsibility and opportunity to serve.

The Speech from the Throne has made an important reference to the centennial year. Indeed, the 100th year of Confederation has for us Canadians a number of basic and important meanings. It means that we have reached our full maturity. We have become a recognized major nation, esteemed and respected everywhere and by all. We have passed the 20 million mark in population. We have attained economic and political recognition among the most important nations of this world. We have become able as a nation to tackle some of the greatest projects in this day and age.

Yet, small in population and spread quite thinly over an immense territory 3,000 miles long, we have nevertheless found a way to grow well and healthy together, and this in every sense of the word. We have been capable of establishing, not only over our country, great and efficient communications, in the air, on land, and on the sea, but we have extended these far beyond the horizon to distant countries all over the globe. We have acted as a purveyor of grains and minerals for people in want. We have marketed our manufactured products in almost every country. We have provided, generously, foreign aid to many of the poorer nations for their individual welfare, advancement and development, without incurring their reproach or adverse criticism.

We have managed to advance among us our culture, our arts, our education, our science and we have contributed to our physical betterment and our health. We have been adopting each of us another culture and more and more at least one other language besides our own. We have learned to respect one another's customs, religion, philosophy and language of origin.

If we have not always shared the same policies and the same ideas, we nevertheless have respected here the wish of the majority and learned to do justice to the rights of the individuals.

We have lived, I feel, here and everywhere in Canada quite happily together and we have never hesitated to welcome one and all from all parts of our world to join us and become permanent Canadians, sharing at our table our good fortunes. We have, in spite of a few spotlighted incidents, shown each other the true brotherhood so necessary to advance and progress together. For the first hundred years we have done all this.

We have had problems, injustice, and economic inequalities and those who have thought their rights affected have fought well and are still doing so with the zeal and spirit characteristic of Canadians.

This is a good omen, and we can look forward with hope, never contented with what has been achieved, ever rising in the greatness of the future and ever aiming at the great objectives of justice, equality and perfection such as are obtainable on this earth. The application of the golden rule has been most rewarding to all of us.

The men and women whose memory is recalled in this Centennial have paid dearly through their personal efforts and suffering to make us into what we are, for we are looking forward to a future which our most prophetic forebears could never imagine and we are duty-bound to laud the progressive ideas, the tolerance and the political talents of men and to become conscious of the rules which made all these accomplishments possible.

The better to understand them, let us recall the very factors which brought on Confederation and which too few know, unfortunately, but which undoubtedly have had an important influence on our thinking and which will help us determine why Canada undertook, among other things, the unprecedented task of uniting two peoples into a single nation and to invite all peoples to a common table.

Canada before 1867 would seem to us a very strange world. It had none of the things we consider normal today: large plants, major metropolitan centres, large cities, national highways, automobiles, airplanes, television, electricity. At that time, there were only a few miles of railroads along the St. Lawrence river.

The population was approximately 3½ millions of which 80 per cent were concentrated in the provinces of Upper and Lower Canada—Quebec and Ontario. Four-fifths of the population lived in rural areas. Quebec and Montreal, with some 100,000 inhabitants, were by far the most important Canadian centres.

A small number of industrial undertakings, crafts and services throughout the inhabited regions depended on agriculture and the primary products of the forest and of the sea.

In those days, on each family had to shift for itself, as the economy was still in its embryonic stage. Income was spent mostly on basic needs: food, clothes and lodging. A worker could always go back to the farm to gain independence. Still, the growth of population and the aspiration for a broader scope of life were gradually becoming obvious.

Between 1848 and 1854, Canadian affairs reached such a low ebb that people started to wonder about the very survival of Canada. The introduction of free trade in Great Britain and the accompanying removal of the preference enjoyed by Canada on British markets gave even more weight to the argument of supporters of the union with the United States. Domestically, Canada was facing several frustrating matters with no apparent solutions within the framework of the existing political institutions.

In 1864, the country was mature for a federation. The American War of Secession, which had begun in 1861, had created difficulties with the northern states and even the Canadian boundary came under fire. Fear of invasion was more than an invention of the mind.

Confederation, in turn, was the rejection of political and economical annexation by the United States. Left to itself, even within a huge empire, each province was too weak to ensure its own economic stability or resist armed pressures from its powerful neighbour to the south.

What remained to be done except to try to bring about an agreement which would enable not a group of isolated provinces with a limited population but a unified community to face the danger?

How else could Canada keep on living and preserve her identity in America? That is how our nation was born.

In 1867, the Fathers of Confederation created something which did not yet exist: a new nationality. They recognized the need for compromise, for tolerance and the very simple and useful art of disagreeing in a friendly way. The rest of the story is undoubtedly better known.

After a hundred years, it is realistic to think that this Confederation agreement or pact may require some amending as far as some of its clauses are concerned to meet all the needs of the space age, but I am not one of those who think that many important points need to be revised.

Nevertheless, it would be quite unreasonable to take the Fathers of Confederation to task for their failure to foresee all we were to accomplish and the future developments in our country. In spite of all the deficiencies found in it by some people, it must be said to

its great credit that it has ensured us one hundred years of continued and tremendous progress as a country made up of two cultures, each with its own particular spirit and way of life.

For the millions of men and women who have left foreign countries to settle in Canada since 1867, our country has really proved to be a new land, because of its freedom, its opportunities and its promises.

Confederation succeeded in uniting three of four racial and political groups, some of which had been unrelenting enemies until then. They came to the conclusion that they had to live together and that they needed a framework, in which they would find their proper place. Being aware that we were part of a whole, they realized that no individual, no municipality, no county, no province could usefully contribute to the well-being of Canada as a whole, through seeking by sheer force, as individuals, the solution to local problems. That was the good side of it: the magnitude and the vision of its future.

It was sound judgment, I believe, on the part of Sir Wilfrid Laurier who, like the Right Honourable Louis St-Laurent, was from the Eastern Townships and the Wellington division, which I have the honour to represent here today, to say the following in 1889, as regards Confederation:

> When Confederation was established, it was not meant to be founded upon the humiliation of any race whatsoever. It was not contended that any race whatsoever had to sacrifice its own character, but it was hoped that while maintaining its individuality, each nationality would contribute with all others to the formation of one nation. It is in that same spirit and in accordance with the principle laid down at the time of Confederation, that there should be many provinces, that there should be a division, but at the same time a union of all.

We, Canadians of today, in the light of the achievements of the past, will be in a better position to foresee what to do in the years to come in order that the second centennial of our country, which will be celebrated by our descendants, will see a stronger and more united Canada, made greater through daring accomplishments and composed of prosperous and developed provinces eager to ensure the welfare of each and every one of their citizens.

They say the population will double approximately every 33 years. It will have reached 40 million around the year 2000, 80 million around the year 2034 and more than 150 million for the celebration of our second centenary in 2067. The stimulus to our economy will enable our nation and our provinces to envisage undreamed of achievements.

The Speech from the Throne mentioned that achievement which Expo 67 is. I should now like to say a few words on the subject. At the opening of Expo, last April 27, the right honourable Prime Minister said:

> Our country can only exist inasmuch as unity of thought and action in the diversity of linguistic, cultural and social origins can be achieved.

As for His Excellency Mr. Pierre Dupuy, General Commissioner of Expo, this is how he ended his speech on the same occasion:

> We have tried to reassure man, to make him understand his role, however small it may be, by showing him that the things which divide his fellowmen are less important than those which unite them.

His Worship the Mayor of Montreal, Mr. Jean Drapeau, said:

> Great nations are formed in continuity.

Honourable Daniel Johnson, Premier of the Province of Quebec, expressed the wish that young people may emerge from this experience better prepared to play their part as citizens of the world.

A young nation of some 20 million was offering to the whole world a unique example of what can be accomplished through collective work and effort, of what had just been achieved through unity of action and purpose. I have never been so proud, as a Canadian, to see the flags of the most important nations in the world raised one after the other, at the call of the name of the nation, and to see at last our Canadian flag flying with dignity beside those of the great nations of the world.

I have been, as all of you I am sure, deeply moved when the band buoyantly and with feeling, broke into our national anthem officially recognized at last. Before this magnificent and significant spectacle, we, from all the corners of the earth, rejoiced together at the sight, it must now be admitted, of this marvel of our century.

Like many others, I felt it was a stirring appeal for a renewal of our Canadian patriotism. How happy we would be to see that

Canadian patriotism recover its former strength, under our new flag and to the strains of our moving national anthem.

That, honourable senators, was the message conveyed by Expo 67 on the first centennial of our nation. Its high cost, shared among our governments in order to celebrate this first centennial, has naturally worried a large number of people; but the history of our young nation is filled with such sacrifices and worries. It cannot be otherwise from now on if we wish to continue to progress. Let us only hope that our other ventures will always come to such successful conclusions.

It is fitting to mention particularly all those who have carried out such a tremendous undertaking. Their devotion, patience and steadfastness will serve as an example for all Canadians. Their reward will be the satisfaction of an outstanding and superb achievement and the attainment of the symbol which derives from it and remains engraved in our minds: "work done through unity of action and purpose."

This unprecedented event will be, for Canada, the consecration of its maturity as a nation, acknowledged by both its own people and the rest of the world. It will constitute a national awakening as well as a contribution to the unity of mankind.

One of the most important pieces of legislation mentioned in the throne speech seems to be the one for a better regulation and "use of broadcasting privileges and responsibilities". It was also particularly important, I think, to introduce now a bill concerning the provision of television facilities for educational purposes, such a bill is very timely and will be a piece of legislation that will be of great significance for everyone of us.

Let me repeat a remark you may have heard often.

Our knowledge is developing at a geometrically growing pace in all dimensions. From the beginning of the Christian era to 1750, knowledge doubled. It doubled again from 1750 to 1900, that is during the 150 years that followed. It doubled again during the next fifty years, between 1900 and 1950. It is generally agreed that it doubled once more within ten years, between 1950 and 1960 and again within five years, between 1960 and 1965. Progressing at such a giddying speed, it seems that the teaching and spreading of all the acquired knowledge can keep pace with these developments only if it is recorded, not only in books but also on tapes and computers for national and even international dissemination.

Therefore, educational television and broadcasting control are becoming important. We will have to scrutinize this area very closely.

The Prime Minister also stated that the Government is aware of the economic, social and cultural consequences arising from the development of communications by satellite.

Mindful of what is being developed, I think that we have here the opportunity of studying, in due course, a legislation of the utmost importance, in its principles as well as in its implications, for the future of Canadians.

The establishment of the Canadian Pacific Railway and the building of a railway system were vital phases in the development of our country. Today, while we are coming closer to the 21st century, we must contemplate seriously playing a rôle in space communications and connecting every part of our country through technological advances.

It is as if all great world events were always happening before our eyes. We are also at an important period in our history when our decisions in the communications field indicate whether or not we accept the challenge of modern science. Canada has an essential part to play in outer space, not only because we have in Canada the men and institutions required to assure us of an important place, but also because we will have to compete with communications from other countries coming by satellites. The whole world will have access to all our homes and we will find it impossible to check that presence. We must therefore give ourselves the institutions which will enable us to present our vision of the world while serving the Canadian people according to priority powers required in our country. For purposes of education, information and recreation, and as a factor of unity, we have the heavy responsibility to secure immediately a station in space and launch a communications satellite for the benefit of the Canadian population.

This represents a complete revolution in the field of picture and thought transmission, the immediate result of which will be to bring together all Canadians and stir up the Canadian conscience on a world scale.

The Science Secretariat of the responsible branches of private enterprise as well as our Government, which voiced its feelings through the Prime Minister two weeks ago, have understood the importance devolved upon Canada in space. All branches will be reconsidered, and it would be desirable that private and public enterprise should unite their

efforts and create together the institution which will guarantee our country an important rôle in the field of space communications.

It appears to me opportune to comment here, marginally to the Speech from the Throne, on our economic situation. Perhaps never since its existence as a nation has Canada known such a desirable economy as in 1966. Providence was particularly favourable to all of us, even if we had to undergo a mild form of inflation. Peaks were reached in numerous sectors, and generally it is not an exaggeration to say we had our best economic year. These results coming after so many good years have given us a feeling of continued stable security.

Our economy had been progressing at so fast a pace that it became necessary many months ago to apply the brakes. Actually, our progress was more rapid than that of all the great industrial countries except one. This is a great testimonial to the efforts made freely by free people who work in a competitive economy.

But, as always, the price of a rapid increase brought again the surging danger of inflation and its hideous results. The occurring situation was and is being dealt with quite effectively by the Government in order to avoid a feared unbalanced economy.

Now, however, our situation has somewhat changed. It is good to know that the Government intends to table measures to broaden the scope of the Area Development Incentive program, and to promote industrial development in the Atlantic region. Effectively, this will help regulate some of the slow-ups in our industries, prevent further increases in unemployment, and better cope with the economic problems of certain areas.

In my appreciation, honourable senators, there is also now an urgent need to encourage new modernizations in our industries, and to call again on the practical intelligence of capital and labour to adapt themselves now to these unavoidable technical changes.

There are presently other challenges. As it was said yesterday, we must work to obtain a higher Canadian level of employment, and we must continue to increase our Canadian production potential. This will require not only the combined efforts of Canadian labour and Canadian capital, but of our Government. The review of relationship between industry, labour, and government is, I believe, a step in the right direction.

May I say that I am glad to find that there was no substantiation of a rumour of discontinuance of depletion allowances because there are great uncertainties involved in natural resources developments. There are very high costs and, what are not often mentioned aloud but which are of major importance, the attractiveness of the rewards and the reliefs from taxation offered in certain promising countries for the development of mining and oil industries. The removal of depletion allowances in Canada would, I venture to say, cause material reallocation of exploration efforts.

The Canadian economy is potentially capable of a more rapid advance than that of most other industrial nations. We have abundant natural resources. We need new houses, and new legislative facilities to provide them are being proposed. We have a rapidly growing labour force which can be further easily increased through our immigration policies. It will be helped by constructive legislation.

We have easy access to the technology of the great industrialized countries. There are the possibilities that large amounts of capital could, with proper government policies, yield a long-term rate of growth in the volume of Gross National Product of more than 7 per cent per annum, and again these possibilities will come before us for our study and consideration.

We noted with satisfaction in the speech these words:

> While the Government is conscious of the desirability of a greater degree of domestic control of our resources and our key industries, it is also aware of the continuing importance of inflows of foreign investment in order to ensure an optimum development of the economy.

In my opinion, in the foreseeable future any earmarking of capital for the purpose of buying back American investments would have disastrous effects. It would take off billions of dollars greatly needed for the normal expansion of our young nation and the assurance of its short and long-term progress. We are a young nation. We need capital for our expansion. By ourselves we have been unable to assure our economic expansion with the proper monentum.

I feel Canada should lead the way in promoting internationalism as the best rewarding Canadian policy. Two-thirds of Canada's net liabilities to foreigners take the form of direct investments. Recently one of this continent's ablest economists affirmed that to do away

with foreign investments would retard Canada's growth by reducing capital inflow, and cause the using of Canadian resources to buy back established enterprises rather than start new ones. It would also cause a corresponding reduction in the importation of technology and know-how which goes with direct investment, rather than bonded debt. It would result in an increased debt investment, and it would dislocate international capital markets.

I am sure that the White Paper on this subject will fully recognize these basic economic laws and will take into full consideration our great financial needs.

Honourable senators, we must be pleased to note that the Government plans to create, under the direction of the Department of Agriculture, a special team entrusted with defining the goals in the field of agriculture and with making recommendations on how to implement them.

It is generally believed that, with the exception of grain-growing out West, our whole approach to agriculture, to its techniques, the marketing of products as well here as abroad, is in urgent need of revision. The economic drain caused by the spending of an important part of our budget on food imports, holds all the basic elements of serious difficulties which might plague the economy of Canada.

In eastern Canada, the number of our farmers is decreasing because of poverty, destitution and lack of facilities and comfort on the farms, while our imports of foodstuffs are increasing considerably, in spite of the so-called off-season high prices.

It was said that our climate caused all our agricultural difficulties. Personally, I think that this does not account for the actual situation. In eastern Canada, agricultural economy, marketing and research concerning markets and the sale of agricultural products must be reconsidered; scientific research or an investigation could be undertaken in this field, to enable us to regain some ground and to meet our needs by our own means.

According to projections, our population will reach 150 million at the time of our next centennial. It seems to me, honourable senators, that this group will have to reconsider many notions which prevail at present in agriculture.

Let me recall the recent statements of Dr. Grindley, one of the best known agricultural economists and, for many years, the chief of the agricultural division of the Dominion Bureau of Statistics:

> As we enter our second centennial as a nation, the future of Canadian agriculture cannot be adequately considered without some reflection on the past and without observing the trends already noticeable. The farm movement has not yet been truly accepted and there are more dark clouds than rainbows awaiting us. The whole farm movement continues to show considerable uncertainty, discontent and division. There will be no obviously apparent direction due to a lack of a common philosophy. The whole concept of soil cultivation will have to be reconsidered from its very basis and compared to large scale cultivation in far-off areas under a benevolent sun.

We have witnessed a decrease of our rural population from 70 per cent to 7 per cent since Confederation.

Even though everybody realizes it is now a much more productive force than before, we depend at present to a great extent on foreign countries for our foodstuffs. Canadian agriculture, especially in eastern Canada, could contribute more to our economic development, by deriving new values from our soil without draining our resources for all that. Unfortunately, it has become one of our country's problems.

The Speech from the Throne mentions new Canadian legislation concerning water resources which will serve as a basis for the improvement and implementation of a national water policy, thereby helping to do away with much of the present confusion in this field. We welcome the fact that constructive measures will be taken in Canada to eliminate as much as possible this great evil of water pollution.

We now witness the tragedy of Lake Erie and the pollution of many lakes and rivers that have become actual public hazards. It would also be to our advantage to include in our considerations all other types of pollution which cause large scale problems.

In some areas, the air is fouled by harmful acids and carbons declared prejudicial to public health and, as a consequence, water is dangerous in many places. Of course, it may be difficult to demand strict water control to prevent this pollution which, in some cases, is caused by industries. However, there are excellent economic means which may permit an adequate control.

A few moments ago I mentioned our rapid progress in all fields of knowledge. During this session we will be called upon to study government measures to put Canada's technological and scientific capacity in the very first rank among the nations of the world.

The study announced by the Government will give the brightest hopes for the future of all Canadians. It is a historical project of the greatest importance since the Government is proposing to recommend a much considerable aid to science and technology, in the widest sense of the word, and to encourage more investment in that field by our Canadian companies. The Canadian citizen has never had so much support in his efforts to increase his scientific and technological knowledge.

We are pleased to note the efforts of the Canadian Government to bring about a settlement of the conflict which has already been going on for too long in Vietnam.

The Canadian proposal to co-operate in the establishment of an international presence in Vietnam is perhaps the key to an impending agreement that would put an end to that disturbing conflict.

In my opinion, Canada has also gained the consideration, the confidence and respect of nations for its present international policy on disarmament. Its desire not only to see peace restored throughout the world but to help to attain it by all available means should comfort all our fellow-citizens.

Honourable senators, I shall stop here and refrain from commenting on the important bills relating to urban renewal, changes to our Immigration Act, and to Government statutes on arts, letters and science, as well as legislation proposed with respect to manpower, which are all important pieces of legislation and will all stress the Canadian development in this centennial year.

It does not seem right to pass lightly over these. Moreover, they will not escape the attention of this house.

We give thanks to Providence for the achievements of the first hundred years of our young nation. They are not negligible.

We remain proud to proclaim ourselves Canadians, free Canadians, free to speak, to think, to express ourselves, to act, to practise the religion of our choice, to stand up for what we believe is right and to object to what we consider wrong.

It is this heritage of freedom that we want to preserve here, with you, during this second session of our 27th Parliament.

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

The Senate adjourned until tomorrow at 3 p.m.

APPENDIX

(*See p. 15.*)

REPORT OF THE NINTH MEETING OF THE CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The Ninth Annual Meeting of the Canada-United States Interparliamentary Group was held from May 18th to 22nd, 1966.

A series of briefing sessions on the meeting's agenda and on travel arrangements for the delegation took place during the two weeks preceding our departure for Washington. These briefings were conducted by members of the U.S. Division of the Department of External Affairs and by the Co-ordinating Secretary for Parliamentary Associations.

The Canadian Delegation, jointly led by the Speaker of the Senate, the Honourable Sydney J. Smith, and the Deputy Speaker of the House of Commons, Mr. Herman M. Batten, M.P., left for the American Capital on Wednesday, May 18th, at 1.00 P.M., aboard an R.C.A.F. Yukon aircraft. The Delegation also included the following members of the Senate and of the House of Commons:

Senators: Hon. Sarto Fournier (Quebec); Hon. M. Grattan O'Leary (Ontario); Hon. Orville H. Phillips, D.D.S. (Prince Edward Island); Hon. Nelson Rattenbury (New Brunswick); Hon. John B. Aird (Ontario).

Members of the House of Commons: Hon. Alvin Hamilton (Saskatchewan); Hon. Théogène Ricard (Quebec); Mr. Donald S. Macdonald (Ontario); Mr. Wallace B. Nesbitt (Ontario); Mr. Robert C. Coates (Nova Scotia); Mr. Robert Simpson (Manitoba); Mr. Alexander Patterson (British Columbia); Mr. Andrew Brewin (Ontario); Mr. Viateur Ethier (Ontario); Dr. Allan M. A. McLean (New Brunswick); Mr. Reid Scott (Ontario); Mr. David W. Groos (British Columbia); Mr. Paul Langlois (Quebec); Mr. David S. MacDonald (Prince Edward Island); Mr. R. J. (Bud) Orange (Northwest Territories); Mr. Gérard Pelletier (Quebec); Mr. Alcide J. Simard (Quebec).

Senator, the Honourable George Aiken (Vermont) and Representative, the Honourable Cornelius E. Gallagher (New Jersey) were Co-Chairmen of the United States Delegation. Other delegates from the United States Congress were:

Senators: Hon. Mike Mansfield (Montana); Hon. Eugene J. McCarthy (Minnesota); Hon. Edmund S. Muskie (Maine); Hon. Lee Metcalf (Montana); Hon. Daniel K. Inouye (Hawaii); Hon. Ross Bass (Tennessee); Hon. Bourke B. Hickenlooper (Iowa); Hon. Everett Saltonstall (Massachussetts); Hon. Margaret Chase Smith (Maine); Hon. Norris Cotton (New Hampshire); Hon. Robert P. Griffin (Michigan).

Representatives: Hon. Edna F. Kelly (New York); Hon. William T. Murphy (Illinois); Hon. Harold T. Johnson (California; Hon. Fernand J. St. Germain (Rhode Island); Hon. James Kee (West Virginia); Hon. Otis G. Pike (Long Island); Hon. Mark Andrews (North Dakota); Hon. Robert T. Stafford (Vermont); Hon. Vernon W. Thomson (Wisconsin); Hon. James G. Fulton (Pennsylvania); Hon. John J. Duncan (Tennessee).

Agenda and Proceedings

The meetings got underway Thursday morning, May 19th, in the Old Supreme Court Chamber of the United States Capitol, when Secretary of State Dean Rusk officially welcomed the Canadian Parliamentarians to Washington. In his inaugural address, Mr. Rusk remarked that while 98% of the matters between our two countries did not require discussion, it was a good thing that the 2% that might require discussion be examined in an informal and friendly atmosphere by a body such as the Canada-United States Interparliamentary Group.

Immediately following this opening plenary session, the delegates were formed, as in the past, into two committees—one on Trade and Economic Affairs and the other on Defence and Security—and were led off into their separate meetings by their respective Co-Chairmen. Each Committee met three times.

The Committee on Trade and Economic Affairs was under the joint chairmanship of Senator Aiken and Senator Sydney Smith. Representing the United States Congress were: Senators McCarthy, Muskie, Metcalf, Bass, Cotton and Griffin; and Representatives Johnson, St. Germain, Kee, Andrews and Duncan. Representing the Canadian Parliament were: Hon. John B. Aird, Hon. Grattan O'Leary, and the Hon. Sarto Fournier, from the Senate; and Hon. Alvin Hamilton, P.C., Hon. Théogène Ricard, P.C., Messrs. Robert

Coates, Viateur Ethier, Paul Langlois, Dr. Allan McLean, Bud Orange, Reid Scott and Robert Simpson, from the House of Commons.

The discussions centered on the Kennedy Round of Tariff Negotiations, the Balance of Payment Problem, Aid to Developing Countries, Water Pollution and the Improvement of the Richelieu-Champlain Waterway. The question of paving the Alaska Highway was also raised, to which the Canadian Delegation expressed the view that while this was not of prime importance to this country, Canada might consider underwriting the cost of the entire project herself in exchange for access rights to tidewater through the Alaska Panhandle.

The Committee on Defence and Security was co-chaired by Congressman Gallagher and Mr. Batten. Its composition was as follows: from the United States Congress—Senators Mansfield, Inouye, Hickenlooper, Saltonstall and Smith; and Representatives Murphy, Pike, Stafford and Thomson.

The Canadian Parliament was represented by the Honourable Orville Phillips, and the Honourable Nelson Rattenbury, of the Senate; and Messrs. Andrew Brewin, David Groos, David MacDonald, Donald Macdonald, Wallace Nesbitt, Alexander Patterson, Gérard Pelletier and Alcide Simard, of the House of Commons.

The main topics on the Agenda were* NATO, Military Assistance to Developing Countries, U.N. Peacekeeping Operations and U.N. Finances, and Problems of Southeast Asia. The first and the third are most certainly atmosphere, many questions of continuing sent two areas in which Canada's international personality has come to light in no small way in recent years. Southeast Asia is, of course, a major concern of every peace-seeking nation in the world today.

In the course of the discussion, views were also exchanged on the questions of closer economic ties with Eastern Europe and of mainland China's admission to the U.N., and the possibility of her official recognition by Canada.

Thus were reviewed, in a frank and friendly atmosphere, many questions of continuing mutual interest to Canada and the United States.

Social Program

Good relations were further cemented in the course of a round of most enjoyable and successful social functions. On the day of arrival in Washington, both delegations were entertained by Mr. Charles Ritchie, then Canadian Ambassador to the United States. The United States Delegation hosted the Canadian parliamentarians at both luncheon and dinner on the nineteenth of May. Prior to the luncheon, our Canadian delegates met and talked with Speaker McCormack of the House of Representatives and other members of the House.

Ladies' Program

While their husbands were attending the meetings, the wives of the Canadian delegates were escorted on sightseeing and shopping tours of Washington by the wives of the American delegates. Mrs. Cornelius Gallagher also entertained visiting ladies at a special luncheon held in the Smithsonian Institute on May 19th.

*Attached, as Appendices I and II are the full joint reports issued immediately following the last meetings of the two committees.

Introduction from the floor of the Senate

After the morning session on May 19th, the Canadian Delegates were introduced to the Members of the United States Senate from the floor of the Chamber. The text of the Congessional Record reporting the event is reproduced here as Appendix III.

Meeting with the President

President Johnson graciously received the Canadian Delegates and their wives in the White House in the afternoon of the nineteenth. In a short address, he stated that our two countries each have an important role to play on the international scene. Our respective roles are different, he explained, but we all have one goal: peace, and must not get discouraged in these difficult times, but rather keep hard at our tasks and entertain mutual respect for each other's positions.

Following this, to the delight of all of our Delegates, the President took time out of his busy schedule to chat with them and escort them on a tour of the grounds and public rooms of the White House.

Tour of AEC Facilities, Oak Ridge, Tenn.

Friday, both delegations left Washington for Oak Ridge, Tennessee, and where an informational tour of the U.S. Energy Commission installations took place on Saturday.

There, we were told of the wide range of applications of nuclear energy, from the manufacturing of weapons to sophisticated experiments in genetics.

Many Canadian scientists and technicians are now working in Oak Ridge. We had a chance to meet them at a reception held the evening before at the Oak Ridge Country Club, and at which AEC Commissioner Gerald Pate praised their contribution to American nuclear research. Mr. Pate also stated that the ties between Oak Ridge and other American nuclear centres and Chalk River in Canada were very close. Indeed, in an editorial, the daily Oak Ridger welcomed the Canadian Delegation to the "Chalk River of the South".

Before reaching Oak Ridge, we also had an opoprtunity to see Melton Hill Dam, part of the vast power and water conservation complex of the Tennessee Valley Authority.

Gatlinburg

The last day was spent in the resort town of Gatlinburg in the Great Smoky Mountains. It will be well remembered for the magnificent scenery and weather, and a most enjoyable cookout, complete with folk music.

On Sunday, May 22nd, the Canadian Delegation flew back directly from Knoxville, Tennessee, to Ottawa, aboard an RCAF Yukon aircraft.

U.S. Parliamentary Hospitality

We feel, after this very brief description of the events that took place between May 18th and 22nd, that a warm word of praise should be said about the impeccable, yet seemingly effortless precision and order in which the program was carried out. The staffs of the Senate Committee on Foreign Relations and the House Commitee on Foreign Affairs were ably assisted by military liaison personnel under Col. Donald Rattan and Lt.-Col. William Rice. We were treated with the utmost consideration and understanding by civilian and military staff alike; each of them was in perfect control of the situation at all times and they were more than ready to meet the particular wishes of any of their Canadian visitors.

Next Year's Meetings

Next year's meetings will be held in Ottawa; thus Canada's turn to host the United States Delegation falls most appropriately during her Centennial Year. The formal meetings here will be followed by a visit to Expo 67 in Montreal. We do indeed look forward to the next one in this series of annual meetings which provide such an ideal forum for parliamentarians on both sides of the border.

Sydney J. Smith,
Speaker of the Senate of Canada

Herman M. Batten,
Deputy Speaker of the House of Commons of Canada
Ottawa
March 15, 1967

REPORT OF COMMITTEE I

TRADE AND ECONOMIC MATTERS—KENNEDY ROUND OF TARIFF NEGOTIATIONS

Initial discussion of the Committee on Trade and Economic Matters centered on the Kennedy Round of tariff negotiations. Both delegations agreed that the United States and Canada share a fundamental interest in the ultimate success of the negotiations since substantial liberalization of world trade would benefit all participating countries. The delegates exchanged views on the problems posed for the two countries by current policies of the European Economic Community, particularly by the attempts of the Common Market countries to reach a common price for agricultural products.

The United States delegation expressed the hope that barriers to the successful completion of the Kennedy Round could be surmounted and that highest priority could then be given to the timely completion of these negotiations. The Canadian delegation expressed its hope that the United States will continue to provide the strong support for trade liberalization that it has provided in the past. The American delegation noted that as efforts at liberalization of trade proceed, the United States will continue to seek adequate adjustments for American industries and agricultural sectors that could be injured by the process. The Canadians urged that both countries explore the problems posed by the relationship between developing nations and the industrialized nations.

The Committee discussed current problems of trade between the United States and Canada. The Canadian delegation pointed out its concern with restrictions on the entry of certain Canadian products into the United States. The United States pointed to the recent increase in the quota on Cheddar cheese as an example of its recognition of that concern. Both delegations noted the need for the two countries to continue to work closely in all aspects of trade, including the negotiation of a world cereals agreement in which the two North American exporting countries have a strong interest.

Balance of Payments

The Committee on Trade and Economic Matters discussed the continuing balance of payments deficit in both the United States and Canada. The two delegations exchanged views on the advantages and disadvantages of the present international monetary system. The Canadian delegation pointed out the problem of gold reserves, discussed the difficulties that might arise from arbitrarily changing the value of gold, and discussed the possibility of moving to a new international unit. Both agreed that this is a problem that only government-to-government consultations can resolve.

The Canadian delegation pointed out that the balance of payments deficit of the U.S. and Canada arise from different causes in each country. While the United States exports large amounts of liquid capital, Canada runs both a trade and an interest and dividend payment deficit.

The U.S. delegation pointed out that the huge investment by American citizens in Canada is a factor in aiding the Canadian balance of payments and has played an important part in the economic development of Canada. The Canadians noted the importance of the United States' continuing to allow the free movement of funds across the common border.

The United States delegation expressed its confidence that no head tax will be placed on American tourists going to Canada. The Canadians emphasized their interest in this question, especially with the planned World's Fair, Expo 67, in Montreal next year. The Canadian delegation also expressed the hope that the United States would increase the limit on the goods that tourists can bring back from Canada duty free. The Canadians stressed that Canada may pursue an economic policy combining elements of self-interest as well as those of an international outlook. Each delegation asked that careful consideration be given to its balance of payments problems.

Aid to Developing Countries

The Committee discussed the trade and development problems of the developing nations. The Canadian delegation pointed out the widening gap between the economies of the developed and developing countries and urged consideration of means of enabling the "third world" to attain a higher living standard. Among suggested alternatives to direct grants and gifts of food were international commodity agreements on the price and production of primary products. The Canadian delegation pointed out that such an agreement might also be expanded to include certain classes of manufactured goods. Another method discussed was the possible establishment of international trading companies, either government or private, which would allow developing nations to market more efficiently their primary products. The delegations further recognized the need for self-help measures by developing countries and increased aid efforts by private organizations and international bodies.

Both delegations acknowledged the problems involved in foreign aid. The U.S. delegation remarked that in many cases United States aid funds have been misused or misapplied in the recipient countries. The United States representatives pointed out the necessity of choosing carefully the recipients of foreign aid and the techniques to be used in each situation. The Canadians expressed the view that more low-interest long-term loans should be granted to developing countries. The U.S. delegation suggested that more emphasis should be placed on the development of co-operatives, improvement of local banking institutions, and other such means of financing development. Both delegations agreed that the problem of foreign aid merits increased study and review by both countries.

Water Pollution and Water Development

The Canadian delegation presented an opening statement on water pollution. Though North America has been blessed with enormous fresh water resources, carelessness and a lack of interest have made little more than cesspools of many of our great rivers and lakes. While the cost will be heavy, measures must now be commenced throughout North America to rectify past and present courses of pollution. In Canada, however, there is an additional problem in that jurisdiction over water is divided between the Federal and provincial governments, and the Canadian delegation expressed the hope that suitable legislation could be passed in Canada to place the development of water resources under the Federal Government. Such a policy would allow constructive measures to be started and could lead to a North American resource development program for water.

The U.S. delegation concurred in the importance of a fresh water supply and in the need for increased action to solve the common problem of water pollution. U.S. representatives detailed some of the measures the

United States is taking or considering to deal with water pollution, for example, through joint efforts by the State and Federal governments, through desalinization of sea water, and through transport of clean water to needy areas.

The Americans, however, acknowledged the great need for more careful use and preservation of water resources and stressed the importance of additional government emphasis on solving this problem. The Canadian delegation called for the establishment of more effective intergovernmental machinery between the United States and Canada to stimulate increased common cooperation and action to preserve water resources. They suggested that the International Joint Commission might be utilized to advise on the initiation of such a joint effort. The U.S. delegation concurred in this recommendation. The Canadian delegation posed the question of whether or not an amendment to the Boundary Waters Treaty to specifically include water pollution under the Treaty might overcome some constitutional difficulties.

The two delegations exchanged views on the proposed North American water and power alliance between the United States and Canada. The U.S. representatives drew the attention of the committee to the growing U.S. need for increased supplies of clean water and suggested the possibility of using water from Canada and Alaska. The U.S. delegation pointed out that the possibility of a five-year study of this problem is under consideration. The Canadian delegates pointed out that their government has initiated a study of this problem and it is not in a position to take any action until the final report is received.

Improvement of Richelieu-Champlain Waterway

The U.S. delegation initiated the discussion of the Richelieu-Champlain Waterway by outlining the past consideration given to the problem of improving this waterway. U.S. representatives reminded the Committee of the recent report of the International Champlain Waterway Board, set up under the auspices of the International Joint Commission, which stated that the Board had found no evidence that an improved waterway would contribute significantly to the economies of Canada and the United States. Both delegations pointed out, however, that in their view an improved waterway would encourage increased use of the canal for recreational purposes and would lead to stimulation of commercial activities in the area. The Canadian delegation noted that strong local support for improvement of the waterway and recognition of the need for providing entries to the canal system at both Montreal and Sorel, exists along the canal.

The delegations were in agreement that in addition to waterways, the two countries also have common transportation interests because of interconnecting highways, railroads, pipelines, and airlines. The U.S. representatives expressed the hope that the two countries would devote increased attention to this common interest and, specifically, that the 1967 meeting of the Canada-United States Interparliamentary Group would study the transportation policies in detail.

Alaska Highway Improvements

The Canadian delegation opened the discussion by making reference to the need for Canada to have access to tidewater through the Alaska panhandle. The Canadian delegates regarded the Alaska panhandle boundary as an impediment to the development of that region of Canada and urged the U.S. delegation to inquire of the U.S. State Department whether or not adjustments could be made in the boundary to provide for Canadian access to tidewater. The problem was considered so grave that while Canada was not really interested in paving the Alaska Highway, it would seriously consider doing so for access rights. It was urged that the U.S. Department of State consider this problem within the context of a solution to the highway improvement problem which concerns the United States.

The U.S. delegation replied that a bill was pending in the Senate to provide for 50 per cent of the cost of paving the Alaska Highway and that many studies had shown that the paving of the Alaska Highway was economically feasible. There was a need in the Pacific Northwest for more north-south transportation links and that steps should be taken on both sides to speed up the very slow progress in achieving a satisfactory solution to this problem.

Other Items

The Canadian delegation requested the U.S. delegation to study possible revision of two laws considered inequitable to Canada. The U.S. delegation was requested to examine the U.S. requirements concerning the import to the U.S. of scientific, cultural and educational films as well as the U.S. requirements concerning the loss of U.S. copyright for works published outside the U.S. for import into the U.S. market.

APPENDIX II

REPORT OF COMMITTEE II—DEFENCE AND SECURITY MATTERS

During the first session of the Committee on Defence and Security Matters, the delegates gave most of their attention to the current crisis in NATO. Several Canadian and American delegates noted that the United States and Canada faced some common problems as a result of General de Gaulle's recent initiatives, since both countries at present have military installations and troops in France which must be moved in the near future.

It was recognized that negotiations with the French Government on many matters would be necessary nad that it would be important to ensure an equitable settlement of the costs involved.

While recognizing that the 14 allies of France face difficult and complex decisions in the coming months, several Canadian delegates expressed the hope that NATO members would continue to exercise restraint in their dealing with the French Government. These delegates thought that recriminations should be avoided and that every effort should be made to reach practical arrangements for continuing cooperation between NATO and France. In this connection, it was noted that a number of urgent questions were pending: The future status of French forces stationed in West Germany, NATO overflights of French Territory and access by NATO members to NATO infrastructure facilities in France in case of an emergency.

A number of Canadian delegates expressed the opinion that General de Gaulle had not closed the door to negotiations on these subjects and that these negotiations should be undertaken promptly. In response, several American delegates expressed the belief that great damage had already been done to the organization and ventured doubts that negotiations could remedy that damage. They suggested that it would be difficult to maintain NATO as a viable military organization without active French participation. They also expressed concern that the conventional defence capabilities of NATO would be affected by French withdrawal.

The future structure and purpose of NATO were examined. A number of delegates expressed the view that careful thought should be given to the possibility of adjusting the organization to better achieve the objective of a settlement in Europe rather than allow it to become simply a means of maintaining the status quo. In this connection the possibility of a nuclear free zone was discussed but several delegates commented on the difficulty of de-emphasizing nuclear defence in Europe during a period when the territory of France would not be available for the deployment of forces capable of defensive action with conventional weapons. This did not, however, mean that there should not be a change in emphasis within NATO from an essentially defensive organization to one in which there would be greater scope for diplomacy and the working out of initiatives vis-a-vis members of the Warsaw Pact should it appear that Eastern Europe gave promise of their being productive.

The future location of the NATO Council, the NATO military headquarters and the NATO military committee was discussed. A number of delegates considered that there would be important disadvantages in having the Council and the military headquarters widely separated. The view was expressed, however, that there would be equally important advantages in retaining the council in Paris in the interest of maintaining as many ties as possible between France and other members of the Alliance. A number of delegates regarded it as important that both the council and the military headquarters should remain on the European Continent. As regards the removal of the military committee from Washington, several United States delegates observed that, given the extent of United States military involvement, it would not be in the interest of efficiency to modify the practical working arrangements now in effect between the Committee and the United States Department of Defense.

The Commtitee turned its attention briefly to the unsolved problem of nuclear-sharing in the Alliance. It was generally agreed that the proposed MLF and ANF projects had made little headway. There was some feeling that the McNamara strategy committee might represent a more feasible approach to the problem of greater participation by non-nuclear allies in setting guidelines for the control and use of nuclear weapons. A number of delegates agreed that renewed consideration of "hardware solutions" to the nuclear sharing problem ought to be postponed until the Alliance had adjusted to the changes made necessary by French withdrawal from NATO and had re-evaluated the general political situation in Europe.

The Committee discussed briefly the prospects for closer economic relations between members of the Alliance and Eastern Europe. It was observed that Canada had a somewhat more liberal trading policy towards these countries and the question was posed whether there were any prospects for a move in this direction by the United States. In response, members of the United States delegation drew attention to recent proposals by the President of the United States in that regard. Serious reservations regarding the desirability of facilitating this trade had been expressed in Congress, however, and it seemed unlikely that these proposals would receive the support of Congress this year. It was also pointed out that there could be no support for the relaxation of restrictions agreed among NATO countries on the export of strategic goods to countries which might divert them to China or North Vietnam.

The Committee received from the Canadian delegation an account of the problems that have arisen in connection with peacekeeping operations in which Canada and other countries have been engaged. These problems, it was pointed out, are related to important questions that confront the United Nations itself such as the question of whether the United Nations should be a forum for negotiations or should have executive authority of its own and that of the extent to which the United Nations can properly become involved in the domestic affairs of its members. To these problems of a conceptual nature was added the problem of financing peacekeeping caused by the refusal of certain countries to pay their assessed shares of the costs of some of these operations. Reference was made to Canada's extensive experience in United Nations peacekeeping operations which had prompted the Canadian Government to convene a conference last year on the technical aspects of peacekeeping operations. This conference, attended by representatives of governments which had provided forces for peacekeeping under United Nations auspices resulted in useful exchanges of views and information on such matters as training and arms and equipment most appropriate for various types of operation. An account was also given of the manner in which the Secretary General of the United Nations sought the co-operation of members to provide forces which were earmarked by governments for United Nations service. It was observed that the current reorganization of Canadian defense forces would enable Canada to improve the effectiveness of its contributions.

In the discussion which followed, several United States delegates drew attention to the disproportionate share of the financial burden of the United Nations peacekeeping operations which was borne by the United States. It was agreed that subject to each operation being considered individually, it was desirable to limit, so far as possible, the share of the cost borne by all countries to their normal percentage share of United Nations programs. At the same time the Committee recognized that although serious financial burdens were created by the absence of agreement on a formula for allocating the costs of United Nations peacekeeping, both past and future, these burdens were infinitesimal in comparison to the costs of war. This fact taken together with the prospect that there will be a substantial increase in the number of countries possessing a capacity to manufacture nuclear weapons in the next few years made it evident, in the view of some delegates, that there will be an increasing need for a corresponding United Nations peacekeeping capacity. The hope was expressed that negotiations leading to the adoption of a generally acceptable formula for allocating United Nations peacekeeping costs would be concluded successfully in the coming months.

The Committee also discussed the practical political limits of United Nations peacekeeping operations. Reference was made to the difficulty of having United Nations forces operating on the territory of a state which is not a member of the United Nations. Some members of the Canadian delegation saw this as an insuperable obstacle to the employment of such forces in such areas as Vietnam or on the borders of China.

This led directly to a lively discussion of Communist China. Two related problems particularly concerned the delegates. First, is the possible admission of Communist China to the U.N. desirable and what difficulties would admission of Communist China create for the organization? Second, should policies tending to isolate Communist China in the world community be modified and especially what might be the advantages and disadvantages of Canadian recognition of the Chinese Communist government at some future time?

There was general agreement among the delegates that if Communist China were to be admitted to the U.N., some kind of two China

solution might be necessary, a solution to which both Nationalist China and the Communist Chinese remain, however, firmly opposed. There was also general agreement that if and when the admission of Communist China was approved by the General Assembly of the U.N., the problem of which Chinese government would occupy China's permanent seat on the Security Council would be a particularly difficult one to resolve. It was noted, however, that while many advocate the admission of Red China to the U.N., no evidence has yet surfaced that China is associating itself with joining the United Nations.

Several American delegates expressed the view that Communist China should not be admitted to the U.N. until that country showed a definite inclination to abandon its aggressive declarations and pattern of behaviour. They remarked that admission of Communist China would mean abandoning the standards for admission set out in the U.N. Charter, and would in effect be giving a stamp of approval to Communist China's generally aggressive stance. They added that the U.S. Government maintained regular contacts with the Communist Chinese government through talks in Warsaw and that these talks had revealed no new disposition on the part of the Communist Chinese to modify their own unacceptable conditions for U.N. membership. Concern was expressed by several Canadian and American delegates over the possibility that Communist China, if admitted to the U.N., might seek to thwart the work of the organization in various areas.

A number of Canadian delegates agreed with their American counterparts that Communist China had not yet shown any disposition to compromise in order to gain U.N. membership, while it seemed at times that China preferred to remain outside the United Nations. They thought, however, that too much emphasis should not be given to the problem of standards for admission. It was their belief that a number of present members of the organization had clearly violated the U.N. Charter at various times since the establishment of the organization, and that several members of the organization had at times shown a tendency toward abusive language and aggressive behaviour on the international scene. They attached more importance to bringing Communist China into the community of the U.N. which might lead to some gradual changes in Communist Chinese attitudes than to a rigid adherence to standards for admission that would inevitably exclude Communist China. A number of Canadian delegates expressed considerable interest in a recent statement by U.S. officials in which they saw evidence that some evolution was taking place in U.S. thinking on the problem of Communist Chinese membership in the U.N.

Consideration of the problem of United Nation membership for Communist China led to a brief discussion of the advantages and disadvantages of following policies tending to isolate Communist China. Several Canadian delegates expressed the opinion that a policy of isolation carried increasing dangers, especially with Communist Chinese development of a nuclear capability well advanced. They thought that increased contacts between Western nations and Communist China could help to eliminate misconceptions about the West in China and could lead to more moderate behavior on the part of the Communist Chinese.

In this connection they noted that there was some evidence that a majority of Canadians favored Canadian recognition of Communist China. There is sentiment in Canada to recognize a nation with which Canada has important trade ties and there is interest in furthering the long-term objective of a reconciliation between Communist China and the West.

Some American delegates expressed their disagreement with the idea that increased contacts with Communist China would encourage the growth of moderation in that country. They suggested that there was some justification for a continued policy of isolation, and thought that only a firm unrelenting Western stance could lead China to change its ways. In response to a Canadian inquiry as to how Americans would receive Canadian recognition of Communist China, several American delegates frankly said that the move would be unpopular in the United States, especially given the current situation in Vietnam. However, some American delegates felt this was a problem for Canada to decide as viewed through its own national interest. In fact, it may serve a useful purpose to the West. They urged that careful consideration be given to proper timing if Canada should be led to consider such a step. There was some disagreement among the delegates as to whether American attitudes toward China were softening. There was general agreement, however, that close relations of

mutual confidence between the United States and Canada would not be adversely affected by differences in Canadian and American viewpoints concerning Communist China.

During the third session, the Committee received an account of the current situation in Vietnam from a member of the United States delegation who had recently visited Southeast Asia as a member of a Congressional subcommittee. It was noted that the subcommittee had concluded that from the military standpoint the war in South Vietnam was going well. South Vietnamese troops and forces aiding them were taking the initiative in all major military areas, and there were no significant shortages of equipment. There was some confidence that the initiative could be maintained during the rainy season. The subcommittee had been impressed by the intensified efforts being made in the civic action field. They had visited a number of recently liberated villages and had received the definite impression that the villagers welcomed the United States and South Vietnamese military presence. This presence meant that villages could receive long-needed medical attention, could harvest their rice free from Viet Cong levies, and could make a start on re-establishing schools and local self-government. Medical assistance to the civilian population and agricultural extension work were two areas in which there was room for greater efforts and where aid from countries such as Canada was greatly appreciated. The Subcommittee had been able to observe that the great bulk of military equipment captured from Vietcong and North Vietnamese forces was modern equipment clearly marked as of Chinese Communist origin. Several United States delegates remarked that the present political situation in South Vietnam was very disquieting. They did not see any feasible alternatives for the time being, however, to the present course of action being followed by the United States Government.

Members of the Canadian delegation described the wide differences of opinion that exist among the Canadian public regarding Vietnam ranging from advocacy of Canadian military involvement to strong criticism of U.S. policy. Canada's position as a member of the International Committee for Supervision and Control precludes Canada from becoming involved militarily in Vietnam. A number of Canadian delegates expressed the view that the International Commission was an extremely important agency by which it may be possible to make a significant contribution to the achievement of a negotiated solution. There was, however, a desire on the part of the Canadian public to make a more immediate and tangible contribution to the Vietnamese people and this has been reflected by the action of the Canadian Government in sending medical assistance teams to South Vietnam. Several Canadian delegates spoke of expanding and increasing this type of assistance.

Members of the United States delegation expressed understanding and respect for the Canadian position and commended the provision of medical and other forms of assistance to alleviate the sufferings of the Vietnamese people. They referred to the repeated efforts of the United States Government to enter into negotiations without any evidence being provided by the other side of a willingness to enter into negotiations. They continued to hope that circumstances would develop which would make negotiations possible and thought the integrity of the international commission should be maintained to assist in this regard.

There was discussion of the implications for the whole of Southeast Asia and international relations generally of what is taking place in Vietnam. Some Canadian delegates commented on the inhibiting effect on efforts to achieve agreement in such fields as non-proliferation of nuclear weapons of the Vietnam war. It seemed that so long as that war continued progress in many areas of international concern would be slow or non-existent. Members of the United States Delegation pointed out that the pattern of subversion and terror which had started in Vietnam was now appearing in other areas such as the northern part of Thailand. It was therefore vital that communist tactics in Vietnam should not be allowed to succeed or the whole area would be lost to communism.

Members of the Canadian and U.S. Delegations recognized that there would be differences of opinion both in Canada and the United States on the best means of achieving the objective of a restoration of peace and stability in Southeast Asia. They were, however, united in the view that the United States Government had been striving earnestly to this end, and expressed their sympathy for and support of the United States President.

APPENDIX III

EXCERPT FROM THE
CONGRESSIONAL RECORD
OF THE
SENATE OF THE UNITED STATES OF AMERICA

May 19th, 1966

VISIT TO THE SENATE BY MEMBERS OF THE CANADIAN PARLIAMENT

Mr. LONG of Louisiana. Mr. President, we are most fortunate to have with us today some of the outstanding Members of the Parliament of Canada, our good neighbor to the north.

While I have never had the opportunity to be the guest of those who are visiting the U.S. Senate, I have long recognized that Canada is one of our best friends, and I so regard that great nation and great and wonderful neighbor with whom we share a common border.

I now ask the Chair to call upon the Senator from Vermont to present the Canadian delegation.

THE ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Vermont (Mr. Aiken).

Mr. AIKEN. Mr. President, lest there be undue alarm on the other side of the aisle, I may say that the appearance in the Chamber this morning is not intended as a preview of the 90th Congress—although, one can never tell. But we are glad to have our Canadian friends sitting on the Republican side of the aisle.

Mr. President, the Senate is honored to have in the Chamber a distinguished delegation of Members of the Canadian Parliament who are attending the Ninth Canada-United States Interparliamentary Conference. We are also pleased to have as guests the lovely wives of many members of the delegation.

This morning the two delegations participated in an exchange of views on matters of common interest to our countries. We will hold additional meetings this afternoon and tomorrow.

I have no doubt that this ninth regular meeting of Members from our respective legislative bodies will bind even closer the strong ties between the United States and our good friend, ally, and neighbor to the north.

It is my pleasure to present to the Senate the Members of Parliament from Canada:

From the Senate: The Honorable Sydney J. Smith, Speaker of the Senate and co-chairman of the delegation. He has attended every parliamentary session between Canada and the United States.

The Honorable Sarto Fournier.
The Honorable M. Grattan O'Leary.
The Honorable Nelson Rattenbury.
The Honorable Dr. Orville Howard Phillips.
The Honorable John B. Aird.

Now we come to the House of Commons, which in Canada, unlike as in the United States, is not referred to as the lower House. It is a very important House up there. It has perhaps more power than our House of Representatives.

First, Mr. Herman M. Batten, Deputy Speaker of the House, and co-chairman of the delegation.

The Honorable Francis Alvin George Hamilton.
The Honorable J. H. Theogene Ricard.
Mr. Donald S. Macdonald.
Mr. Wallace B. Nesbitt.
Mr. Robert C. Coates.
Mr. Robert Simpson.
Mr. Alexander Bell Patterson.
Mr. F. Andrew Brewin.
Mr. Viateur Ethier.
Mr. Allan M. A. McLean.
Mr. Reid Scott.
Mr. David Walter Groos.
Mr. Paul Langlois.
Rev. David S. H. MacDonald.
Mr. Robert John Orange.
Mr. Gerard Pelletier.
Mr. Alcide Simard.
(Applause, Senators rising)

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the Senate stand in recess for 5 minutes so that Senators may greet the Canadian parliamentarians.

RECESS

Thereupon, at 12:23 o'clock p.m., the Senate took a recess until 12:28 o'clock p.m.

During the recess, Members of the Canadian Parliament were greeted by Members of the Senate.

On expiration of the recess, the Senate reassembled and was called to order by the Acting President pro tempore (Mr. Byrd of Virginia).

THE SENATE

Wednesday, May 10, 1967

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

Prayers.

JOHN F. MACNEILL, Q.C.

FELICITATIONS ON HONORARY DEGREE

Hon. Jean-Paul Deschatelets: Honourable senators, I am sure that the Senate will be pleased indeed to know that its highly distinguished Clerk, Mr. John F. MacNeill, Q.C., has been honoured by his alma mater Acadia University with the degree of Doctor of Civil Law. This is a great honour indeed, not only for Dr. MacNeill but for the Senate as well, because Dr. MacNeill's reputation as one of the outstanding constitutional experts in Canada is well established; moreover, he is a distinguished expert in the practical workings of Parliament and parliamentary proceedings.

Dr. MacNeill is the third of his family to be honoured by Acadia University, and I think today is a unique occasion to thank him for having been all along the years such a dedicated servant of the Senate and of senators.

Hon. A. J. Brooks: Honourable senators, I know that the Acting Leader of the Government in the Senate (Hon. Mr. Deschatelets) has spoken for all of us, but I would just like to say a few words myself. I join wholeheartedly in his tribute of congratulations to our distinguished Clerk on the occasion of his having been honoured with the degree of Doctor of Laws from Acadia University.

I might say that I have known Dr. MacNeill and his family for many years. He was born in my constituency; his father and mother both came from my constituency, and some of his brothers and sisters are still living there. They have all been educated at Acadia University, it seems to me, even to the third and fourth generations, because there has been a MacNeill at Acadia University as long as I can remember.

His father, also Dr. MacNeill, was a very distinguished theologian in eastern Canada, and, as our acting leader has said, a few others of his family have been distinguished by receiving honorary degrees at that university.

The granting of this degree is a recognition of the outstanding contribution made by Dr. John F. MacNeill to the public life of Canada. It is a great honour to him, and the university has also honoured itself in this recognition.

I might say that Dr. MacNeill will probably be very pleased that he was not here today to hear these tributes paid to him, because like all people from the constituency of Royal he is a very modest person. I am sure he would be embarrassed if he were here.

Hon. Norman A. MacKenzie: Honourable senators, I had not intended to speak today, but I cannot refrain from doing so in the circumstances. John MacNeill is a very old friend of mine. He and I and the present Minister of Labour, Honourable Mr. Nicholson, were classmates in Law at Dalhousie many years ago. John MacNeill and I came back from service in World War I at the same time, and throughout the years he has been a warm and loyal friend. I am more delighted than I can say about this honour which has been conferred upon him, and about the words of praise and appreciation spoken about him by my colleagues in the Senate today.

STAFF OF THE SENATE

REMARKS OF APPRECIATION

Hon. Jean-Paul Deschatelets: Honourable senators, I think that it is an appropriate occasion, two days after the opening of this new session of Parliament, to give to all officers and staff of the Senate a word of appreciation for their loyalty and dedication to duty.

Hon. Senators: Hear, hear.

DOCUMENTS TABLED

Hon. Jean-Paul Deschatelets tabled:

Statutory Orders and Regulations published in the *Canada Gazette*, Part II, of Wednesday, April 26, 1967, pursuant to section 7 of the Regulations Act, chapter 235, R.S.C., 1952. (English and French texts).

Exchange of letters, dated May 5, 1967, between the Government of Canada and the Government of the Socialist Republic of Rumania concerning Canadian Claims against Rumania and Rumanian Claims against Canada. (English and French texts).

Exchange of letters, dated May 5, 1967, between the Government of Canada and the Government of the Socialist Republic

of Rumania concerning certain consular matters. (English and French texts).

Report of the Department of Labour for the fiscal year ended March 31, 1966, (English and French texts).

STANDING COMMITTEES

FIRST REPORT OF COMMITTEE OF SELECTION PRESENTED

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 for the present session, makes its first report as follows—

Hon. Senators: Dispense.

(For text of report see Appendix pp. 45-47.)

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.

HOUSE OF COMMONS

DOORMATS FOR MEMBERS—INQUIRY

Hon. Jean-François Pouliot: Honourable senators, the Senate has always been very considerate of the House of Commons. Some years ago—in fact, in April of 1959—the rug in the chamber of House of Commons was all worn out, but the members of the Commons were too shy to ask for a new one. Therefore, a request came from the Senate that they be given a new rug, which request was promptly granted, and this was done for the benefit of the members of the Commons. The Senate was acting like the protector of the House of Commons on that occasion, so that the Commons would not be misjudged by visitors in its galleries.

There should be no discrimination between both houses, but I notice that there are red doormats at the doors of the senators, and I do not see why there should not be green doormats at the doors of the members of the Commons. They may be too shy again to ask for them, but they should not complain of the fact that the senators have things they do not themselves have, so it is only fair to ask that they be furnished with green doormats, green being the colour of the House of Commons.

NOTICES OF INQUIRIES

Hon. Jean-François Pouliot: Honourable senators, I would like to ask three questions, but before doing so I wish to congratulate two of our colleagues whose birthdays are being celebrated today. I refer to my good friend Gordon Isnor, and to Senator Walker across the floor. Both look young and well, and they are an asset to this chamber.

Hon. Senators: Hear, hear.

Hon. Mr. Pouliot: The first question is:

1. What orders in council have been adopted concerning protocol and precedence since that which reversed the order of precedence of the members of the Senate of Canada over the judges?

2. What is the text and the date of that order in council?

3. Has the Government of Canada adopted an order in council to the effect that the names of the Privy Councillors not residing in Canada should not be inserted in the "Guide to Relative Precedence at Ottawa", and if so, what is the text and the date of that order in council?

4. Is the order in council mentioned in the previous question still in effect or has it been abrogated, and in this last alternative, on what date was it abrogated?

The second question is:

1. On what date was the latest revision of the Statutes of Canada commenced and what are the names of the persons who are carrying out the revision?

2. Are the persons mentioned in the previous question working full time or part time, and in the latter case, what is their main occupation?

3. What work have the above mentioned persons accomplished to date and what work remains in order to complete the revision of the Statutes?

4. What is the regular salary of each one of these persons and how much are they paid for overtime?

The third question is:

In what clauses and in what lines of the pages of the Revised Statutes of Canada, 1952 and the subsequent Statutes of Canada have the words "Dominion of Canada" and "Dominion" (referring to the Dominion of Canada) been mentioned?

Honourable senators, before resuming my seat I wish to thank the honourable Leader of the Government in this house (Hon. Mr. Connolly, Ottawa West) and the Secretary of State on their diligence in making the appropriate decision in the case of Lord Alexander. It took six years to obtain the proper place on the Table of Precedence for Mr. St. Laurent and Mr. Diefenbaker, former Prime Ministers of Canada, but in 24 hours the case of Lord Alexander was decided and his place on the Table of Precedence is immediately before that of his successor, Mr. Vincent Massey. I congratulate all those concerned on their diligence and good understanding.

If it took such a long time to correct this situation it was because I thought the case of the former Prime Ministers should be settled at the same time as that of the former Governors General.

Hon. Mr. Deschatelets: Honourable senators, I might say just a few words on these questions. The first request concerning the rugs in the other place is a rather unusual one. When such a request comes before this house it is usually for something that the other place has and we do not have. However, I will get in touch with the Minister of Public Works about this.

With respect to the other questions, I will say to Senator Pouliot that I will take them as notice and will obtain answers for him as soon as possible.

Hon. Mr. Pouliot: Thank you very much.

ADJOURNMENT

Hon. Mr. Deschatelets: Honourable senators, I move, with leave of the Senate, that when the Senate adjourns today it do stand adjourned until Monday next, May 15, at 8 p.m.

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 Hon. Mr. Desruisseaux, seconded by Hon. Mr. Nichol, for an address in reply thereto.

Hon. John Nichol: Honourable senators, may I begin by saying that it is my privilege to follow Senator Desruisseaux, to offer my congratulations to him on his excellent and thorough speech, and to support the motion that he has placed before us.

There are many noble traditions in this chamber, one of the most valuable of which is the tradition of courtesy and co-operation between its members. As a relatively new member of the Senate, I am most grateful for this tradition and for the many kindnesses that have been shown me by honourable senators from both sides of this house.

Further, as a member of the Senate and as a British Columbian, may I salute His Honour the Speaker. He has served his province and his country through the honourable institutions of politics, and he brings to the office of Speaker a rare combination of dignity and warmth.

I would also like to express my respect and admiration for the Leader of the Government in this house, Senator John J. Connolly, to our Acting Leader, Senator Jean-Paul Deschatelets, and to Senator A. J. Brooks, the Leader of the Opposition. No one who sits in this house can fail to be impressed, as I have been, by the efficiency and dignity with which these honourable gentlemen go about their tasks.

May I also speak for a moment about Senator Hnatyshyn. Although I have been here a short time and did not know him well, I know of the dedication with which he approached his work here. He had the ability to speak fluently in Ukrainian and English—a bilingualism which reminds us of the richness and diversity of our Canadian people. This house has lost a dedicated, hard-working member, the members of this house have lost a friend. I feel and want to express my deepest sympathy to all his family.

As honourable senators know, the first Speech from the Throne in our country was read on the afternoon of November 7, 1867, by the then Governor General His Excellency Lord Monck. The Ottawa newspaper of that day described the event at length. A few excerpts will give us the picture:

> Early yesterday morning flags floated from the towers of the public buildings, and also from private houses in various parts of the capital, and officers and soldiers, both of the regular and volunteer branches of the service, were seen hurrying to and fro, preparing for the auspicious event. Long before three o'clock, the galleries of the Senate Chamber were crowded with anxious spectators, and even the space set apart for the sole use of the knights of the quill, was ruthlessly

invaded by the fair visitors and denizens of Ottawa.

On the Commons appearing at the Bar of the Senate, by command, His Excellency read the Speech in clear, distinct and measured voice, which seemed to impress upon those present the importance of the subjects recommended for consideration, and promised to be brought forward.

The last descriptive sentence would certainly apply to the ceremony in this chamber on Monday. It was read then as it is read now to an assembly of members of the Senate and of the other place, and it dealt with the hard problems of the birth of Canada, the problems of amendment and assimilation of laws existing in the several provinces regarding currency, customs and excise, postal system, public works, militia and defence, patents, fisheries, marine interests, electoral law, and of course revenues and the consideration of estimates.

There was a report on the efficiency and organization of volunteers and militia, with the information that the whole volunteer force of Ontario and Quebec was already armed with the breech-loading rifle. These, and many other things were discussed, and the structure of law and government that was built by the men who sat in that chamber on that day in November so long ago has served us well. Would they believe it if they could see what has happened; would they believe their eyes? Could they really have foreseen this colourful and complicated and fantastic country of ours? I think not. Our Canada of today has grown far beyond the limit of their dreams.

And so one hundred years have gone—an instant in the sweep of history perhaps, but one hundred long years of work by the men and women who wrought these great changes. Since that day, 36,000 days of work and dedication bring us to 1967. Now there are 20 million of us, facing some of the old problems and a host of new ones.

Since it took office in 1963 the Government of Lester B. Pearson has had an astonishing record of accomplishment in truly progressive legislation. This Speech from the Throne is another page in this agenda for a new generation of Candians.

Over the years we have developed a solid base of social welfare legislation. Although we have real and grinding poverty in our midst, we are now among the few rich nations of the world. We are dealing now with the problems of a well-to-do people, and we will be turning to the solution of problems which concern the quality of our national life, the usefulness of our national life, and the degree of civilization—in the true sense of the word—which we can obtain.

We are now concerning ourselves with housing, divorce reform, penal reform, laws governing abortion and birth control; the control of pollution of our water and air; genuine help for our native peoples; the elimination of that barbarous hangover from the past—the death penalty, and many others.

This is an age of explosive scientific progress. We must match it with truly enlightened social progress. And this Speech from the Throne points the way. It deals, for instance, with the need for progressive changes within the institutions of government. We cannot afford to accept the old idea that democracy and efficiency are mutually exclusive. Self-criticism and self-analysis are psychologically difficult for individuals or institutions, but the other place is pointing the way to progressive change through its committee studies of its methods, rules and procedures.

Involved in this question is the fact that in the other place the members are hamstrung by their lack of adequate research staff. It is ridiculous to pay a man $18,000 a year to serve his constituency, his province and his country and then not give him the staff to do the job properly. The people of Canada quite rightly expect their representatives to be informed and alert on all the complex issues that face the nation. This can not be done as it should be done without adequate staff. The present set-up is even now ridiculously out of date and will become more so if the present trend to increased responsibilities of committees is continued.

The Speech from the Throne mentions the Report of the Committee on Election Expenses. This is a massive document, as thorough an analysis of the problem as we have had. I believe that politics is an honourable profession and that political parties are legitimate and essential parts of our democratic structure. Many people think of politics as an art practised in the shadows. There is need for light, and legislation along the lines of this report will provide it. I am thinking particularly of the measures aimed at reducing the cost of elections and of the clauses dealing with tax concessions for individual donations. The contribution of money by a Canadian to the party of his choice should be

seen as a constructive and responsible act of citizenship.

A problem which has been with us since the beginning has been the problem of division of powers between the federal, provincial and municipal governments. I am not a lawyer—much less a constitutional lawyer—so I have no pat solutions to offer, but I do know that the man who pays the bill, the average taxpayer, pays the money to his city, to his province, to the federal Government and he wants action on many fronts: housing, urban renewal, pollution, and so on, where this constitutional maze is blocking the way. The Speech from the Throne indicates that the Government is meeting this constitutional problem aggressively, recognizing that many of our problems cannot be solved without breaking through these barriers.

Every generation of human beings has said to itself, "This is an era of change." We say the same. But our kind of change is something new, not the normal kind of progressive growth that we human beings think of as change, but a violent, dramatic, explosion of change, and the job of the human race is to find the means of self-control to prevent the whole thing from blowing up in our faces.

What sorts of change? In the field of science, for instance, listen to these figures from a speech made by our Prime Minister in Santa Barbara last month: the sum total of human knowledge now doubles every four years; an average of 1,000,000 scientific articles are published every year; 90 per cent of all research scientists who have ever lived are alive today. These figures speak for themselves.

What we used to call the issue of peace or war can now more accurately be called the issue of peace or oblivion. We have reached the point of sophistication in our ability to kill where thermonuclear war can obliterate all life on this earth—overnight. All can be gone at the touch of a button. How nice it is to forget this from one day to another, but how terribly dangerous it is to do so.

The winning of such a war is impossible; the prevention of its breaking out is essential. And this is where Canada, with her particular niche in the international power structure, can be of real and practical help.

The removal through disarmament of this black threat of thermonuclear war is surely the greatest challenge of all. This is the one essential change without which all else is nonsense.

We are face to face with another incredibly difficult problem—the population explosion. Let me give you some figures. In 1966 there were 3.3 billion people on this planet. Thirty-three years from now, at present rates of growth, the world population will have doubled to 6.6 billion. Think of 33 years, 1934 to 1967, perhaps enough time to take us from Amos and Andy to Bonanza, but not very long. In the last 24 hours there has been a net increase of 178,000 people on earth. There are now 8,000 people dying each day because they cannot get enough food. Eight thousand people!—that is roughly the population of Summerside, Prince Edward Island, or Yarmouth, Nova Scotia, or Chatham, New Brunswick, or Buckingham, Quebec, or Kapuskasing or Goderich, or Dauphin, Manitoba, or Estevan, Saskatchewan, Camrose, Alberta, or Kimberley, British Columbia.

I have named 10 towns. Between now and Saturday, May 20, 10 days from now, the equivalent of the populations of these 10 cities will be dead from hunger. That is today. So I ask you to consider the problem 15 years from now. Food production is increasing at 1 per cent a year, and population at 2.5 per cent a year. As someone has said, the stork is outrunning the plough. And even today, I am told, out of all the world's countries only nine produce enough food for their own use. Canada is one.

We sometimes talk for instance, about India's food problem. Honourable senators, it is man's problem; it is our problem. And we have a choice: either we solve it together with our fellow human beings around this globe—by massive international programs of technical and agricultural assistance and by massive education in birth control programs to which Canada must contribute in ever-increasing amounts—or this population explosion with its parallel political explosion will be as deadly and as final as the bomb.

The proposals which are put forward in the Speech from the Throne are important and practical ones, and the path shown us here is one of reform and progress in the truest sense. These are things which will make life better and more sensible for our people. The fight against poverty and its co-worker ignorance must never stop. We must continually refine and change our institutions to make sure that they make sense and do a job today.

We must be careful to differentiate between those traditions which remind us of our past, and which have great value and which must be cultivated and retained, and, on the other hand, those traditions which merely hold us

back. We must get rid of our persistent tendency to be overly self-critical, and we must put a stop to our continuing and boring self-analysis. We are capable of a positive and constructive nationalism within the international brotherhood of man, and we must not settle for any narrow-minded substitute.

We Canadians pride ourselves on not being given to boasting, but surely as we look at our nation today and look at what we have done in the last one hundred years, surely now we must as a people be convinced that we are capable of anything if we set ourselves hard to the task.

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

NATIONAL MUSEUMS BILL

SECOND READING

Hon. Douglas D. Everett moved the second reading of Bill S-2, to establish a corporation for the administration of the National Museums of Canada.

He said: Honourable senators, Bill S-2 reintroduces Bill S-57 which received its first reading on March 9, was referred to the Standing Committee on Banking and Commerce and received third reading on March 20. This is one of five bills that were not dealt with in the other place and, as you have had the opportunity to examine this bill previously, I shall content myself with a very brief explanation of its terms.

This bill sets up a corporation to be known as the National Museums of Canada. That corporation will be based on the structure of the Smithsonian Institution of the United States. The corporation will be composed of the human history museum, which includes the war museum, the natural history museum, the science and technology museum, which includes the air museum, and the national gallery. One of the effects of this bill is to repeal the National Gallery Act. Other museums may be added to the corporation from time to time by order in council.

The corporation will be controlled by a citizens' board of directors composed of twelve members, including a chairman and vice-chairman. The board will also include the Director of the Canada Council, and the President of the National Research Council. The board may form and appoint consultative committees to advise the board on technical matters, and there will be four directors of the four museums that initially comprise the corporation. These directors shall have the sole control of professional matters pertaining to their particular museum. The bill also provides for a secretary-general who will be responsible to the board for the financial administration of the matters under this act.

The purpose of this corporation is to demonstrate the products of nature and the works of man. Accordingly the corporation is empowered to purchase and sell objects of display for the various museums, upon the recommendation of the particular director of the particular museum concerned. The corporation may accept gifts and trusts, and it may disseminate materials such as reproductions and catalogues. It can indulge in research and it can mount travelling exhibitions. It can train museum personnel and it can provide professional and technical help for other museums throughout the country.

Honourable senators, that completes my discussion of the bill. But there is one other issue that I feel has been raised by this bill. We are here today considering five pieces of legislation that received third reading in this house but were not dealt with by the other place before the last session ended. By contrast, so far as I know, all legislation passed by the other place was passed by this house and received Royal Assent. Now, I am in my novitiate in this house so you will excuse me if it makes me wonder how important our legislative function is. I am impressed by the assiduous manner in which senators undertake their duties. If you read the Order Paper you see that generally not fewer than 70 to 80 senators are recorded as attending each sitting day—and this is out of a membership of 96. Twenty-five per cent of all legislation that goes through this Parliament originates in the Senate. There is important work done by our committees, and I need only mention the Divorce Committee as an example. This house has created new legislative directions in the area of manpower, for example, and in the problems of aging and in consumer affairs.

It seems to me that Canadians expect much of the Senate; they want it to perform and they will support the Senate when it does perform. But the Senate must perform a function that the public understands. Again speaking as one who is in his novitiate, this suggests to me a tentative direction. I feel that this house should make far greater use of its power of inquiry; that this house should make far more use of the powers of its committees to inquire into such matters as: What sort of cities will we live in? What is the future course of

agriculture? How are we going to develop the north? What are we going to do with increasing leisure? Is there a better system of social justice?

In short, honourable senators, it suggests to me that we use the power of inquiry in this house to enter into a dialogue with the Canadian people as to what sort of nation they want, and what sort of legislation will create that nation. It seems to me that the Senate is admirably equipped to provide such a forum. We can inquire into the various subjects without fear or favour, and we possess a geographical representation that would be the envy of any royal commission.

Honourable senators, four of my children sit in the gallery of this house. They represent the first generation that has been born with complete confidence in the future of this country. As that generation matures they will have ideas for changing this country, ideas that you and I never thought of. For that reason I say: let this body use its powers to enter into a partnership now with the Canadian people to determine the future of this nation.

Hon. Edgar Fournier: Honourable senators, first I want to congratulate Senator Everett for the explanation which he has given of this bill, and to thank him for the kind words he has said about the Senate. I do not object to this bill, and I do not rise to be critical of it. I would just like to complete an unfinished statement which I made on April 28, when dealing with an item which related to the National Gallery of Canada. I was speaking about the purchase of a Rembrandt—and again I was not critical of the purchase. At this time I would like to invite all honourable senators who have not seen that particular painting to do so. The more you see of such paintings the more you appreciate them. They cannot be reproduced; they cannot even be imitated. They are certainly worthy of their place in any gallery, and we should be proud to have such paintings here in Ottawa.

At this stage, I would like to quote from the remarks I made on April 28, which are to be found in *Hansard* at page 1917:

> I do not want to make any extended remarks at this time—perhaps at some stage we will have the time to go into it. I visit the National Gallery quite often, and sometimes I see things that are exposed in this million-dollar marble building that are not fit to display anywhere—old pieces of scrap metal, the weldings on which are so poor they would never pass Grade I in the schools, and yet some have tried to make me believe this is a piece of art. Someone is nuts; maybe it is me. Perhaps sometime that could be explained.

As an average Canadian, when I visit an art gallery or museum I want to see something of history, something that tells a story, something of great value that cannot be replaced, that you can stand in front of and admire. I want to be able to admire the work, the creator and even the building which houses these objects, and the care that is given to the displays. When you walk into an art gallery you are impressed by the gallery first and then by the discipline and cleanliness, the security and the layout of the building. To me a gallery is a building of dignity, and it is a privilege to be able to visit one. The paintings or sculptures on display represent artistic talent and sometimes a lifetime creation. Many are priceless objects, and when you stand in front of them your mood becomes one of admiration and you are transported into another world. This does something to me that I cannot explain. And here in Canada we are privileged to have the opportunity of witnessing such creation, and we should be proud of it.

Honourable senators, I have great difficulty in accepting this so-called modern art and these abstract paintings. To me they do not represent any special ability or talent. But we are told, of course, that they represent only the viewpoint of the creator. I was in an art gallery some two weeks ago. One room was being used to display sheets of metal that were poorly cut and hinged together like a folder. One end was on the floor and the other stretched to the ceiling, and each sheet was of a different colour. The workmanship was so poor that one would think it had been done by a first-month trainee in a vocational school.

In the same marble room there was a display of six or seven sheets of paper. The first had two round dots on it; the second had two dots and a spot; and to the third had been added more spots. The variations were carried through until the last one, which had several dots and spots. And these meaningless things were housed in glass cases. Why, I do not know—probably to protect them from the sweepers! I understand this display is going to be shown in Paris. Surely, Canada has something better to exhibit around the world?

Honourable senators, if I cannot appreciate this kind of work, this is where the "nuts" comes in and I must be the nut. It is difficult for me to accept as works of art those pieces of scrap metal junk that are tacked together—out of respect for the welding trade I cannot say "welded"—along with old beer cans that are joined together at odd angles and spread over a large area, with nails driven into old rotten planks, and soft drink bottle caps nailed to pieces of plywood, and paint splashed over a piece of masonite, old car parts piled one over the other, or old worn-out shoes glued together.

Two years ago the dining room on the sixth floor was decorated with some of these abstract paintings, and I remember certain senators being critical of some of them. Even just looking at certain ones made me lose my appetite. Thank God they have been removed —but it took a long time. Many of the federal buildings across Canada have become the victims of such monsters, and, believe me, they were bought at a very high price.

To me, this sort of modern art is useless; it tells nothing and is worth nothing. I hope that as a result of this legislation we do not encourage our museums and art galleries to become warehouses for junk. Someone might ask, "Who are you to criticize art?" Well, I am just another of the taxpayers who have to pick up the tab when these things are purchased and displayed.

Honourable senators, I am sure that all of you do not agree with me, but I thank you for the privilege and the opportunity of expressing my humble opinion and, in line with these modern creators, of expressing myself as I see fit.

Hon. Jean-Paul Deschatelets: Honourable senators, I wish to add just a few words pursuant to the remarks of the honourable Senator Fournier.

After the debate on interim supply we arranged—and it is hoped that the arrangement still stands—for a meeting on Wednesday morning next of the Standing Committee on Finance at which the topic will be precisely this—the National Gallery of Canada. I hope that many senators will be able to attend. The officials of the National Gallery will appear as witnesses, and I hope that among the senators who attend will be some who like or understand modern and abstract art.

Motion agreed to and bill read second time.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Deschatelets: At the next sitting.

Hon. Mr. Macdonald (Cape Breton): Honourable senators, if it is wished to give it third reading now, there will be no objection from this side.

Hon. Mr. Deschatelets: Very well. With leave, I move third reading now.

Motion agreed to and bill read third time and passed.

CANADIAN CITIZENSHIP ACT

BILL TO AMEND—SECOND READING

Hon. Keith Davey moved the second reading of Bill S-4, to amend the Canadian Citizenship Act.

He said: Honourable senators, once again it is my privilege to sponsor this legislation which was introduced as Bill S-59 last session. It is now Bill S-4, an act to amend the Canadian Citizenship Act.

The 15 clauses represent further amendments to the Canadian Citizenship Act first passed in 1947 and amended several times since. Their general effect is two-fold: firstly, to introduce a degree of flexibility into the act, especially as it relates to new applicants for citizenship; and, secondly, to remove certain discriminatory features from the existing act, particularly as it relates to Canadians other than natural born.

I propose to outline briefly the amendments, mindful of the fact that the legislation was discussed thoroughly last session, and also mindful of the comments made yesterday by the honourable Senator Choquette.

Perhaps I should trace briefly the history of this bill through the last session, and some honourable senators may wish to refer to the appropriate issues of *Hansard*. The bill was introduced on Tuesday, April 18. On that occasion the sponsor was under considerable strain, competing as he was with the third game of the Stanley Cup semi-finals. Perhaps I should mention in passing, for the benefit of some senators and for most members of the Senate staff, that the Maple Leafs not only won that particular series, but went on to win the Stanley Cup! My introductory remarks of April 18 were followed by useful contributions from Senator Willis and Senator Hollett.

Then, on April 19 there were speeches by Senator Pearson, Senator Hayden, and the honourable Leader of the Government (Hon. Mr. Connolly, Ottawa West), and the bill was referred to the Standing Committee on Banking and Commerce, which reported back to the Senate on April 20. The chairman of that committee, Senator Hayden, directed the attention of the house to one amendment recommended by the committee, which was accepted by the Senate and to which I shall refer in a moment. Following speeches by Senator Hayden, Senator Brooks, and Senator Pouliot on April 20, the bill received third reading.

Let me deal very briefly with the bill itself. The amendments contained in the 15 clauses of Bill S-4 affect four of the seven parts of the Citizenship Act. Part II of the act relates to Canadian citizens other than natural born, and the amendment contained in this bill simply adds to the flexibility of the method of obtaining citizenship, and more specifically by relaxing the residence and language requirements for older applicants. The amendment recommended by the Standing Committee on Banking and Commerce simply clarified a particular aspect of domicile as it relates to the residential requirements. Part II was also amended in a way to clarify certain procedures.

Part III of the act, which is entitled "Loss of Canadian Citizenship", is amended by this bill by removing certain discriminatory sections against Canadians who are not natural born. The net result of these amendments is to place natural-born Canadians and Canadians other than natural born on an equal footing in respect of loss of citizenship.

The bill amends Part VI, which is entitled "Procedure and Evidence," by the setting up of a Citizenship Appeal Court, the procedures of which are also described. It is now proposed that the minister must inform applicants who have been rejected that they have a right of appeal to this new Citizenship Appeal Court.

The remaining sections of the bill relate to Part VII of the act, and comprise what may be described as housekeeping provisions which describe ministerial powers under the act. They make the act more operative in Newfoundland, and expand offences under the act and extend the time limit in respect of such offences.

Finally, there is a clause which corrects minor discrepancies as between the French and English versions of the act.

Honourable senators, I am pleased to commend this bill for your consideration.

Hon. Harry A. Willis: Honourable senators, I find having to rise and repeat the remarks I made in March rather strange, so I intend to be very brief.

I congratulate the honourable sponsor of this bill (Hon. Mr. Davey) on his second explanatory speech, and I say, on behalf of those senators on this side of the house, that we support the bill. We consider it a step forward in the tremendous task of removing defects and ambiguities in the act.

As Senator Davey said, this bill provides for the establishment of a Citizenship Appeal Court, which will be an excellent thing. I concluded my former remarks by saying something of what I thought about the judges and other officials who hear citizenship applications. I said that I had seen some applicants treated terribly by judges who did not seem to realize that the poor people who were making applications before them had never been in a court before, and were scared out of their wits. They were asked various questions about the geography of Canada, the Prime Ministers of Canada, and the provinces, and were not, in fact, encouraged. No regard was paid to their calling or their jobs. This clause, in my opinion, is one of the most important aspects of the bill.

The honourable Leader of the Government (Hon. Mr. Connolly, Ottawa West), very kindly rose the next day and said that he was forwarding copies of my remarks to the people concerned. I hope that that is still the policy of the Government in this new session.

Hon. Mr. Deschatelets: Yes, indeed.

Hon. Norman A. MacKenzie: Honourable senators, unfortunately I was not present in the chamber when this bill was under consideration on the previous occasion, but I hasten to say that it is not my purpose at this time to propose changes in it, or to object to it. However, for the sake of the record, I should like to raise one question that has to do with the procedure in respect of children of Canadian citizens born abroad.

I raise this question because there are now considerable numbers of Canadians who spend years of their lives abroad, who have their families with them and whose children are born abroad, and in the years ahead there will be many more.

Under the act it is necessary for such children to be registered in due course. This

presents no problem to those Canadians who are familiar with this provision, but it is something that might easily be overlooked or which might not be known by certain individuals. Possibly the officers of the Crown are aware of this question and have given it consideration. I believe that the old rule was that the first generation automatically remained Canadian citizens unless, upon attaining the age of 21, they decided to adopt another nationality, but the second generation were required to follow the procedures set out in this bill. All I am suggesting is that those responsible should take another look at this procedure having regard to the present number of Canadians who are living abroad, and the increased number that are likely to live abroad with their families in the future.

Motion agreed to and bill read second time.

THIRD READING

The Hon. the Acting Speaker (Hon. F. W. Gershaw): Honourable senators, when shall this bill be read the third time

Hon. Mr. Davey: Honourable senators, with leave of the Senate, I move that this bill be read the third time now.

Motion agreed to and bill real third time and passed.

INTERPRETATION ACT

BILL TO REVISE—SECOND READING

Hon. W. Ross Macdonald moved the second reading of Bill S-6, to revise and consolidate the Interpretation Act and amendments thereto, and to effect certain consequential amendments to the Canada Evidence Act and the Bills of Exchange Act.

He said: Honourable senators, although this is a rather lengthy and important bill I shall not detain the house long in its discussion this afternoon.

As I pointed out previously, this is essentially a committee bill. Honourable senators will be interested to know, and I am sure realize, that the Interpretation Act was the first act which was passed by Parliament in 1867. The bill now before us proposes the first general revision of the Interpretation Act since Confederation. Over the years the act has been amended from time to time, and the amendments have been consolidated in the general revisions of the statutes which have taken place. However, the act itself, as it was passed in 1867, is still basically the same as the Interpretation Act which is being revised by us now.

The importance of the statute over the years has not diminished and, if anything, the extent and scope of today's statutes make a measure of this nature even more necessary now than in 1867.

The purpose of the Interpretation Act is to facilitate an understanding of the drafting of the statutes and other enactments. Honourable senators will realize that by establishing uniform definitions and expressions, and thereby eliminating the need for their repetition in the law, the drafting of statutes is simplified and their interpretation facilitated. An Interpretation Act also serves the purpose of consolidating in one place rules of interpretation that have been developed over the years by the courts and by Parliament.

Honourable senators, this is the third time that I have introduced this legislation in the Senate. The first time I had the privilege of doing so was on June 23, 1965, when after discussion it received second reading and was referred to the Standing Committee on Banking and Commerce. However, in 1965 there was an early summer adjournment and we never did come back, Parliament being dissolved on September 8, so that the other place had no opportunity to consider this legislation.

On February 7, 1966, I again moved the second reading of this bill. It was discussed at some considerable length in this house, the debate covering three days. If I recall correctly, the honourable Senators Brooks, Roebuck, and Grosart participated in the debate. The bill was then referred to committee.

As I said in my opening remarks, this is essentially a committee bill, and when the Standing Committee on Banking and Commerce met it set up a subcommittee which sat from time to time under the chairmanship of Senator Hayden, the chairman of the main committee. The subcommittee spent considerable time with representatives from the Department of Justice in going over this bill, not only clause by clause, but word by word. The bill was amended in committee, was reported back to this house, and received third reading on June 30. The bill as amended was then sent to the House of Commons. However, because of the great amount of work that that house had to deal with, which apparently was considered more important, this bill was not considered in that house.

Now, honourable senators, we have considered the bill once again in the Senate. It is the commencement of a session, and I think

that if we can get the bill over to the other place fairly soon there is a good chance of its receiving third reading there.

Hon. Jacques Flynn: Honourable senators, I am satisfied that the sponsor of this bill, Senator Macdonald, has put on the record all the information that is required in connection with this bill which, as he pointed out, has been introduced in this house three times. Senator Macdonald said that this is a committee bill. I would say that it is a highly technical bill, and that was the reason that the Standing Committee on Banking and Commerce appointed a subcommittee, which studied the bill thoroughly and brought in some amendments.

I am satisfied that we need not discuss the bill in detail, especially because in the one year which has passed since the previous bill was introduced and given third reading by the Senate, no problems or questions have been raised in connection with it. I suggest that this silence indicates approval of the legislation, and that therefore there is no need to discuss it further. I suggest that the bill could receive second reading now, and even third reading if this is the wish of the Senate.

Motion agreed to and bill read second time.

THIRD READING

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Macdonald (Brantford): 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.

TELEFERRY BILL

SECOND READING

Hon. Jean-Paul Deschatelets moved second reading of Bill S-7, respecting interprovincial and international teleferries.

He said: Honourable senators, this bill is identical to the bill we passed in the previous session. It was known under the name of the Teleferry Bill, and I understand that it was discussed on Thursday, March 16, by the sponsor, the Leader of the Government in the Senate (Hon. Mr. Connolly, Ottawa West), and on March 20 by the Leader of the Opposition (Hon. Mr. Brooks). It received third reading on March 21.

The bill intends to regulate teleferry systems. Now, what is a teleferry? It is not easy to define, but let us say that it is a system for the operation of aerial cable cars. It can be considered a new method of transportation. In fact, I think there is one in Vancouver, but in Canada up to now cable cars have been used mainly for skiing purposes, whereas, I am informed, in Europe they are being used for transportation in many places.

I would say that the main reason for this legislation is that there is under construction now, over the Detroit River, a teleferry system which will transport persons between Detroit and Windsor.

Hon. Mr. Roebuck: May I ask whether this legislation will cover the minirail at Expo in Montreal?

Hon. Mr. Deschatelets: I would say it would not cover the minirail because this legislation is designed to cover only interprovincial transportation by teleferry and transportation by teleferry between Canada to the United States, as is the case here between Detroit and Windsor.

The provisions of this bill deal with licensing, tolls, safety provisions, and regulations for carrying out the purposes of the legislation. The act will come into force upon proclamation.

I do not think there is anything else I can add. It is a very simple bill. This legislation was introduced and then debated on second reading in the last session but was not sent to a committee. This bill is identical to the one which was debated at that time. Unless anyone has any questions concerning this bill, I think those are all the remarks I need to make now.

Hon. Mr. Roebuck: May I ask who issues these licences?

Hon. Mr. Deschatelets: This would be the new Canadian Transportation Commission.

Hon. Mr. Fournier (Madawaska-Restigouche): May I ask a question? If there is an international cable system with the parent company in the United States—in other words, if an American cable company runs a line into Canada—what authority will have jurisdiction?

Hon. Mr. Deschatelets: I would say there is no doubt that the Canadian Government would have jurisdiction over the part operating in Canada. In a matter of this kind, as is the case here between Windsor and Detroit, I imagine that the two federal boards would deal with each other. The Canadian board,

which will be the Canadian Transportation Commission, will have jurisdiction over the Canadian part and will deal with a similar board on the United States side.

Hon. Mr. Fournier (Madawaska-Restigouche): It will be treated somewhat like an international bridge.

Hon. Mr. Deschatelets: I imagine so, yes.

Hon. Mr. Fournier (Madawaska-Restigouche): Thank you.

Motion agreed to and bill read second time.

THIRD READING

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Deschatelets: Honourable senators, I move, with leave of the Senate, that this bill be given third reading now.

Motion agreed to and bill read third time and passed.

The Senate adjourned until Monday, May 15, at 8 p.m.

APPENDIX

(*See p. 34.*)

FIRST REPORT OF THE COMMITTEE OF SELECTION

Wednesday, May 10th, 1967.

The Committee of Selection, appointed to nominate Senators to serve on the several standing committees for the present session, makes its first report as follows:

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

JOINT COMMITTEE ON THE LIBRARY

The Honourable the Speaker, the Honourable Senators Belisle, Cameron, Fergusson, Fournier (De Lanaudière), Gladstone, Gouin, Haig, Irvine, MacDonald (Queens), O'Leary (Antigonish-Guysborough), Pouliot, Reid, Vien, White and Yuzyk. (15)

JOINT COMMITTEE ON PRINTING

The Honourable Senators Dupuis, Flynn, Isnor, McGrand, O'Leary (Antigonish-Guysborough), Pearson, Phillips, Reid, Savoie, Sullivan, Welch and Willis. (12)

JOINT COMMITTEE ON THE RESTAURANT

The Honourable the Speaker, the Honourable Senators Baird, Beaubien (Provencher), Fergusson, Inman, Macdonald (Cape Breton) and White. (6)

STANDING ORDERS

The Honourable Senators Beaubien (Provencher), *Brooks, *Connolly (Ottawa West), Flynn, Fournier (De Lanaudière), Grosart, Hayden, Hollett, Inman, Kinley, Methot, O'Leary (Antigonish-Guysborough) and Vien. (11)

**Ex officio* member.

BANKING AND COMMERCE

The Honourable Senators Aird, Aseltine, Baird, Beaubien (Provencher), Beaubien (Bedford), Benidickson, Blois, Bourget, *Brooks, Burchill, Choquette, *Connolly (Ottawa West), Cook, Croll, Dessureault, Everett, Farris, Fergusson, Flynn, Gelinas, Gershaw, Gouin, Haig, Hayden, Irvine, Isnor, Kinley, Lang, Leonard, Macdonald (Brantford), Macdonald (Cape Breton), MacKenzie, Macnaughton, McCutcheon, McDonald, Molson, O'Leary (Carleton), Paterson, Pearson, Pouliot, Power, Rattenbury, Reid, Roebuck, Smith (Queens-Shelburne), Thorvaldson, Vaillancourt, Vien, Walker, White and Willis. (49)

**Ex officio* member.

TRANSPORT AND COMMUNICATIONS

The Honourable Senators Aird, Aseltine, Baird, Beaubien (Provencher), Bourget, *Brooks, Burchill, Connolly (Halifax North), *Connolly (Ottawa West), Croll, Davey, Desruisseaux, Dessureault, Dupuis, Farris, Fournier (Madawaska-Restigouche), Gelinas, Gershaw, Gouin, Haig, Hayden, Hays, Hollett, Isnor, Kinley, Lang, Lefrançois, Leonard, Macdonald (Brantford), McCutcheon, McDonald, McElman, McGrand, Methot, Molson, Paterson, Pearson, Phillips, Power, Quart, Rattenbury, Reid, Roebuck, Smith (Queens-Shelburne), Thorvaldson, Vien, Welch and Willis. (46)

**Ex officio* member.

MISCELLANEOUS PRIVATE BILLS

The Honourable Senators Aird, Baird, Beaubien (Provencher), Beaubien (Bedford), Belisle, Bourget, Bourque, *Brooks, Choquette, Connolly (Halifax North), *Connolly (Ottawa West), Croll, Deschatelets, Dupuis, Farris, Gouin, Hayden, Hollett, Macdonald (Brantford), Macdonald (Cape Breton), Methot, Monette, Nichol, Pouliot, Prowse, Quart, Reid, Roebuck, Sullivan, Thorvaldson, Urquhart, Walker, Welch, White and Willis. (33)

* *Ex officio member*

INTERNAL ECONOMY AND CONTINGENT ACCOUNTS

The Honourable Senators Basha, Beaubien (Provencher), Beaubien (Bedford), Bourget, *Brooks, Choquette, *Connolly (Ottawa West), Denis, Dessureault, Fournier (Madawaska-Restigouche), Gershaw, Gouin, Hayden, Irvine, Isnor, Lang, Macdonald (Brantford), Macdonald (Cape Breton), McCutcheon, Molson, Paterson, Smith (Kamloops) (Speaker), Smith (Queens-Shelburne), Vaillancourt and Vien. (23).

* *Ex officio member*

EXTERNAL RELATIONS

The Honourable Senators Benidickson, Blois, Boucher, *Brooks, Cameron, *Connolly (Ottawa West), Cook, Croll, Farris, Fergusson, Flynn, Fournier (De Lanaudière), Gouin, Grosart, Haig, Hayden, Inman, Macdonald (Brantford), MacKenzie, Macnaughton, O'Leary (Carleton), Pouliot, Quart, Rattenbury, Roebuck, Savoie, Smith (Queens-Shelburne), Thorvaldson, Vaillancourt, Vien and Yuzyk. (29)

* *Ex officio member*

FINANCE

The Honourable Senators Aird, Aseltine, Baird, Beaubien (Provencher), Beaubien (Bedford), Belisle, Benidickson, *Brooks, Burchill, Choquette, Connolly (Halifax North), *Connolly (Ottawa West), Croll, Denis, Deschatelets, Dupuis, Farris, Flynn, Gelinas, Gershaw, Grosart, Haig, Hayden, Hays, Isnor, Kinley, Leonard, Macdonald (Brantford), MacKenzie, McCutcheon, Methot, Molson, O'Leary (Antigonish-Guysborough), Paterson, Pearson, Phillips, Pouliot, Power, Quart, Rattenbury, Reid, Roebuck, Savoie, Smith (Queens-Shelburne), Thorvaldson, Vaillancourt, Vien, Welch and Yuzyk. (47)

* *Ex officio member*

TOURIST TRAFFIC

The Honourable Senators Baird, Basha, Beaubien (Provencher), Belisle, *Brooks, Cameron, Connolly (Halifax North), *Connolly (Ottawa West), Croll, Davey, Dupuis, Fergusson, Gershaw, Grosart, Hastings, Hollett, Inman, Isnor, McElman, Methot, Molson, Nichol and Roebuck. (21)

* *Ex officio member*

DEBATES AND REPORTING

The Honourable Senators Beaubien (Bedford), *Brooks, *Connolly (Ottawa West), McGrand, Monette, Savoie and Sullivan. (5)

* *Ex officio member*

DIVORCE

The Honourable Senators Baird, Blois, *Brooks, Burchill, Cameron, *Connolly (Ottawa West), Croll, Farris, Fergusson, Gershaw, Gladstone, Haig, Hollett, Inman, Irvine, Isnor, Kinley, Macdonald (Brantford), Roebuck and Smith (Queens-Shelburne). (18).

* *Ex officio member*

NATURAL RESOURCES

The Honourable Senators Aird, Argue, Basha, Beaubien (Provencher), Belisle, *Brooks, Boucher, Bourque, Burchill, Cameron, *Connolly (Ottawa West), Cook, Dessureault, Dupuis, Fournier (Madawaska-Restigouche), Gladstone, Hastings, Hayden, Hays, Kinley, Macdonald (Brantford), McDonald, Methot, Monette, O'Leary (Carleton), Paterson, Pearson, Phillips, Power, Prowse, Quart, Vaillancourt, Vien, Walker, Welch, White and Yuzyk. (35)

**Ex officio* member.

IMMIGRATION AND LABOUR

The Honourable Senators Argue, Beaubien (Provencher), Belisle, Boucher, *Brooks, Burchill, Cameron, *Connolly (Ottawa West), Cook, Croll, Davey, Dupuis, Fergusson, Flynn, Fournier (De Lanaudière), Fournier (Madawaska-Restigouche), Gershaw, Gladstone, Grosart, Hastings, Lefrançois, Macdonald (Cape Breton), McElman, Monette, Paterson, Pearson, Prowse, Rattenbury, Reid, Roebuck, Urquhart, Vaillancourt, White, Willis and Yuzyk. (33)

**Ex officio* member.

CANADIAN TRADE RELATIONS

The Honourable Senators Aird, Baird, Beaubien (Bedford), Blois, *Brooks, Bourque, Burchill, Cameron, *Connolly (Ottawa West), Cook, Dessureault, Farris, Gouin, Kinley, Leonard, Macdonald (Brantford), MacDonald (Queens), McCutcheon, Methot, Molson, O'Leary (Carleton), Paterson, Pearson, Phillips, Pouliot, Urquhart, Vaillancourt, Walker and Welch. (27)

**Ex officio* member.

PUBLIC HEALTH AND WELFARE

The Honourable Senators Beaubien (Bedford), Boucher, *Brooks, Burchill, Choquette, Connolly (Halifax North), *Connolly (Ottawa West), Denis, Dupuis, Farris, Fergusson, Fournier (Madawaska-Restigouche), Gershaw, Gladstone, Gouin, Haig, Inman, Irvine, Kinley, Macdonald (Brantford), MacDonald (Queens), McGrand, Monette, O'Leary (Antigonish-Guysborough), Phillips, Quart, Roebuck, Smith (Queens-Shelburne), Sullivan, Thorvaldson and Welch. (29)

**Ex officio* member.

CIVIL SERVICE ADMINISTRATION

The Honourable Senators Belisle, Blois, Bourque, *Brooks, Cameron, Choquette, *Connolly (Ottawa West), Dessureault, Dupuis, Fergusson, Gouin, Grosart, Inman, Irvine, Kinley, Macdonald (Brantford), O'Leary (Antigonish-Guysborough), O'Leary (Carleton), Quart, Roebuck and White. (19)

Ex officio member.

PUBLIC BUILDINGS AND GROUNDS

The Honourable Senators Aseltine, *Brooks, Choquette, *Connolly (Ottawa West), Deschatelets, Dessureault, Irvine, Macdonald (Brantford), MacDonald (Queens), McGrand, Paterson, Pouliot, Thorvaldson and Walker. (12)

Ex officio member.

All which is respectfully submitted.

A. L. Beaubien,
Chairman.

THE SENATE

Monday, May 15, 1967

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

Prayers.

THE LATE SENATOR VINCENT DUPUIS

TRIBUTES

Hon. Jean-Paul Deschatelets: Honourable senators, for the second time within the last couple of weeks we have been deeply grieved by the loss of one of our colleagues. I am sure all honourable senators heard with great regret the sad news of the death of the Honourable Vincent Dupuis, Q.C., whose funeral was held this morning in Montreal.

Senator Dupuis served his country at the three levels of government: In 1928 he became a councillor for the Town of Laprairie; in 1929 he was first elected to the House of Commons and he was re-elected on each occasion until 1945, when he was summoned to the Senate. This means that for nearly 40 years Senator Dupuis devoted much of his time and energy to public affairs.

He will be missed, not only by those he served so well, but also by his colleagues and friends on the Hill where he was so well known and liked.

[*Translation*]

Senator Vincent Dupuis was of those who are called sons of the land in the Province of Quebec. In spite of extended university studies and a distinguished career at the bar, he always took great pride in his rural origins.

He represented in the Commons a rural riding, at a time when the Member of Parliament was looked upon as a counsellor in his area.

I knew him well for over twenty years and I had the opportunity of noticing that on the south shore of the St. Lawrence, where I lived for some time the Honourable Vincent Dupuis was a legendary figure, known and esteemed by all.

On behalf of the Government, of the Leader of the Senate who is now in Europe attending a parliamentary conference, and on behalf of all the honourable senators, I extend my deepest condolences to his family.

[*English*]

Hon. A. J. Brooks: Honourable senators, as we approach the Parliament Buildings these days, it seems that we see our flag flying at half mast most of the time, out of respect for one of our departed colleagues. On this occasion it is out of respect for our colleague Senator Dupuis. His death was a surprise to most of us, although we knew that he had been ill for some time, for we had missed seeing him here in the chamber.

The Acting Leader of the Government has told us of his many activities in private and public life. He was a quiet, friendly and active man, very devoted to his duties. I sat with him in the House of Commons for a number of years while he was still a member of that place. He always took a keen interest in looking after the affairs of his constituency. I recall that he brought the same spirit to the Senate. He loved his province and never hesitated to work for the advancement of that province and its people. Some subjects in which he was particularly interested, as I recall from reading *Hansard*, were the St. Lawrence Seaway, keeping the ports of Quebec, Trois Rivieres, and Montreal open for trade, icebreaking, and support for farmers.

As the honourable acting leader has said, Senator Dupuis was born on a farm. He supported all social legislation, education and whatever else could be regarded as being best for his people. His speeches on these subjects and many others make good reading in *Hansard*.

A short time ago I read a speech by our late colleague which greatly impressed me. In 1959, as honourable senators will recall, we celebrated the centennial of the selection of the City of Ottawa as the capital of Upper and Lower Canada. On that occasion the late Senator Dupuis made a most impressive speech. He spoke about the Constitution of this country and mentioned that it was part of the British Constitution. I am aware that the question of the Constitution is a very live one at this stage. But he approved the British Constitution which we inherited in part. I feel it would not be out of place now for me to quote a paragraph from his speech on that occasion. He said he could understand why the British people were proud of their Constitution, and he added:

> One reason, among others, is that their almost perfect Constitution, which has been developed through the centuries, is a product of the wisdom of, may I say, our common ancestors—the Britons,

Normans, Anglo-Saxons, and Celts. It was these peoples who built up point by point the Constitution which today forms part of the parliamentary system that we are glad and proud to enjoy.

These were wise words and, as I say, I was very pleased to read them in *Hansard* of 1959.

I wish to join with the honourable Acting Leader of the Government in extending to the family, the colleagues and friends of the late Senator Dupuis, our very sincere sympathy.

[*Translation*]

Hon. J.-M. Dessureault: Honourable senators, even though Senator Dupuis resided in Montreal, I wish to join with the Acting Leader of the Government and the Leader of the Opposition in paying tribute to the late Senator Vincent Dupuis.

We knew each other for a long time. We had been sworn in the same day here in the Senate, in 1945, and I considered him as a personal friend.

I should like once again to join with our two leaders in extending my heartfelt sympathy to his family.

[*English*]

DOCUMENTS TABLED

Hon. Jean-Paul Deschatelets tabled:

Order in Council P.C. 1966-1561, dated August 17, 1966, amending the Federal Elections Fees Tariff made by Order in Council P.C. 1963-188, dated February 6, 1963, pursuant to section 60 of the Canada Elections Act, chapter 39, Statutes of Canada, 1960. (English and French texts).

Order in Council P.C. 1967-733, dated April 13, 1967, amending the Federal Elections Fees Tariff made by Order in Council P.C. 1963-188, dated February 6, 1963, pursuant to section 60(1) of the Canada Elections Act, chapter 39, Statutes of Canada, 1960. (English and French texts).

Order in Council P.C. 1967-734, dated April 13, 1967, amending the Yukon and Northwest Territories Councils Election Fees Tariff made by Order in Council P.C. 1964-99, dated January 23, 1964, pursuant to section 60(1) of the Canada Elections Act chapter 39, Statutes of Canada, 1960. (English and French texts).

Order in Council P.C. 1967-735, dated April 13, 1967, amending the Yukon and Northwest Territories Electoral Districts Election Fees Tariff made by Order in Council P.C. 1963-189, dated February 6, 1963, pursuant to section 60(1) of the Canada Elections Act, chapter 39, Statutes of Canada, 1960. (English and French texts).

Statutory Orders and Regulations published in the *Canada Gazette*, Part II, of Wednesday, May 10, 1967, pursuant to section 7 of the Regulations Act, chapter 235, R.S.C., 1952. (English and French texts).

Copies of contracts between the Government of Canada and various municipalities in the province of British Columbia 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 Industrial Relations and Disputes Investigation Act for the fiscal year ended March 31, 1967, pursuant to section 68 of the said Act, chapter 152, R.S.C., 1952. (English and French texts).

EMERGENCY SITTINGS

AUTHORITY TO CONVENE SENATE DURING ADJOURNMENT

Hon. Jean-Paul Deschatelets, 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 in the motion 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.

He said: Honourable senators, this is the customary motion moved at the begining of each session.

Motion agreed to.

THE SENATE

LIGHTING CONDITIONS IN READING ROOM

On the Orders of the Day:

Hon. Jean-François Pouliot: Honourable senators, I should like to draw the kind attention of the Acting Leader of the Government

(Hon. Mr. Deschatelets) to the fact that the lighting in the reading room of the Senate is very poor. There are three very narrow gothic windows, and because the room faces north it receives no sunlight except for a tiny ray at the end of the afternoon. As to electrical fixtures, there are two chandeliers, each with eight small bulbs that are very weak and give a reddish light, and there are two floor lamps with worn-out shades.

Honourable senators, the lighting is really pitiful. First, I hope that the bulbs will be changed for stronger ones, and ones that give a white instead of a reddish light. I draw the attention of the Acting Leader of the Government to this matter, and I am sure that he will look into it at the earliest possible opportunity.

Hon. Mr. Deschatelets: I shall do so.

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE CONTINUED

The Senate resumed from Wednesday, May 10, consideration of His Excellency the Governor General's speech at the opening of the session, and the motion of Hon. Mr. Desruisseaux, seconded by Hon. Mr. Nichol for an address in reply thereto.

Hon. A. J. Brooks: Honourable senators, I wish first to join in an expression of good wishes to our new Governor General and his gracious lady. We have been very fortunate during the past century in having most outstanding men represent the sovereign at Government House. We know that the Governor General will discharge his duties in a manner that will place him among the best.

We have heard already two excellent speeches in the debate on this motion, that of the mover and of the seconder. I congratulate the mover most warmly on the way he discharged his duty. His subject matter was interesting, and he gave it a most comprehensive coverage from the Government point of view and also, I might say, from other points of view as well. Naturally, I would not be expected to agree with all that he said, but it is plain from this, his first speech in the Senate, that he is a great student who has at his command a fund of information. I am sure that this will make him a most valuable member of this house. When we receive the quantity and quality of work that we should have to do, I am sure that Senator Desruisseaux will prove himself capable in debate and in other respects.

As to the speech of the seconder (Hon. Mr. Nichol), unfortunately I had to attend a meeting and was unable to hear him but I am told that his remarks were well delivered. I know his material was good, because I read his speech. He is a young man who gives promise of a very useful career, and I offer my congratulations to him. If, as I have already stated, this house is provided with work and its members are given an opportunity to serve, I am confident that he is one who will do his part.

Honourable senators, I read with pleasure the following paragraph in the Speech from the Throne:

> With you, I look forward this summer to the visit of Her Majesty the Queen and other members of the Royal Family. The presence of our sovereign and the heads of state of other countries will bring added joy and festivity to our land as it celebrates the centennial of its Confederation.

I am quite sure that that will be the happy result. The royal visit of 1967 will be the fifth by a reigning monarch to Canada. Also it will be the fifth visit here by the present Queen and her fourth visit since assuming the Throne.

The first royal visit to Canada took place in 1939, when King George VI and Queen Elizabeth, now the Queen Mother, were the first royal couple to visit the capital of one of the dominions. The present Queen came to Canada in 1951 as the Princess Elizabeth. She came again in 1957, 1959 and 1964, and she will be in Ottawa on the first of July this year. I am sure all Canadians will be delighted at that time to have their Queen and her Consort with us. Needless to say, she is a beloved Queen, a great mother, and an individual who has all the attributes which make her beloved by her people. She sets a wonderful example; she is entitled to, and I am sure will receive, a hearty welcome when she comes to Canada.

The Speech from the Throne speaks of a visit by another head of state, namely, Queen Juliana of Holland, who is in Canada at the present time. She has close connections with this country, for she spent four years here during World War II. One of her children was born in Canada. It was our Canadian troops who marched into Holland and rescued that country from her enemy at that time, and I am sure that the people of Holland are indeed grateful to our Canadian soldiers. I

had the opportunity of visiting the graves of the dead in different parts of Holland, and I was pleased, as are all Canadians, with the way in which the children and the Dutch people generally help to look after the graves of the Canadian soldiers.

Queen Juliana will certainly receive a warm welcome in Canada. One could speak of the tulip festival and how she has been responsible for making Ottawa the tulip capital of the world, but such things are so well known it is not necessary for me to enlarge upon them.

Later on another outstanding head of a nation will visit Canada. I refer to General de Gaulle of France. As a representative of one of the great founding races of Canada, I am sure he will have a particularly warm welcome. He has visited Canada before. I recall accompanying him when he laid a wreath at the National War Memorial here a few years ago. We hope that General de Gaulle will visit us again and that he will see as much of the country as possible.

His Imperial Majesty Haile Selassie, Emperor of Ethiopia, has been here. We have welcomed his Royal Highness Prince Albert of Belgium. We have had with us His Excellency the President of the Federal Republic of Austria. Her Royal Highness Princess Alexandra has also visited us. These distinguished people are very welcome, as will be the heads of states and distinguished visitors in later months. I understand that the Queen Mother intends to visit the Atlantic provinces. I am certain she will have a happy and pleasant visit there, and we will be most honoured to greet her.

Honourable senators, the Speech from the Throne naturally emphasizes that this is our centennial year. One hundred years ago a new nation, Canada, was born out of the toil and the hopes and the sacrifices of many generations of people. That nation is our heritage, yours and mine, that of our children and of our grandchildren; it has been our responsibility and it will be theirs.

Honourable senators, it is our responsibility most of all for the future of this nation. We will not be here to see it, of course, but we can help to lay the foundation. That responsibility is not only one to our ancestors, to carry on the work they started —though we must not forget them—it is a responsibility to the young people of Canada, to help them to make a better tomorrow.

It may seem to be a platitude, but it is also a fact that it took leadership to mould Canada into the nation she is today. It will take more and stronger leadership to continue our growth in this highly competitive world of today and of the future.

Honourable senators, besides the two great races, the French and the English, who were here at the time of the birth of our country, there are now some five million descendants of other ethnic groups whose people have done their part over the years in building up this land. Canada, we know, has grown from three and a half million people in 1867 to more than 20 million people today. We should have more people, but that is another story and we will say more about it later.

Our country grew from small beginnings. In the early days the inhabitants were fur traders; they also engaged in the pursuits of fishing, and crude farming. Little did they think then that this would be the great industrial nation it is today. At that time the people did not foresee large cities such as we have now. Some claim that our cities are becoming too large and that the rural districts are being depopulated. The best way to cure this would be to bring to Canada more people who are willing and anxious to stay on the land.

We are a strong industrial people and we are proud of it. We are also a thriving agricultural nation. We have developed our mines, our fisheries and our other natural resources. We have been most fortunate and we should be proud of what we have achieved.

Honourable senators, it would take much time to speak of the many great men, from the days of Cartier to the present time, and to tell the story of Canada and its development. Canada is by nature a peaceful nation, but there have been two world wars since we became a nation in 1867. In those two wars the Canadian youth showed courage and prowess. This was a peaceful country until 1914, when the freedom of the world was threatened. The peoples of France and of the British Commonwealth stood together to preserve freedom and liberty, and they won that cause but they did so with great sacrifice to themselves. Many Canadians who have visited our air force in France have gone also to see the cemeteries at Verdun, where thousands of young Frenchmen gave up their lives. At the other end of the line, they could see where the Battle of the Somme took place

and the cemeteries where many thousands of young men of the British Commonwealth gave their lives.

What for? Not for imperialism. They gave their lives to preserve the peace of the world and to keep the Germans from entering Paris and conquering France, which would have meant the loss of our liberty.

Between 1939 and 1945 it was the British Commonwealth and the United States which preserved the freedom of the world. Again, I say it was not for imperialism, but for the sake of preserving peace for the peoples against a very aggressive foe. Again they won, but at terrible sacrifice. The world remained free. In those two wars Canada proved herself by the sacrifice of her young men, and we truly became a nation, not bent on conquest but doing our share to preserve the free world.

Carlyle has said that beside the heroic deeds and sacrifices of the people to preserve freedom, the history of the world is but the biography of great men. This statement is partly true of Canada, and I desire here to pay a tribute to some of our great men. It would take many days to pay proper tribute to all of them. I will not speak of the explorers, the builders' the statesmen, whose deeds filled the pages of history up to 1867, nor of the authors, scientists, educators and others who have made such an outstanding contribution in our last one hundred years—there are too many of them. They came from every walk of life and from every section of our country. My remarks will be designed to recall some of those who exercised the ultimate political power over the years since Confederation.

Honourable senators, it is worth remembering that without such men the course of our history would have been far different, for each in his own way left his imprint on us and on our nation.

I speak first of Sir John A. Macdonald. He must rank as one of the world's great nation builders. Though the idea of Confederation was not originally his, he seized it as a means of preventing the disintegration of the union of his day. He induced Nova Scotia and New Brunswick to join, and he embarked on the work of building Canada. He was indeed, as a distinguished historian of Canada has described, the "pilot" of Confederation, the leader of the Fathers of Confederation.

Macdonald did not stop once Confederation was achieved. Under his leadership, the great trilogy of economic development, western settlement, and French-English co-operation, became the cornerstones of the Canadian structure. Canadian Confederation could not have been accomplished had Macdonald not had at his side men like Cartier and McGee. His national policy and support for the construction of the Transcontinental railway are well known to students of Canadian history; and, if Canadian history still means anything, it will be known to future students of our schools and colleges for all time.

Of Macdonald's successors as prime ministers, there are several who stand out. Sir Wilfrid Laurier, the first French-speaking Canadian to hold the nation's highest elected office was a truly distinguished statesman who, ever mindful of his own heritage, nevertheless saw that the best hope for its survival lay in the broader context of a united Canada—as indeed it does today. He stated and believed that the twentieth century would be Canada's century. For the most part, the years have borne him out. He worked untiringly in the early part of the century to help lay the foundations to achieve this result.

Canadians of the past and of the future all owe a debt to this great leader who contributed so much towards the unity of the Canadian people. In his day there was little heard of separatism. In fact, separatism has become a slogan only over the past two or three years, and is but an impractical and irrational by-product of the present times.

Sir Robert Borden presided over the destiny of Canada in the difficult days of the First World War. Through this period, as indeed through his entire life, he looked upon Canadian interests in the larger context of world affairs. At an Imperial conference in 1917 he moved the resolution which established the autonomous basis of the modern Commonwealth. Following the war, Sir Robert Borden represented Canada at the Peace Conference where he established Canada's right to sign the Treaty of Versailles as a separate nation. He fought for and secured Canada's right to sit as an independent member of the League of Nations. He can truly be said to be Canada's first international statesman.

There is much that can be said of the Right Honourable William Lyon Mackenzie King. He was prime minister of this country longer than any other leader; in fact, I believe he held that office longer than any prime minister in the Commonwealth. His work speaks for itself.

Both Bennett and Meighen held office as prime minister during times of adversity and

tension. Lord Bennett worked hard and accomplished much. He brought about the British preferences which meant so much to building up trade and assisting the economy of the country. Arthur Meighen was perhaps the ablest of any of these men, and had he been in office at a more propitious time I am sure he would have gone down in history as one of our most illustrious prime ministers.

Prime Minister St. Laurent was here when Confederation was rounded out, you might say. It was under his leadership that Newfoundland became the tenth province of Canada. Prime Minister St. Laurent was a man respected and beloved by all Canadians.

As to Prime Minister Lester Pearson and the Right Honourable John Diefenbaker, these men are too near to us, too near this day, for any comment at the present time.

Honourable senators, before going on with other matters in the Speech from the Throne, I would just like to say a word about the previous session. I think it is not out of place, before discussing the business of the present session, to say a few words regarding the past, because much of the legislation proposed in the previous Speech from the Throne is actually going to be considered in this present session—or at least so we hope. In fact, we have heard most of it for the past three years and, as has already been pointed out, of the 28 items in the present speech only four are new.

In discussing the last session, may I say that in my opinion—and I think there are a great many who would agree with me—that session of Parliament was one of the most frustrating, futile and inept sessions in the history of Canada. It was also the longest and most tiresome. I am sure no one regretted seeing the end of it, and I doubt if any would hope for another like it.

It emphasizes again the need of change in the rules governing the procedures in the other place. We are delighted that this is being considered and we hope that it will have the desired result.

There has been a committee of the House of Commons, as we know, sitting on this matter for some time now, and I believe that that committee is prepared to bring forth some sound recommendations. May I say also in this connection—and I do not think it is out of place—that we might recommend a similar study in connection with the Senate. It would be appropriate to do that soon, for the information forthcoming would, I am sure, be very interesting.

I do not have to go into detail concerning how procedures have affected our operations and processes here in the Senate in past years. All honourable senators are aware of the number of times in recent years that we have been left hanging on a thread, as it were, while watching the Government in the other place continually shift the order of business in order to suit the situation.

We have had recent examples of this in the number of bills left over that had been passed by the Senate but which had to be taken up again in this chamber because they were not dealt with in the other place.

As I say, changes are needed in the rules for the Senate, and I hope that, while the subject of the Constitution is being discussed, this matter will receive all the attention it deserves. A committee of the Senate should be set up to study the place of the Senate in our Government and the reform of our rules. Perhaps the most important aspect to be considered is that more work should be given to this body, more work and more responsibility, and I say this having spent many years in the House of Commons. In my opinion, there are senators capable of doing as good work, or even far better work, than has been done or can be done in the other place.

I feel that all honourable senators will agree with me when I say that throughout the past session the honourable Leader of the Government, Senator Connolly, has done a good job in arranging Senate work and in securing business for us. There have been times when he has been just as frustrated as any of the rest of us, I am sure, while attempting to determine and interpret the moves and moods of the Government in the other place. I repeat that he has done a good job in this respect and deserves the praise and congratulations of all honourable senators in this chamber.

I would like to deal now with matters pertaining more closely to the Speech from the Throne. In my opinion, one aspect of the Speech from the Throne should be the question of priorities in government. Which priorities or actions will be of most benefit to Canada; which are the most urgent? It is a vital question, and I might add it is one that the Government should ask itself more often.

Unity has been spoken of on many occasions, and I think it is our first priority. Without unity this nation just cannot and will not last. I become more convinced of this each day. Today some people seem to be paying more attention to subversive and destructive elements than to the good, sober

common sense of Canadian people which can be found in abundance in all parts of this country. I feel we may be paying too much attention to outside influences. Perhaps there is a bit of playing politics involved—I do not know. Politicians have a habit of doing this. I do know, however, that there is not the disunity in this country that some people would lead us to believe. I was reading a speech made a few days ago in the House of Commons by the honourable member for Villeneuve, a speech in which he put forward a theory that we would do well to consider. He said that if the people from one part of this great country of ours were to visit and become better acquainted with those from the other parts, there would not be as much talk about disunity as there is at present. This was the idea put forward by the honourable member for Villeneuve, and I would like to quote the following from what he said:

> For the last five years, in particular, I have had the opportunity of visiting the western provinces and the maritimes, where the majority of the population is English-speaking. For example, I met in the west workers and farmers as well as university people. I had the privilege of going to the University of Toronto for instance, in our neighbour province. I gave a conference at Trinity Hall, in Toronto, where thousands of students came to hear me. I also had the privilege of speaking to university students in Manitoba, in Regina, Saskatchewan, in Vancouver and Victoria in British Columbia, and also at the University of Alberta, in Edmonton.
>
> Mr. Speaker, everyone knows that I am a French-speaking Canadian and that I fight for the recognition of French Canadians throughout Canada. It is indeed a duty for me to say that I have had a friendly reception in all those provinces; I might even say that I have had a warmer welcome in the western universities than in the University of Montreal, in my own province of Quebec. And these people out west, these young students, these farmers or whoever they are, are most hospitable. We are welcomed like kings in those provinces. Even if these young people do not speak our language, they are eager to welcome us, to hear our problems, to learn to know us, to know what we want and who we are. It was most interesting to meet these people, irrespective of political affiliations, as Canadians from a province other than theirs.

Honourable senators, his experience has also been the experience of others. From the Province of New Brunswick we had groups of young students go to Saskatchewan and they came back with the highest praise for the hospitality that they had received in that province. I know of students from Manitoba, Saskatchewan, and other provinces who have come east to Quebec, Ontario, and the Maritimes. They have spoken very, very highly of the treatment they received and the understanding that was built up after such visits. I repeat that one of the greatest factors in building the unity of this nation is to have our young people, and, indeed, some of our older people, meet with those from other parts of the country.

In this regard Expo will do much for Canada. Thousands of people from all parts of the country will gather there. They will learn to understand one another. I do not think it would be out of place, since we are spending millions of dollars on education, for us to send more young people from one region of the country to other regions so that they may better get to know each other. We speak about bilingualism and biculturalism, but culture is not something that is carried in a bag from one part of the country to the other. As far as bilingualism is concerned, the schools across the country—that is in the English-speaking parts of Canada—are crying out for teachers to teach French to their children. Nowadays there are ten children learning French for every one or two who were learning it a few years ago. This too will help in building up within our country that great spirit of unity which we desire.

Honourable senators, I am taking more time on some of these questions than I had intended, but I feel it is warranted. The second priority is immigration. At the time of Confederation, as I mentioned earlier, we had approximately three and a half million people. Today we have in excess of 20 million. According to the census of 1871 we had in the four provinces which existed at that time this small number of people, but we also had only 350,000 square miles of territory. Today we have 10 provinces and 3,851,000 square miles, a ten-fold increase in 100 years.

There is tremendous room in Canada for more people, and we certainly need more people. For that reason I do not feel it to be out of place to deal with this subject for a while

this evening. A committee has been studying this question of immigration, and I have read some of their reports and found them very interesting indeed. No country in the world needs new people more than does Canada. There are, however, two factors which we must take into consideration in discussing this question. The first is quantity in order to fill up the great vacant spaces in our country, and the second is quality. I personally believe that when our land is fully developed, not in 10 years, but perhaps in 50 years or more, we could have and should have a population of 150 million. We are one of the great agricultural areas of the world, producing tremendous quantities of food. Six hundred million bushels is the average crop of wheat produced in the west, and this year I understand we can anticipate 750 million bushels. Canada can feed and should be feeding far more poverty-stricken people throughout the world, but particularly we should be feeding more people here in Canada.

Speaking of quality, I feel that we have the best so far as this is concerned. Our French-speaking and English-speaking people have been greatly aided by the Scandinavians, the Danes, the Germans, the Ukrainians and all those from the northern parts of Europe. There are no finer people anywhere. These are the people who have helped the French and English to build this nation.

The Canadian Manufacturers' Association, in a brief submitted to the Government some time ago, proposed an annual target of 180,000 new immigrants each year. This seems to be a realistic figure and is certainly not too high when we consider that between 60,000 and 80,000 Canadians leave Canada each year. So, the net gain would be 100,000 or so people—certainly not more than this country could easily absorb. In 1966 the immigration department reported 194,743 new immigrants. This was 50,000 over 1965. It was certainly a great improvement over the previous years in the early 1960s. Our net gain was estimated in the five years from 1960 to 1965 as being only 31,000.

Canada is also experiencing a sharp decline in the national birth rate. This has fallen from 28.3 per thousand of population in 1956 to just below 20 per thousand in 1966.

I pointed out a few moments ago that we are one of the least populated countries in the world. We certainly have the smallest population of any of the major industrial powers. We need more people and we need capable people. In their brief, the Canadian Manufacturers' Association, besides recommending an increase in population, pointed out that a larger domestic market would cut unit costs in industry by making possible longer production runs and large-scale output and specialization, which would help boost living standards. This would certainly be all to the good. It would also promote greater economic stability and lessen our dependence upon foreign markets.

I repeat, we must have quality, as well as quantity in immigration, and I have pointed out that there are certain countries whose citizens would make good immigrants and be well suited to settle in this country with its northern climate.

We are quite strict in the selection of immigrants. One of the qualifications is quite a high standard of education. I sometimes wonder if we are not a little too strict in that regard. Those who came here in the early days were rugged and of good stock. They brought their families with them, and they grew up and were educated here. We can still bring in people of the right quality without perhaps too high a degree of education, and educate their families after they have become Canadian citizens. There is much work to be done in Canada, and everyone need not be highly educated.

Housing is another priority. Incidentally, I am mentioning these matters as being some to which the Government should give first consideration. Right now Canada is in the grip of a serious housing crisis—and that is putting it mildly. Rents are skyrocketing; the prices of homes have hit levels beyond the reach of the average wage-earner; and public housing is almost non-existent. If we are to have sufficient accommodation for our existing population, we must build houses at a greater rate than we are at present. We live in a cold climate. In the early days, when settlers came they built log cabins, and in the west they made sod huts, but they were rugged and they were satisfied with such accommodation. In our cities now we have huge slums. Indeed, it may be said that the early settlers, living in their log cabins and sod huts, were comparatively better off than many of those living in our city slums today.

Various reasons are given for the high cost of housing. One is the 11 per cent tax on building materials, and that is being corrected. Another is the high interest rates of the last few years, and labour costs—all these

matters are receiving attention. The increases in land and construction costs, together with a small increase in the average size of houses, resulted in a total estimated average cost of $19,293 for National Housing Act houses financed in 1966. This was 10.9 per cent higher than the 1965 average of $17,402. There was a particularly marked increase in the Toronto area, where the average cost of bungalows financed under the N.H.A. went up from $19,677 in 1965 to $23,056 in 1966. This included an increase in land costs from an average of $5,777 to $7,097 per lot, and an increase of 10.1 per cent in construction costs per square foot.

I am sure we are all pleased to note that the banks have now entered the mortgage market. The other day a headline in the Ottawa *Citizen* announced, "Banks Put $200 Million into Mortgage Market." In an interview, Mr. Hignett, the President of Central Mortgage and Housing Corporation, said that while the generally-accepted construction target of 170,000 housing units a year may not be met in 1967, the current upsurge guarantees that it will be met in the 12-month period between June 1, 1967 and June 1, 1968. The banks are back in mortgage financing by virtue of the new Bank Act, which went into force on May 1.

Last week Central Mortgage and Housing Corporation reported an unprecedented increase in loan applications during March to 23,458 dwelling units, more than four times the total of 5,255 units for the same month in 1966. This is very good news.

Water pollution is another problem which I feel should be given priority attention by the Government. It is not necessary for me to discuss the matter to any extent this evening. Senator MacKenzie brought this complex problem confronting Canada to the attention of the Senate some time ago. It has been estimated that it would cost $5 billion to restore our lakes and streams to anywhere near the condition in which they were a few years ago. For instance, there are hundreds of square miles of dead water in Lake Erie alone. Every day we hear of more streams, rivers and waterways all over this country becoming polluted; and the same situation exists to a greater extent in the United States. I read an article not long ago which called many of the little streams flowing through the small towns and cities of the United States "open sewers." This is also true of many parts of Canada.

Honourable senators, I am not going to occupy more of your time this evening. In passing, I might mention the problems besetting the Commonwealth. These should receive careful consideration. May I say that we should all be pleased that the Leader of the Government in the Senate is at the present time attending a conference in, I think, Malta which is studying Commonwealth problems. For instance, the trade situation is becoming more complicated day by day. With Britain's application to enter the Common Market and the Kennedy Round of tariffs we do not know where we fit into the picture.

However, one point has been made crystal clear, and that is that the smaller nations of the Commonwealth, which are not in a position to help themselves in the matter of trade, should be receiving greater assistance from the more developed Commonwealth countries. I think that is one of the problems and one of the chief propositions which is being studied by the committee which is meeting to prepare for the next Commonwealth Conference.

Honourable senators, in conclusion may I say that these, to my mind, are just a few of the many problems we have to consider. We have taken up too much time in past years considering unimportant questions, and year after year we have continued to pile up other matters that should be considered. This is an indication that Parliament is not doing the work it should. When one finds 28 subjects mentioned in the Speech from the Throne, only four of which are new—some of them have been mentioned in the last three or four Throne Speeches—it must be realized that a system of priorities has to be established. The major items must receive first consideration, and those which are not so important should be considered as and when time permits.

The Speech from the Throne also mentions divorce law reform and the abolition of capital punishment. I may say at this point that so far as divorce law is concerned, I do not know of any body that can advise the Government better than the Senate of Canada. There is no other body that is better informed on the subject and knows what is needed in our divorce laws.

The Speech from the Throne informs us that a measure will be placed before this session for the better regulation and use of broadcasting privileges and responsibilities, and that there will be legislation concerning the provision of broadcasting facilities for educational purposes. There is certainly a great opportunity for achieving something better here.

ARDA is mentioned, as is parliamentary consideration of the Constitution, another very important matter. I know that several senators intend to discuss this at a later date.

There is to be a broadening of the scope of the Area Development Incentive Program. This has already been started. Pilot areas have been established in certain provinces; there is one in the northern part of my province of New Brunswick under ARDA. I wonder whether the proper section of the province has been chosen for this purpose, because it is my feeling that if there is any part that can look after itself it is the northern part. There are large pulp mills in the city of Bathurst, and also at Dalhousie and Campbellton. That part of the province enjoys one of the finest mining areas in the country. There are also the fisheries. But there are other areas which I think could very well receive attention. For instance, the sum of $100 million would have helped the potato growers in the upper Saint John River area, and it would have helped the dairy farmers. I do not think the money is being spent to the best advantage.

I am very pleased to know that some attention is being given to the coal mines of Nova Scotia, and that there is going to be a community development program for the Indian and Eskimo people.

Honourable senators, all these situations present very difficult problems, but the task of solving them is something to which the Parliament of Canada can very well put its shoulder. All of them must be dealt with, but, as I said a few moments ago, I hope the Government will sit down and consider what are the most important and deal with them first. Let us not waste time on matters like the Munsinger case, and so on. Let Parliament get down to doing the work that the people expect of it. If that rule is followed, then I am sure that in the days to come we as a people shall be better off.

[*Translation*]

Hon. Jean-Paul Deschatelets: Honourable senators, I should like, first of all, to join the Leader of the Opposition in congratulating the mover and seconder of the address in reply to the Speech from the Throne, the honourable Senators Desruisseaux and Nichol. In a very well thought out speech, they have dealt with a number of important questions of national interest, and have done it on a very high level. I am sure the honourable senators will be grateful to them.

We listened with great interest to the speech of the Leader of the Opposition. I must say that honourable Senator Brooks, who had assumed great responsibilities in the cabinet in the other place, has the authority and the experience necessary to deal, as he is doing, with questions that are familiar to him. This makes him a speaker to whom we always listen with pleasure and above all with profit.

However, I can obviously not agree with all the views expressed by my honourable friend, especially when he deals with the last session, contending that it was futile and frustrating. I hope the Leader of the Opposition does not expect me to agree with that any more than I am expecting him to agree with me when I say that it was not only the longest session of our history, but the most fruitful one.

In any event, what is important at present I think, is to find a common ground concerning the main points he raised, especially the ones on which we are in full agreement.

For instance, on the question of the improvement of parliamentary rules and procedures, all those who have some experience of the parliamentary procedure will admit that we do not have, to govern us in both houses, rules that meet with the 1967 requirements.

I congratulate the Leader of the Opposition for having also dealt with the question of exchanges between young Canadian people from one province to another.

Honourable Senator Bourget told me a while ago about articles published in this week's newspapers, reporting that young people from the Province of Quebec returning from a trip in the Western provinces recognized that they now held different views and felt that they were better Canadians. The Government should do all they can to encourage such visits by young Canadians. Furthermore, Expo is a unique opportunity to give youths of other provinces a chance to visit, to know and to love the Province of Quebec.

Honourable senators, in his speech, the Leader of the Opposition referred to many other matters; several other senators will speak after me and comment on some of the questions raised by Senator Brooks.

As far as I am concerned, this is the first session of the centennial of Confederation and I should like to take this opportunity to express some thoughts on this event. Curiously, my line of thought follows somewhat that of the Leader of the Opposition because after having spent years in the administration of the business of this country, we are in a posi-

tion to suggest what should be in 1967 the true priorities of the Government. For some years, however, I have seen and heard as you have a considerable number of experts or so-called experts, in various seminars, speak of the constitutional issue and bring in their suggestions as to the possible revision of the Constitution.

In the last two years, we have heard innumerable speeches on the proposed Fulton-Favreau formula for the amendment of the Constitution. I have sometimes wondered, after witnessing such an expenditure of energy on the part of our experts, our constitutional jurists, if we were not wasting our time in seeking a solution to problems which are not really so high in the scale of priorities.

This is 1967. It is said that we are celebrating Confederation. But are we not instead really celebrating the Canadian citizen, the individual, rather than the confederative system? If so, if 1967 is really the festival of the Canadian citizen, should we not then first of all tend to such matters as are urgent and capable of improving the lot of the Canadian citizen?

Hon. Mr. Pouliot: Hear, hear.

Hon. Mr. Deschatelets: Honourable senators, really, I do not feel—of course, this is a personal opinion and perhaps you do not share it—that in 1967, a constitutional federal-provincial conference is the No. 1 problem in Canada.

Hon. Mr. Flynn: Next year, perhaps?

Hon. Mr. Deschatelets: I believe the reason is very simple. Here, in the federal Government, as well as the provinces, we have an appropriate instrument, according to our jurisdiction, to introduce important and urgent legislation. Quebec also has at its disposal an appropriate instrument, if not necessarily all the money it would like to have. I will say, at the end of my remarks, that it is possible in the exchanges between the federal Government and Quebec and the other provinces to improve that situation, and this has been done in the last few years.

The Leader of the Opposition spoke earlier about the problem of housing and urban development and I will add to it the extremely rapid growth of urban centres.

The federal Government, in co-operation with the provinces, has done a lot in the last few years, under the previous as well as under this Government, to allow for the construction of one-family dwellings. We all know that in spite of all that has been done, we cannot in all honesty claim that, in 1967, a worker with a very low income can own a one-family dwelling. Thus, in our big cities, in Toronto, Montreal or elsewhere, there is still a greater number of slums. Perhaps Montreal managed somewhat to hide its slums from the visitors to Expo. Nevertheless, thousands of our citizens, in Montreal as well as in other big Canadian cities, live in deplorable conditions. There is an urgent need of housing units.

Last year, before my father died, I had the experience of resorting to a subterfuge to have him admitted into a hospital, because there was no room. When a person is in an extremely critical condition, it would seem that he cannot be admitted to hospital. The authorities ask that he be kept at home.

As to the needs of the universities in the Province of Quebec, I know from personal experience that Montreal University's medical faculty last year accepted only 125 students and not one more. I know of a student who applied after 125 persons had been admitted and who was refused for lack of space. Instead of becoming a medical doctor as he wanted to be, he will become a dental surgeon. That is very well, there is nothing wrong with that, but he will not be a medical doctor.

However, I read in the Saturday issue of *La Presse* that Papineauville, with a population of 3,000, does not have a single medical doctor. Our needs are tremendous in that field. A good number of problems could be solved by the provinces in co-operation with the federal Government, provided that for a while we forget a little about academic matters and constitutional problems.

I sat on the penitentiary committee of both houses. You read the report tabled lately to the effect that there is a need, in Canada, for additional penitentiaries. Some are needed here, there and everywhere, because essential rehabilitation cannot be provided in existing institutions.

There are underprivileged areas in Canada. Everybody is aware of it and I congratulate the Leader of the Opposition and certain members from the Maritimes for raising the matter at every opportunity. As I said, the people in some underprivileged areas are not as well off as those in the central provinces. There are also underprivileged areas in the province of Quebec. All along the Atlantic coast, in the Gaspé peninsula and in the lower St. Lawrence area, the problems are similar to

those of the Maritime provinces. I remember two years ago—I am thinking of my friend, Senator Walker, who was Minister of Public Works before me and is no doubt well aware of this problem—being in Matane where 30 per cent of the people were unemployed right in the middle of June. Why? Because there is no industry in that area on account of the lack of easy and modern communication facilities. All the Maritime provinces are faced with the same problem. It is up to a government which understands the situation to provide these regions with transportation facilities by rail, sea and road, so that industries may settle in the area and unemployment may be cut down. The Government helps this part of the country through its designated areas program and tax abatements. However, that is not enough. The economic conditions which would induce industries to settle there have not yet been created.

In addition, there is the problem of agriculture. You are undoubtedly aware, honourable senators, that the Province of Quebec, a region which I am particularly acquainted with, is faced with the same problem as the Maritime provinces where almost 20 to 25 per cent of farms are unprofitable. I understand that some plans or joint Federal-Provincial projects have been developed to assist those regions but it is not easy.

There have always been some unprofitable farms in the Province of Quebec. Steps must be taken for a rural renewal. In addition, new jobs have to be created.

We all know, for instance, that in the Province of Quebec we had a steel complex project. Financial considerations did not allow for the implementation of this project. This shows that, in spite of the invaluable help granted by the present Government and by the preceding ones, if one takes an unbiased look at the situation, the constitutional problem is not a matter of priority. No matter what changes may be made in the Constitution, I fail to see how this could alter our problems. However, I believe that if anything can be suggested to the Government in this centennial year, it is to make the legislation human, so that it may serve man first and foremost. We must put a stop to these debates on the Constitution and the constant quarrels which divert attention from the real problems. The Canadian citizen would be the first to benefit therefrom.

That is somehow the point I wanted to raise, honourable senators, for it is late and I do not want to keep you any longer. But after a few years' experience, we end up by not necessarily accepting certain projects such as a federal-provincial constitutional conference which, in itself, may seem attractive, but experience shows that the more we consider the individual problems, the more it will be possible, in co-operation with the provinces, to achieve things which will give the individual, in Quebec or elsewhere, greater confidence in the future of Confederation. I remain convinced—and I speak here especially of the Quebec citizen—that the main question for him is not the constitutional issue, but his standard of living, of his job opportunities, his ability to raise a family and give his children what they need to look to the future with the best chances of success.

These last few days, I was listening to questions put on television to Montrealers and other Quebeckers concerning their visit to Expo. They were asked: What do you think of all this? Almost all answered: Expo is a marvellous thing; we are proud to be Canadian. Of course there is nothing contradictory in saying that one is proud of being Canadian and proud of being a Quebecker; the two things are not incompatible. But this great achievement, Expo, will perhaps have a deeper impact than was thought, especially if it makes the average man think and understand that we can only accomplish great things if we have the co-operation of the various governments, of all Canadians and of all the provinces.

[*English*]

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

STANDING COMMITTEES

FIRST REPORT OF COMMITTEE OF SELECTION ADOPTED

The Senate proceeded to consideration of the first report of the Committee of Selection which was presented on Wednesday, May 10.

Hon. Arthur L. Beaubien moved the adoption of the report.

Hon. Jean-François Pouliot: Honourable senators, before this report is adopted, I would like to mention to you that in my mail today I received numerous bills from the Commons. Two of them are contradictory. What is surprising is that both have been sponsored by the same member. The first is Bill C-34, "An act to amend the British North America Acts, 1867 to 1965, with respect to the quorum of the House of Commons".

The second is Bill C-44, "An Act to amend the British North America Act 1867 (abolition of the Senate)."

Well, the Senate is serving a useful purpose with regard to the House of Commons by giving it a good example. To illustrate my point: the membership of the House of Commons is 265 and that of the Senate is 102. The average attendance in the Senate is between 60 and 70. At the last sitting we were 68 out of 102. On the other hand, in the House of Commons they complain that their quorum is not always respected. The quorum in the House of Commons is 20 members. In fact, the sponsor of these bills wants the quorum to be increased to 50, but even so that is less than the attendance of the Senate. For those reasons I suggest that the sponsor of those two bills should first look at his own house before advocating the abolition of the Senate.

Report adopted.

INTERNAL ECONOMY COMMITTEE

APPOINTMENT

Leave having been given to revert to notices of motions:

Hon. Jean-Paul Deschatelets, 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 Internal Economy and Contingent Accounts 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, and that the committee 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.

DIVORCE COMMITTEE

APPOINTMENT

Hon. Mr. Deschatelets, 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.

LIBRARY OF PARLIAMENT

MESSAGE TO COMMONS—SENATE MEMBERS OF JOINT COMMITTEE

Hon. Mr. Deschatelets, 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 Belisle, Cameron, Fergusson, Fournier (De Lanaudiere), Gladstone, Gouin, Haig, Irvine, MacDonald (Queens), O'Leary (Antigonish-Guysborough), Pouliot, Reid, Vien, 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 the 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. Deschatelets, 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 Flynn, Isnor, McGrand, O'Leary (Antigonish-Guysborough), Pearson, Phillips, Reid, 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 the Joint Committe 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. Deschatelets, 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 Baird, 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 the Joint Committee of both Houses on the said Restaurant.

Motion agreed to.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Tuesday, May 16, 1967

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

Prayers.

DOCUMENTS TABLED

Hon. Jean-Paul Deschatelets tabled:

Report on the Administration of the Emergency Gold Mining Assistance Act for the fiscal year ended March 31, 1967, pursuant to section 10 of the said Act, chapter 95, R.S.C., 1952. (English and French texts).

Report by the Tariff Board relative to the Inquiry ordered by the Minister of Finance respecting Chemicals—Volume 2—Goods in Recommended Items, Reference No. 120, pursuant to section 6 of the Tariff Board Act, chapter 261, R.S.C. 1952. (English and French texts).

THE ESTIMATES

FINANCE COMMITTEE EMPOWERED TO EXAMINE AND REPORT

Hon. Jean-Paul Deschatelets moved, with leave of the Senate:

That the Standing Committee on Finance be authorized to examine and report upon the expenditures proposed by the Estimates laid before Parliament for the fiscal year ending 31 March, 1968; and that the committee be empowered to send for persons, papers and records, to print its proceedings upon the said Estimates and to sit during sittings and adjournments of the Senate.

Motion agreed to.

NOTICES OF INQUIRIES STAND

Hon. Jean-François Pouliot: Honourable senators, I would ask that the three inquiries in my name stand, with the expectation that they will be answered on Tuesday, June 6.

Inquiries stand.

PUBLIC BILLS AND REVISED STATUTES OF CANADA

INQUIRY RE AVAILABILITY

On the Orders of the Day:

Hon. Jean-François Pouliot: Honourable senators, I have to rise on a question of privilege. Today I went to the Distribution Office and asked for copies of all public bills that were passed by both houses and assented to during the last session. I was told that they had none available and that all remaining copies have been thrown out to make room for the new legislation.

Honourable senators will remember that some years ago, and especially on July 22, 1964, I suggested that the example of the Province of Quebec should be followed, and that all legislation passed by both houses and assented to should be published at the earliest possible opportunity in an extra copy of the *Canada Gazette*, so as to make people familiar with the legislation that has been passed.

You know, honourable colleagues, that there is an axiom of law to the effect that nobody is supposed to ignore the law. There are laws in force, and yet we cannot obtain copies of the specific pieces of legislation. It is a most incredible situation. I do not know when we shall be able to obtain bound copies of the statutes—sometimes it takes several months.

I recall that Bill S-17 concerning bankruptcies had been amended many times by the House of Commons and the Senate, and it was three months before a complete copy, as assented to by the proper authority, could be obtained.

I do not press my question today, but I shall ask another question tomorrow as to when we shall get the revised Statutes of Canada for the session that started in January of last year and ended this May. At the present time we have nothing before us but the bills, and we are not sure whether they have been amended. We do not know exactly what is the law. I make this request in the name of all the taxpayers of Canada who are entitled to know what the law of the land is.

As I told honourable senators, in the Province of Quebec each piece of legislation that is passed by both houses and is assented to is published in an extra copy of the Official *Gazette*. When I suggested to the honourable Leader of the Government (Hon. Mr. Connolly, Ottawa West) three years ago that that procedure might be followed here, I was

told that some technical reasons made it difficult, but that as soon as a piece of legislation received Royal Assent copies of it would be available upon request. At the present time there is nothing in the distribution office, and I do not know whether that promise is going to the fulfilled. But, it is an anomaly. It is an abnormal situation, and I hope it will be corrected at the earliest possible opportunity.

What is the use of passing laws when we do not know what they are? I do not speak only for lawyers. I speak for laymen, who have the same right as any lawyer to be informed about legislation that is passed by this Parliament.

The other day I witnessed a TV panel program. The panelists—some of them had brilliant minds—were discussing biculturalism and like topics. One of them, a modest man and a Social Credit Member of Parliament, made the right observation when the panel was asked what was the first duty of Parliament. He answered, "Our first duty is to pass laws. It is to legislate." That bit of wisdom came from a layman, and not from one of the brilliant minds that were on the panel. It was common sense.

As members of the Senate of Canada we are entitled to have that legislation. The Members of the House of Commons are entitled to have it. All the lawyers and judges of Canada are entitled to have it, and so are all the taxpayers of Canada. I hope that the Government will use the greatest diligence in supplying us with the information that belongs to us.

Hon. Mr. Deschatelets: Honourable senators, I can do nothing more at the present time than to tell Senator Pouliot that I shall make an inquiry about this, and report later on.

Hon. Mr. Flynn: Honourable senators, may I suggest that this is a problem that could be placed before the Joint Committee on Printing. I am a member of that committee, but I have never attended a meeting. Perhaps that committee would provide the proper forum for discussing a matter such as this.

Hon. Mr. Bourget: Why did you not call a meeting?

Hon. Mr. Flynn: I was waiting for a complaint.

Hon. Mr. Pouliot: Do you agree with me, or not?

Hon. Mr. Flynn: I have said I do. I suggested that the Joint Committee on Printing should look into it.

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 Hon. Mr. Desruisseaux, seconded by Hon. Mr. Nichol, for an address in reply thereto.

Hon. Gunnar S. Thorvaldson: Honourable senators, I feel a deep sense of honour in having the good fortune of being a member of the Parliament of Canada during this year of enormous historical significance, namely, the centennial year of the Confederation of our country. I have no doubt that every other member of the Senate of Canada and every member of Parliament has the same feeling with respect to this session, the significance of which is second only to that of the first session of Parliament which was held on Parliament Hill in Ottawa in the year 1867.

Honourable senators, this is a momentous year in the history of our country, as we all realize. Scanning back over the years, may I say this: What a vast, wealthy and powerful nation we have assembled together and built up in these one hundred years.

Speaking from the point of view of history, I think it was regrettable that the second session of the Twenty-seventh Parliament of Canada, in this significant year, was not opened with the pomp and ceremony and colour which it deserved. Indeed, from my reading of the first session of the First Parliament, the pomp and ceremony and fanfare in which the people of those days engaged was far greater than that of the opening of this session of Parliament. I really feel that we have missed a great opportunity in this regard. Perhaps it results from the lamentable lack of a sense of priority which has so consistently been shown by the present Government.

In this centennial year, I want to begin by offering my sincere congratulations to our Speaker in having the opportunity and privilege of holding that office in this chamber during so significant a year. Also, I offer my warm congratulations to the mover (Hon. Mr. Desruisseaux) and the seconder Hon. Mr. Nichol) of the address in reply to the Speech

from the Throne. They delivered their addresses in a traditionally effective and efficient manner.

May I also express my sincere congratulations and good wishes to our new Governor General, His Excellency Roland Michener, and to Mrs. Michener. They indeed follow in a line of succession of distinguished incumbents, and it will be difficult for them to fill the place which was so ably occupied by their predecessors, the Vaniers.

From my reading of the history of this country and from personal knowledge of the last few years, I do not believe any Governor General occupying that post became as well liked by the people of this country, and was as effective in performing the duties called for by that office—particularly in regard to the unity of all our people—as was His Excellency Georges Philias Vanier and his charming wife. Their warmth, friendliness and grace were typical of them. They indeed captured the hearts of all Canadians in a manner which I am sure was unknown in Canada before them. That is why I say the present Governor General faces a tremendous challenge. I hope the Micheners, if I may call them that, can fill the great void. I am sure they can, because they have so many of the same qualities as our former Governor General and his wife.

In the same way as an individual becomes of age when he or she becomes 21 years old, so also Canada, now 100 years old, has become of age among the nations of the world.

In addition to our own celebration of this wonderful occasion, Canada will be on the lips of people the world over. I refer particularly to what is becoming such a tremendous event, Expo, away beyond our hopes and expectations. The Pan-Am Games also, to be held in western Canada, in my City of Winnipeg this summer, will attract thousands of people from all parts of the world. The games, too, will advertise the name of Canada in all parts of the world.

Honourable senators, speaking in terms of history, our country is not only 100 years old; its history goes very much further back than that. In my opinion, we must never forget that it was the people from France, the French, who occupied this country first, more than 300 years ago; and the French fact fortunately is with us, and I hope will be with us forever.

While I am on an historical note, may I refer to another fact of history, namely, the coming of the Vikings to Canada nearly a thousand years ago. I read from the little booklet called "Quick Canadian Facts," published a few years ago. On page 2, under the heading "A Quick History of Canada," the first item is:

> Year 1000: Herjulf, Norseman, sailing from a Norse colony in Iceland, to pay a Christmas visit to father in Greenland, got off course in fog and sailed on to sight some unidentified part of the Canadian coast. He did not land, but fellow-countryman Leif Ericson heard of Herjulf's experience, and later crossed Atlantic to spend a winter at a place he called Vineland.

It was probably Nova Scotia.

In this regard I refer to a very pleasant and historical event which took place in this city on Friday, April 14 last. This was a centennial project of the Icelandic people in Canada. The project was the presentation to Canada and the unveiling of a plaque to commemorate the discovery of the western hemisphere by mariners from Iceland about the year 1000. This plaque was unveiled in the new building for the National Library and Archives and was accepted on behalf of Canada by the Prime Minister.

The plaque in question is made of bronze, measures about four feet by seven feet, and weighs several hundred pounds. In its centre is an inscription in old Norse Script which, taken from early records, describes the voyages to which I alluded a moment ago. On either side of the old Norse inscription is its translation into both French and English.

May I just refer to a few sentences from a speech made by Dr. P. H. T. Thorlakson of Winnipeg, who was the chairman of the donors, and made the official presentation of the plaque? I read the introductory paragraph at the top of the plaque as quoted in his speech by Dr. Thorlakson:

> This plaque commemorates the discovery of the eastern coast of Canada by mariners from Iceland and Greenland in the late tenth century.
>
> The historic excerpt reproduced below is from Graenlendinga Saga (The Saga of the Greenlanders) first committed to writing in Iceland about A.D. 1200 and preserved in Flateyjarbok (The Flatey Book) a vellum manuscript compiled in Iceland about A.D. 1390.
>
> Part I records the sighting of new land in the west by Bjarni Herjolfsson, of Eyrar in Iceland, in A.D. 986.

Part II describes the voyage of discovery of Leifr Eiriksson some years later and his landings in Helluland (Flatstoneland), Markland (Woodland), and Vinland (Wineland). These explorations led to an attempt at colonization by Thorfinnr Karlsefni whose son, Snorri Thorfinnsson, was born on this continent.

Archaeological research in western Greenland and eastern Canada supports these ancient Icelandic records of exploration and colonization.

These discoveries surely constitute one of the earliest chapters in Canadian history.

Indeed, it is a matter of interest that in the year 1477 Columbus visited Iceland. He stayed there for some time studying the writings that were available there in regard to these early explorations. You will recall that it was only 15 years later that he sailed towards America and landed in San Salvadore. That was in the year 1492. As I am speaking of the early history of this country, I might point out that there was, of course, the later voyage of Cabot from Bristol to Newfoundland in 1497 and, most significant of all so far as Canada is concerned, those of Cartier in 1534 and 1535.

May I now make a few remarks concerning Canada's voyage during the past 100 years. Sometimes I shudder at the nearness of disaster in regard to so many important events in our past. There were occasions when, if disaster had occurred, there would be no Canada as we know it today. I realize that the story has been told and retold during the past days, weeks and months in connection with our centenary celebrations, but just let me review some of these events that are so important to our history. I do so only for the purpose of putting into perspective some of the problems that we face today in this country. I wish to put them in perspective in regard to the real, the enormous problems that were faced by our forefathers 100 years ago and thereafter. Such an illustration will, I think, underline the insignificance of what we imagine to be the insolvable problems of the present day.

One of the most significant things to me about Confederation and about the early Confederation debates which took place prior to 1867 was the tremendous determination of strong-willed men, both French and English, in the Province of Canada of that day, namely, in what was referred to as Upper and Lower Canada. When one comes to think of it, after George Brown decided that he would become part of this team, and after he brought his associates with him, so far as I can read from the stories of that day, there was never any question as to where the people of the Province of Canada intended to go. They intended to form one nation on the northern part of this continent.

On the other hand, we read the story of the happenings in the Atlantic provinces, and we all recall that, despite the seeming agreement in the Charlottetown Conference of 1864, there was tremendous bitterness over the differences which emerged in the Atlantic provinces, particularly in Nova Scotia and New Brunswick during those years from 1864 up to within a few weeks of Confederation itself.

If there was ever a near disaster in this country, that was the time. As we read on we can see that it was only by the personal courage and obstinate determination of leaders such as Tupper, Wilmot and others, that those provinces finally joined with the Province of Canada in Confederation. It is the story of the political fights in the Maritimes—read Creighton or any author who has written about that period: the story is like a movie thriller. Finally, it turned out right, but, if it had not, one wonders if we would have the Canada of today and would now be celebrating the centenary of Confederation.

Then came the task of bringing in Rupert's Land and British Columbia. What fantastic problems had to be faced! But the interesting part of bringing in the West is that it was the businessmen, the builders, the entrepreneurs, the engineers—those were the people who were of the greatest significance in doing this. It was people like Lord Mount Stephen, Lord Strathcona, Sir William Van Horne and others, who prevented the collapse of the dreams of the statesmen and the politicians. They were the ones who brought those dreams to reality. But on every occasion during those days, if one reads the story, one sees that it was greatness that prevailed; it was the men of small stature who failed to achieve their purposes of destruction.

Honourable senators, may I now mention the other two tremendous possibilities for disaster in this country, particularly in respect to the national unity of this country. One was the First World War, the other was the Second World War. Looking back one realizes that momentous decisions had to be made. Can we now do anything but agree that the decisions that were made were

right? They were made by big men, not by little men, and the big men won out. One can visualize the tremendous opportunities that existed in those days for this country to break apart. So, honourable senators, I point out that in the light of those things, to refer to problems of Canada, and to talk about secession or breaking up this country which is now 100 years old, such talk is infinite nonsense. Our problems of today, as we all know, are infinitesimal in comparison with the problems that were faced on those other occasions that I have referred to.

Honourable senators, I have picked out only a few examples simply for the purpose of indicating that there have been times when we have had real difficulties and highly dangerous problems to face in this country. Surely today is not such a time.

Now, honourable senators, I want to make a few remarks regarding our Constitution—the British North America Act. I was pleased last evening that the Acting Leader of the Government (Hon. Jean-Paul Deschatelets) spoke briefly regarding some of the problems that I intend to talk about this afternoon.

First of all, many people say that the British North America Act is a straitjacket, that it is an outworn instrument, that it is old and should be discarded and replaced by something new. I ask the question: Is the British North America Act a problem? Is it a straitjacket? Let us examine those questions.

The first federal constitution in modern days that I know of was the Constitution of the United States. This was completed in the year 1787, exactly 80 years prior to our own Confederation. I think we all know the story of the founding fathers and how they went to France and to Great Britain and to other parts of the world, and how they sought the best advice available anywhere in drawing up a constitution for what they knew would be a great country. In my view they developed a fantastic instrument, one that has resulted in the growth and development of the greatest nation of the world. The Canadian Constitution to a large extent followed in most of its details the constitution developed by the founding fathers of the United States. It was, of course, different in principle, and it was different in time. The United States Constitution developed a republican form of government, while we on the other hand adopted the monarchial and the British system of parliamentary government. Nevertheless, despite these differences, our constitutions were similar in tenor and in effect, apart from the differences to which I have referred.

One of the great problems we talk about today is that of amending our Constitution the B.N.A. Act. But surely we are all aware that the Constitution adopted by the United States in 1787 was not final, as were the laws of the Medes and the Persians which were to stand forever without amendment. The Constitution of the United States was amended 24 times up to 1965, and if I am not mistaken there was a further amendment a few weeks ago. In other words, the Constitution of the United States has been amended 25 times during this period of 180 years. How often has the Canadian Constitution been amended? This is the document that people have described as a straitjacket. The Constitution of Canada has been amended 21 times since 1867.

The point I am trying to make, honourable senators, is that the Constitution of Canada like the Constitution of the United States is a living thing, and it has been brought up to date and modernized over the years to meet changing social and economic conditions. It is true that in the United States they developed at the very beginning a method of amendment which we all know about. It is a very simple method of amendment. A resolution is passed by the Senate and the House of Representatives; it is required to be carried by a two-thirds majority. Then this resolution requires the approval of three-quarters of the states in the United States. If the resolution achieves these majorities, the proposed amendment becomes law.

For obvious reasons no method was incorporated in the British North America Act for its amendment. I think one of the reasons is that Canada at that time was essentially a colony; it could not in those days be said to be a fully independent nation. Our shores were being protected by the British navy. In any event, the amending of the Constitution was left to the British Parliament. But over the years it became a mere formality for the Parliament of the U.K. to legislate into law any amendment whatsoever that was appropriately requested by Canada. Certainly since the enactment of the Statute of Westminster in 1931, the Government of the United Kingdom has been prepared to take any steps to repatriate our Constitution to Canada, to do with as we like. The point is that the Constitution is amendable in the United Kingdom only for the reason that we have not agreed upon a method of amendment in

Canada. Therefore, is not the main problem in regard to the Constitution today its repatriation, as we term it?

Later I shall refer to some of the suggestions that have recently been made for amending it. However, for the moment there is only one problem in relation to the Constitution as far as we Canadians are concerned, and that is its repatriation. I, and I think practically all Canadians, believe that it ought to be repatriated. Of course it should be repatriated; it should come back to Canada where it could be amended by the people of Canada. As everyone knows, it is only a question of method, and as yet we have not settled upon the method.

Consequently, for the record may I just briefly examine the history of the attempts that have been made at repatriation of the Constitution, and where the situation stands at the present time?

On January 28, 1935, during the regime of the late Prime Minister Bennett, a special committee of the House of Commons was appointed to study methods of amending the Constitution. The resolution is set forth in this publication entitled, "The Amendment of the Constitution of Canada", which is signed at the bottom by the Honourable Guy Favreau, Minister of Justice, February, 1965, and which was prepared by the Department of Justice. The 1935 resolution is the first of the resolutions referred to, but it was merely concerned with the amendment of the Constitution and made no reference to repatriation.

Then in 1935 and 1936 there was a Dominion-Provincial Conference on the Constitution called by the Honourable Ernest Lapointe, the then Minister of Justice and Attorney General of Canada, and for the first time there appeared a reference to the repatriation of the Constitution. That question is raised on page 20 of the publication to which I have just referred, and I will read a short extract from page 21:

> This Conference in the interests of the Dominion and of the provinces, is of the opinion:
>
> (a) That amendments to the British North America Act are now and subsequently may be necessary and imperative.
>
> (b) That, as in the case of all the other self-governing Dominions, Canada should have the power to amend the Canadian Constitution...

That was the first reference to the repatriation of our Constitution.

Then you will recall the amendment of 1949, under the administration of Mr. St. Laurent, with regard to which there was a significant achievement concerning the power of amendment by Canada. You will also recall that the federal Government was given all powers of amendment, excluding only five important areas. One of these referred to the powers of the provinces; another to language; another to religion; a fourth had reference to the fact that a session of the federal house must be held every year; and a fifth had reference to the fact that no Parliament may exceed in duration a term of five years. Those were and are now the only exceptions, where the federal Government has not complete power to amend our Constitution—namely, to request an act of the United Kingdom Parliament for this purpose.

Then the next step was a constitutional conference in 1950. Following that there was the conference called by the Minister of Justice of that day, Mr. Fulton, in 1960, which met once that year and again in 1961. It was at this conference that the so-called Fulton Formula was developed.

The next conference was one called by Mr. Favreau in 1964, at which there was developed what has since become known as the Fulton-Favreau formula. This formula is indeed very similar, except in slight detail, to the one developed in 1961. That is a brief historical review of the efforts directed towards the amendment and repatriation of the Constitution.

Now we are in 1967, and nothing has been done in this regard. Whose fault is it? It is certainly not the fault of the government of the United Kingdom; it is wholly and exclusively the fault of the people of Canada.

There is only one reference I would like to make to the Fulton and the Fulton-Favreau formulae. It is this. The draft acts are contained in the publication to which I have already referred. Each of the draft acts—one developed in 1961 and one in 1964—contains Part I and Part II. Part I concerns the repatriation to Canada of our Constitution. That is the part which presumes to bring the Constitution home to Canada, where it can be amended by us. Then Part II is an actual amendment of the Constitution in certain specific ways.

My point is this, that I see no reason why our next step should not be merely the enactment of Part I, to which I understand there is

very little opposition in Parliament, and by that means we would bring the Constitution back to Canada, without trying to amend it, as is the case in Part II. To my mind, Part II is simply a complicating factor which makes it so much more difficult to repatriate our Constitution. I offer that as a worth while suggestion, and I believe there would be quick agreement in regard to repatriation of the Constitution if it were handled in that way.

It is true that we would still be in a straitjacket regarding the amendment of the Constitution in respect to the items to which I referred a moment ago—the powers of the provinces which must not be disturbed, the powers contained in section 92 and section 133 in regard to language, the section in regard to religion, and so on. However, the point is that I think we have for the moment adopted the view that there must be agreement among all the provinces in regard to those matters and that, consequently, we should consider amending the Constitution ourselves after it is repatriated rather than attempt to have it amended in the United Kingdom Parliament in regard to the substantive provisions in Part II, to which I have referred.

I do suggest that the logical way of going about this, and going about it quickly, is to enact one of these draft acts, either the Fulton Formula or the Fulton-Favreau Formula, in respect only, however, to Part I.

As I said a moment ago, in all our problems greatness has always survived. Surely we in Canada can find a way of bringing our Constitution back to this country. After that is done I am convinced there is enough intelligence and common sense in Canada to find a way of amendment which will suit our needs.

I come now to just one other problem in respect of the Constitution. Some people say that the so-called disunity in Canada, or the so-called desire for secession of one or more provinces, results from a Constitutional impasse. I suggest that that is just pure nonsense. It is just not correct. Has there been a single demand recently by any responsible people for a Constitutional amendment that cannot be achieved?

Hon. Mr. Roebuck: No.

Hon. Mr. Thorvaldson: There has been not one. Has anybody, for instance, seriously suggested that section 133 of the British North America Act, dealing with language and language rights, should be amended? If such a suggestion has been made I should like to know who made it.

Hon. Mr. Flynn: Well, I do.

Hon. Mr. Thorvaldson: There is one. If anyone suggests that, then I should like to know just what amendment is proposed.

Let me ask also: Has there been any suggestion that section 93 respecting education should be amended? Has there been any such suggestion put forward by any responsible authority such as the premiers or the cabinets of any of the provinces? If there has, then I do not know of it.

Has there been any suggestion that section 132 respecting powers of making treaties should be amended? I do not know of any such suggestion.

As a matter of fact, in speaking of section 132, I defy anyone to tell me just what it means. I have read it over several times, and if ever a section of the British North America Act requires a reference to the Supreme Court of Canada I suggest it is section 132. I, for one, have always been opposed to the federal Government's assuming broad powers inside Canada just because it has certain rights to deal with foreign countries under its treaty-making power. I have a great deal of sympathy with provinces that suggest that the federal Government should not make treaties with outside countries in respect of education or cultural affairs unless requested to do so by the provinces.

After all, all provinces of Canada are sovereign powers within Canada. I do not see any serious objection at the moment, and I am not told what objection there is to provinces making treaties in regard to matters that are exclusively within their purview, such as educational and cultural matters.

Hon. Mr. Roebuck: We have been doing it for the last 50 years.

Hon. Mr. Thorvaldson: Certainly, and there have been no newspaper headlines about it until now.

I recall reading in the newspapers a few days ago that the premier of Ontario had stated that his province had for many decades been making arrangements or treaties with foreign countries covering various matters within the jurisdiction of the Province of Ontario. I have no doubt that Senator Roebuck knows much more about this problem than I do, and certainly as it affects his own province.

Consequently, what do we come down to when we endeavour to ascertain the difficulties that flow from the Constitution? What is the problem? Some people have said to me that it is a financial problem; the provinces want more money or vice versa; the provinces are not satisfied with the divisions of moneys, and so on. The fact is that there is nothing in the Constitution relating to the question of whether the federal Government should collect taxes and contribute them to the provinces, or whether the provinces can collect taxes and contribute them to the federal Government. There is nothing in the Constitution in that regard. But, the Constitution is extremely clear as to the taxing powers of this country.

Section 91 sets out the powers of the Parliament, and Class 3 is:

> The raising of Money by any Mode or System of Taxation.

Section 92, which enumerates the powers of the provincial legislatures, in class 2 provides:

> Direct Taxation within the Province in order to the Raising of a Revenue for Provincial Purposes.

Surely, no problem exists here.

The great source of revenue in this country is the taxation of corporate and personal incomes and the provinces have identically the same right to that field of taxation as has the federal Government. In fact, to my mind they have a prior right. It was only in wartime that that right was assumed by the Dominion. It was in 1917 that the federal Government assumed or began to exercise its power in respect of tax incomes.

What happened afterwards is, of course, elementary history. The federal Government simply had to finance its part in the Second World War, and the result was that it occupied practically the whole field of income taxation in Canada. It pre-empted it, and left nothing for the provinces, with the result that since 1945 we have had a series of squabbles and disagreements between the provinces and the federal power as to what part of these sources of taxation should be occupied by each. The federal Government persisted in occupying the field of income taxation to such a tremendous extent that in 1945 the policy of allowing the federal Government to collect these taxes in toto and delivering a certain percentage to the provinces was adopted.

Of course, that system has been revised to a certain extent, and the provinces are gradually getting back part of the income tax field, but the point I make is that no provincial premier or anyone else can truthfully assert that there is a clash between Canada and the provinces in respect of matters occasioned by any problem arising from the Constitution. It is a problem entirely within ourselves and has been a matter of arrangement between the federal Government and the provinces. It is such today; indeed, it is a most unsatisfactory affair.

Honourable senators, my conclusion is, first, that there is no constitutional crisis in Canada; secondly, that no part of the so-called disunity nor appeals for separation from Canada by any province can properly be laid at the door of a "horse-and-buggy" constitution. Ours is not such a constitution. It has been brought right up to date, including amendments in respect of such matters as unemployment insurance, old age pensions, and the like.

Our Constitution is an extremely modern one. It is just as up to date as that of our neighbours to the south.

Thirdly, for the obvious reasons of our pride and dignity as a hundred-year-old nation we must immediately proceed to make the home of our Constitution in Canada; then we can go on from there.

Honourable senators, I had no intention of speaking so long, and I promise to detain you for only a few more minutes. I would like to say a word or two about the Senate. As you all know, there have been criticisms of late in regard to this body. Some persons—I call them wholly irresponsible and without a sense of history or constitutional relationships—have even suggested that the Senate should be abolished. I say that that, of course, is just nonsense, and anyone who advocates this is completely uninformed as to the essentials of democracy or self-government.

What is democracy? So many people think that a democratic form of government is merely a form of government where a majority rules. That is only part of the story. Democracy also provides for the rights of minorities and for the protection of those rights. It is interesting to note that all those Canadians who advocate the abolition of the Senate, particularly the two or three members in the other house, are people who are interested in only one thing—government by the majority. Such people, especially those in the other place, make it clear that they never did

have any regard for minorities; they think of democracy as being merely government by majority.

I believe it is a fact that there are fewer real safeguards in Canada in regard to minorities than there are in the United States as set out in its Constitution. You will recall that the very first amendment to the United States Constitution was the Bill of Rights, which protects certain inalienable individual rights. And this is one of the basic duties of the Senate of Canada.

The fact is that the people to whom I have referred forget that there are only two or three countries in the world that do not have a second chamber. Why do all countries, with these two or three exceptions, have second chambers? The reason is obvious. It is because democracy must have, as the Americans say, checks and balances, a separation of powers. It consists of the idea that certain personal rights and freedoms are inalienable, such as the right to worship as you will, and other similar personal liberties.

What might happen to rights of minorities if in Canada we had merely a House of Commons? The majority could become immediately a dictatorship, and it would indeed become a dictatorship under certain conditions.

If some of these people were in power—and I am speaking of those who would like to see the Senate abolished—what would happen to the rights that the Senate was created to protect? People who criticize the Senate in that way have not read the Confederation debates. They do not know that seven full days, the longest period of time given to the consideration of any subject in the Confederation debates at Quebec, was devoted to the Senate of Canada, how it should be constituted and what its powers should be. The reason is that the Senate was deemed by the Fathers of Confederation to be of great importance. In fact, everybody knows that there could not have been any Confederation of Canada without the Senate, and without a Senate constituted roughly as it is today.

Honourable senators, I am not attempting to be exhaustive in this subject. I am simply pointing out two or three obvious facts in regard to this problem. The Senate was created, among other reasons, to protect personal rights, language rights, rights of religion and worship, as well as rights to personal ownership of property. I am not ashamed to say that it was intended to protect property rights, because there is no civilization in the world of much value which is not founded on the right of private property and property ownership.

Hon. Mr. Roebuck: Individual rights with regard to property.

Hon. Mr. Thorvaldson: That is right, individual rights with regard to property.

Hon. Mr. Roebuck: And you might add public rights, too.

Hon. Mr. Thorvaldson: Yes. As I have stated, I have no intention to be exhaustive in regard to these things. I just wanted to make this brief reference to those people whose desire it is to tear down this indispensable institution. After all is said and done, there was nothing of greater importance in the development of the Constitution of the United States than the safeguarding of the rights to which I have referred, and by providing a proper division of power in the government of that country.

There are many other reasons why the Senate should be maintained. I merely wish to add that we, of course, have responsibilities. I think the basic danger to the Senate is that if it ever becomes a one-party chamber, or even nearly so, it might mean the death knell of this institution. Perhaps that could be taken as a warning. I say that because the Senate must remain a debating chamber. It must of course remain a political body, for it is part of the government of this country. It is part of Parliament. Howveer, if it ever should come close to being a one-party chamber it will no longer be a debating forum and its usefulness may deteriorate to an undue extent.

Hon. Mr. Choquette: Has it not reached that stage?

Hon. Mr. Thorvaldson: No one appreciated this more than the Right Honourable Louis St. Laurent when he was Prime Minister. I shall not go into detail, but I am sure all honourable senators know exactly to what I am referring. Mr. St. Laurent had a great sense of Parliament. He came into Parliament late, but learned very quickly what it was about, its rights, privileges and responsibilities, and the part played by this chamber in the democratic process of Canada.

Honourable senators, this body must never represent one party. For instance, in two provinces, British Columbia and Alberta, there are certain governments in power, but

no member of the political parties now in power in those provinces has ever been appointed to the Senate of Canada. Would it not be good common sense if some prime minister were to break with tradition and, perhaps on the advice of the premiers of those provinces, nominate representatives from those parties to sit in this chamber? This is an opportunity for the Prime Minister of Canada to show real greatness regarding the institution of Parliament, and particularly in regard to the Senate.

Honourable senators, the various committees of this house have done tremendous work over the years. There was a committee to revise the Income Tax Act, some 20 years ago, in 1947 or 1948, which did an excellent job. There was a committee which revised the Criminal Code and on which some senators worked day and night for weeks and months. There was a committee on Land Use which was tremendously useful and important. There were many other committees whose work was of great value to Canada.

A few days ago the Leader of the Opposition in the House of Commons, the Right Honourable John Diefenbaker, suggested the establishment of a royal commission to investigate the growth of crime in Canada. As you know, royal commissions cost millions of dollars from the moment they are appointed. No royal commission could possibly equal the personnel available in this house to study such an important problem, and I suggest that consideration be given to turning this problem over to a committee of the Senate to study and report on. This would result in considerable financial saving and would provide a better report than could be made by people unversed in the science of politics and statecraft.

Another problem of importance is whether our water resources should be kept to ourselves or should be considered an international commodity. This is a continental problem of high importance. Should we give our water free to the Americans to our south? Should we find some method of dispersing to other parts of this continent, with or without financial consideration, the waters which Canada has in such abundance? This is a subject which a committee of the Senate could study and report on as effectively or more so than any royal commission.

Honourable senators, I make these suggestions in a casual way, in the hope they may be listened to elsewhere.

Reverting to our centennial year, let us be grateful for the wonderful job of nation building which has been done by our predecessors, our forefathers, and which has been ably assisted by our contemporaries and ourselves. If we continue to develop our resources and talent to the best advantage, the century ahead will undeniably see Canada become one of the greatest nations on this earth. It will do so, joined in one great nation. Separately, we would become mere fragments in a world of giants, both unsung and unrevered.

Hon. F. W. Gershaw: Honourable senators, I wish to congratulate the mover and seconder of the motion for an address in reply to the Speech from the Throne. They were both very eloquent.

Honourable senators the people of Alberta are extremely happy that one of their native sons has become Governor General of this country. We congratulate His Excellency the Honourable Roland Michener, and wish him every success in his high calling.

Honourable senators, the measures set out in the Speech from the Throne are intended to improve the conditions in the homes of our people. Extensive social welfare measures are in operation now, fighting a war against poverty, and they have brought happiness and comfort to many homes. Senior citizens, grandparents, do not have to sit by the kitchen stove now, wholly dependent on their children.

All governments are spending vast sums of money. If the day comes, as I fear it will, when the taxpayers cannot meet those demands, I hope that the last payments to be reduced will be the welfare payments, for they are bringing happiness to so many people who previously knew misery and poverty.

Some social benefits are complicated and difficult to administer. The family allowances, youth allowances and old age security payments are easily administered, for once a claim is approved the recipient gets a cheque every month. There are, however, some difficulties in making deductions for unemployment insurance, workmen's compensation, and hospital or medical services. As has been said here, we have a headache every year in connection with income tax. The worst problem is working out the new pension scheme. An employee on a salary of $600 or more has to set aside 1.8 per cent of his earnings and send it to the Government. An

employer has to set out 1.8 of the amount he pays to every employee. A self-employed person, earning more than $800, has to take 3.6 per cent of his earnings and send it to the Government.

The trouble is that many of these people have not got the time or the skill to deal with these problems with the result that they neglect them and do nothing. They get into trouble when they really have no intention of defrauding anybody. Large institutions, of course, can make payroll deductions. It is expensive for them, but they can do it all right. It is the small operators and farmers who have trouble doing this, and I just want to appeal to the officers of these various departments to be as easy as they can and to make the forms as simple as possible. Perhaps pension payments could be made with income tax, or something like that, and then there would be less trouble generally.

Honourable senators, this being centennial year, I am going to spend a few minutes looking into the past. In 1867 the population of Canada, although it has been given in various figures, was probably 3,000,000. Today we have 20,250,000. But a century ago 80 per cent of the people lived in rural areas and only 20 per cent in urban areas. For some years now people have been moving off the farms and into the cities. The situation has been reversed, and now 80 per cent of our people live in the cities and only 20 per cent in the country. The gross national product was less than half a million dollars then; now it is probably $61 billion. The capital debt was around $70 million then, and now it is probably $21.5 billion. It is quoted as that in some places, at any rate. At that time the Government spent about $14 million a year. Now we spend some $11 billion annually.

In those days there were no automobiles, no long hard-surfaced roadways, no diesel engines, no airplanes, and practically nothing in the way of telephones.

There was turmoil, though, then as now. The two Canadas had been united by the Union Act of 1841, but there was still constant friction. During the two years before Confederation there were five changes of government. Opposition parties would be voted into power when they did not have the equipment to carry on the government. Thus the idea came about that if there was union of all British possessions it would not only have intrinsic value but would settle the domestic differences which existed at that time.

Life was very hard in those days. They were hard times. There was loneliness and poverty. People lived in log cabins. Money was scarce and there were not the facilities that we have nowadays. People were worried about the future. What kind of life were their children going to have? Thinking people realized that more people were needed and that various industries should be established to provide employment, thus producing a more balanced economy.

Then, of course, they thought there should be more production, more land ploughed up, and better use made of the forests. The feeling began to grow gradually that, for the general welfare and in order to be more loyal to Her Gracious Majesty the Queen, there should be union. The idea of the union of the British North America possessions began generally to be accepted.

D'Arcy McGee said that the people of the British North America provinces wanted to be joined together so that if danger came they could support each other in the day of trial. He said that if they remained as fragments, they were lost. He said, "Let us unite and we will stand as the rock which throws back the waves which are dashed against it without injury to itself."

And so this feeling became general and conferences started to be held. The first one was in Charlottetown. The room where that conference was held is now a Canadian shrine. In Quebec in 1864 there was another conference held. The very first resolution which was passed there was that the best interest of the present and the future of British North America would be promoted by federal union under the Crown of Great Britain, provided that union could be effected on principles just and fair to the several provinces.

Then delegates went to London, of course, and the British Parliament passed the B.N.A. Act which was proclaimed on July 1, 1867. Of course, that was a package which had to be either accepted or rejected in its entirety. There were some doubts about it. There was some opposition to it. Debate started on February 4 and continued right through until March 14. Long and excellent speeches were made, and they were listened to carefully and analysed. It was the issue, not personalities that was discussed. There had been turmoil, but when this issue come up, narrow partisanship was set aside and great leadership emerged, leadership strong enough to carry out this very great project. It was felt then as now that monarchy was one of the finer

things of life in this material world. It was the focus or centre to which the affections and devotion to the ruling monarch and mother country could be directed. It was felt, too, that by union Canada would become an important part of the empire. Canada would be a world power. It would be consulted in world affairs. It would have the respect of other nations of the world and would be a great nation. That was their vision. We might ask whether that dream has been realized.

I just want to say that to substitute an individual for a country, the question might be asked along these lines:

> Across the fields of long ago there often comes to me
> A little chap with face aglow, the lad I used to be.
> This little lad with face aglow looks up and smiles at me,
> And asks me if I really am the man I hoped to be.

We can place that in the context of the country and ask ourselves if this country is what those Fathers of Confederation had in mind. It was frequently said in debates that Canada was on an inclined plane, that it might easily the tipped one way or the other; that it might easily be tipped towards the American states. It was felt that, if a nationality was not established here, one by one the provinces would be absorbed by other countries, particularly by the United States. But the Fathers of Confederation wanted to have a new nation here so that the children who were growing up then could have a noble future.

George Brown ended one of his speeches with something like this:

> It may well be that some among us may live to see the day when as the result of this measure a great and powerful people will inhabit this land, and the boundless forests will have given way to smiling fields and thriving cities, and that one government will control the land from sea to sea.

Thank you, honourable senators.

Hon. Josie D. Quart: Honourable senators, my opening remarks are for our Speaker, to wish him continued health to preside over the deliberations of this chamber in his customary dignified and genial manner. I should also include our past Speaker, who is always willing to oblige.

With the other senators who have preceded me in the debate, I wish to voice my pleasure on the appointment as Governor General of His Excellency the Right Honourable Roland Michener, and to congratulate him upon the manner in which he read the Speech from the Throne. His perfect bilingualism is most commendable. I am sure many senators know that for many years he and his charming wife, Nora, followed summer courses in French at Laval University in Quebec City. His mastery of the French language served him well when he was Speaker of the House of Commons, and will be a valuable asset for his duties in connection with the visits of so many heads of state and other dignitaries who will be visiting Ottawa during centennial year.

[*Translation*]

To the Honourable Jean-Paul Deschatelets, Acting Leader, I wish all possible success in the performance of his duties in the absence of the Leader of the Government in the Senate, Honourable John Connolly. I ask him to tell Senator Connolly not to work too hard and wish him a happy return among us.

[*English*]

You know it is said that all work and no play would make John a very dull boy.

We were told the other day by Senator Brooks that humility is one of the characteristics of citizens of Royal, N.B., so I shall not embarrass him by flowery compliments, but merely extend best wishes to him and to our Deputy Leader, Senator Choquette, to continue in their usual capable and friendly manner to lead our little P.C. band in the Senate.

In order to avoid repetition, I shall curtail my complimentary remarks about the mover and seconder of the address in reply to the Speech from the Throne.

[*Translation*]

Senator Desruisseaux fulfilled his duties very well—

[*English*]

—as did Senator Nichol. Both gentlemen did themselves and their party great credit.

To our genial Mr. MacNeill, congratulations are in order for the recent honour of Doctor of Civil Law bestowed upon him by his Alma Mater—Bravo! I hope he will be able to wear his hat after all the compliments he received in the Senate.

However, it is with sadness that I join with those senators who have so feelingly paid tribute to our deceased colleagues, Senator John Hnatyshyn and Senator Vincent Dupuis.

I wish to extend my heartfelt sympathy to their families.

With your permission, honourable senators, I wish to place on record a centennial project, although not as spectacular as Expo '67—Expo '67 is, of course, fabulous. I have been reading in the morning papers that the attendance at Expo has now exceeded 4,540,000. In the beginning I can remember the target was 35 million. Jean Drapeau, Mayor of Montreal, is right once more—he said 60 million, and I am sure we are going to reach that target. The centennial project to which I refer is the Canadian Interfaith Conference, which has achieved remarkable success, for no country to date has ever attempted such an ambitious project.

It was the Centennial Commission under the chairmanship of Mr. John Fisher which took the first and major step in bringing the Canadian Interfaith Conference into being in July 1965. Since that first meeting almost two years ago, there has been created a membership body composed of 73 individuals, of whom 64 were officially designated by the heads of the 34 faiths and nine were chosen by the board of directors. This board of directors is composed of 19 individuals, of whom 10 were appointed. There are Interfaith committees in the 10 provinces and the Northwest Territories. This morning when I phoned the Canadian Interfaith Conference I learned that we will probably have our 35th faith in a very short time. The Hindus, I believe, want to join with us.

Here may I state that the Canadian Interfaith Conference is in no way financed, affiliated or sponsored by the eight faiths responsible for the Christian Pavilion at Expo. The eight churches representing 95 per cent of Canada's Christians are—and I name them in alphabetical order—the Anglican, Baptist, Greek Orthodox, Presbyterian, Roman Catholic and United Church of Canada. This Christian Pavilion was erected at a cost of $1,300,000, and is the most controversial and challenging of all Expo pavilions. This is how the Commissioner-General of the Christian Pavilion, Monsieur Horace Boivin, sums it up, and I quote:

> This pavilion is no slot machine pouring forth horoscopes intended to give instant solutions to our problems. It is designed to make people think, and there is no attempt to create the impression that "God's in his Heaven and all's right with the world." It may be—in fact it is meant to be—a disturbing experience, but the message intended is the essential Christian one that God is our only hope.

Visitors to the pavilion have varied reactions; some feel depressed while others feel uplifted. The directors of the pavilion claim in answer to their critics that in a world seemingly without hope the Christian Pavilion will present Christ as the hope of the world in a world without love. The pavilion depicts gladness and contentment, sadness and suffering and problems large and small. Christ is shown at the heart of the world giving mankind the power to love.

Now, to return to the Canadian Interfaith Conference. In the many preliminary organizational meetings it was decided that it should not be our aim to plan national programs, but to provide plans and materials to assist churches on a local level, by implementing the need for an interfaith quality in our planning acceptable to Christians and non-Christians alike, yet adequately spiritual in quality. We therefore decided upon a number of projects each under the chairmanship of a member of the board of directors. Our second national conference was held in Ottawa on April 26, 1966, and was a huge success. The attendance was beyond all expectations. Many observers came from the United States, and a Buddist bishop came all the way from Hawaii.

The Centennial Prayer and Declaration, which you have on your desks, and which was read by our late Governor General Vanier over TV and radio at midnight January 1, 1967, was composed by an Anglican, a Catholic priest, a Jewish rabbi, a Presbyterian minister, and a United Church minister under the chairmanship of Reverend Father John Keating, C.S.P. The special ceremony and presentation of this Centennial Prayer and Declaration to Governor General Vanier was made just two and a half weeks before his death, and his most recent photographs were those taken at our official presentation, which adds an additional poignant and historic note to our declaration.

Then came the Centennial Anthem. Within our original limited administrative budget, we yet dared to commission Dr. Healey Willan and Monsieur Robert Choquette to join forces in preparing a Centennial Anthem. Monsieur Choquette invited Mr. John Glassco to translate his French words. This anthem is adult in concept and majestic in scope. It is especially valuable for choirs and choral groups and it was sung at Parliament Hill celebrations on New Year's Eve by the 217-voice choir of the

national capital area under the leadership of Mr. V. Goldschmidt.

A hymn for congregational singing was our next project, and from among the hymns submitted the one chosen by the committee was that of the Reverend Kenneth Moyer of the United Church, for which we accepted the generous offer of original music composed by Mr. Rex LeLacheur of Ottawa. Both words and music were donated as a gift to our Interfaith Conference. This hymn lends itself beautifully to congregational singing. Both anthem and hymn will be featured on July 1 for the ceremony on Parliament Hill.

The Anthology of Prayer, prepared under the chairmanship of Reverend Dr. Frank Morgan, grew out of a basic consideration. Interfaith work naturally leads to the idea of interfaith services when all might pray together in the same house of worship. Yet the emotional satisfactions that come with group worship are dissipated when the elimination of possibly unacceptable terminology and/or concepts have to be considered. We therefore sought to create a source book, an anthology, which would include prayers with universally accepted concepts and so articulated as to be accepted by all, from which prayers could be chosen for inclusion in the service of any faith. It could even serve as a source for putting together an interfaith service. Yet the anthology also has a section with prayers specific to each faith, as well as another section with some interfaith and some Christian prayers.

The French sections were chosen and edited by Father Jean Brunelle, chairman of the National Capital Area Subcommittee on Interfaith, and the Reverend Maurice Nerny. The letters of praise which have come to us from so many of those who have received this anthology make us realize that we created something which had been long needed.

Frequently, we each ask ourselves the simple question: What do I know about your faith? There followed the natural question: What single book would you recommend to me to learn about your faith? The answer came through a committee under the chairmanship of Reverend Dr. E. G. B. Foote. Every faith was asked for an official designation of two books and another designation of five books. These lists have been sent to almost 3,000 libraries in Canada.

"Open House," as the term implies, is the technique of inviting to one's house of worship the members of another faith or faiths, in order to explain one's philosophy, one's ritual, one's ceremonial objects, and so on. It is another technique in learning about others. Within this program there are three or four methods. The chairman, Reverend Stuart Ivison, drew his material from the original suggestions by Father Keating, who has continued to be helpful in this respect.

Then "Meet the Canadians at Home" was another idea that developed under the chairmanship of Reverend Dr. Earl J. Treusch, and has behind it the concept of removing the loneliness of a visitor to a strange city, and at the same time bringing together, in a home setting, people of different backgrounds, including different faiths. As we began to study this program, we found that the Canadian Tourist Association was similarly considering it. We were glad to encourage them to proceed—they are much better equipped to do so—and to call on us for help in each local area.

We saw the possibility that in each local area, community demonstrations held to celebrate the Centenary might ignore the religious dimension. We therefore sought a method of preparing ideas for such community demonstrations. Dr. Keith Woolard is in charge of this project.

What the Canadian Interfaith Conference has accomplished would have been impossible without the dedication, devotion and unlimited energy of the Chairman, Rabbi Lavy Becker of Montreal, who represents the Canadian Jewish Congress. I also feel obliged to give an honourable mention to our Executive Secretary, Mrs. Eve Gilstorf who, with only two other ladies for staff, carries on a gigantic correspondence. I can assure you that they have not counted their hours or taken time off for coffee breaks. Our mailing list consists of some 20,000 ministers across the country, and thousands of others who write for information and suggestions. The reverend ministers of every congregation of all 34 faiths receive material, suggestions, and ultimately the sense of belonging to an all-Canadian relationship.

As requests came to us for information, endorsation and support we began to realize that we were not the only ones who recognized the value of an all-inclusive, country-wide agency which, perhaps for the first time in the history of the world, brought together, around one conference table, 34 of the religious faith groups of a country. This is not an ecumenical function. We do not ask any faith to consider changes in its own approaches and expressions. We respect each and every faith,

numerically large and small, exactly for what it is. On the basis of mutual respect we are able to find areas of co-operative function. It is a great strength. It has a potential for a long future beyond 1967.

This story of human beings of different faiths and backgrounds working together peacefully and harmoniously is indeed a modern miracle, and the privilege of working with them has been an invaluable and an enriching experience. In my appreciation of the Canadian Interfaith Conference I echo the wish of many people who believe that there is an urgent need to encourage and continue such ecumenism in its broadest sense.

In conclusion, if I may be permitted, I should like to have incorporated in today's *Hansard* a list of the 34 member faiths to date.

Hon. Senators: Agreed.

(*A list of the member faiths follows*)

Anglican Church of Canada
Baptist Federation of Canada
Buddhist Churches of Canada
Byelorussian Authocephalic Orthodox Church
Canadian Jewish Congress
Canadian Unitarian Council
Canadian Yearly meeting of the Religious Society of Friends
Christian and Missionary Alliance in Canada
Christian Science
Churches of Christ (Disciples)
Church of Jesus Christ of Latter-Day Saints
Church of the Nazarene
Evangelical United Brethren
Fellowship of Evangelical Baptist Churches in Canada
Free Methodist Churches in Canada
Greek Orthodox Church
Islamic Community
Lutheran Council in Canada
Moravian
Mennonite Central Committee of Canada
National Spiritual Assembly of the Baha'is of Canada
Pentecostal Assemblies of Canada
Presbyterian Church in Canada
Reformed Episcopal Church of Canada
Roman Catholic Church
Romanian Orthodox Episcopate of America
Salvation Army
Seventh-Day Adventist Church in Canada
Sweden Borgian
Syrian Antiochian Orthodox Church
Ukrainian Catholic Church
Ukrainian Greek-Orthodox Church of Canada
Union of Spiritual Communities of Christ (Doukhobors)
United Church of Canada.

Hon. Mary E. Kinnear: Honourable senators, in responding to the debate on the Speech from the Throne, I wish first of all to thank each honourable member for the warm welcome and all my friends across Canada for their kind messages of congratulations. I want to congratulate His Excellency the Right Honourable Roland Michener on his appointment as Governor General. Also I want to give special thanks to the Leader of the Government in the Senate, the Honourable John J. Connolly; to the Acting Leader, the Honourable Jean-Paul Deschatelets; and to the Speaker, the Honourable Sydney Smith.

To the Prime Minister, the Right Honourable Lester B. Pearson, I want to pay the highest tribute. He is among the great leaders of the world; he is a man who looks ahead to the needs of others under rapidly changing conditions; he is a man who sets an example in leadership and who has brought this nation to a state of affluence second only to that of our neighbour to the south. Possibly this statement is debatable—I believe we could easily tie with them, not as a great, powerful nation but with regard to equality in living conditions.

I too wish to congratulate the mover and seconder of the motion for an address in reply, and also the succeeding speakers, though I disagree with much that has been said.

The subject I have chosen for discussion is of tremendous importance to the well-being of all living things. The basic elements for good health and even survival are clean water and pure air. This is not a glamorous subject, but it is a tremendously important one. I feel we have gone too far in polluting our lakes, rivers and streams, and the air—and we can include the soil. The Government is taking a strong position in Bill C-290 to assist at all levels in combatting this vital problem. Of course, men and women are the highest order, and I am thinking mainly of the effect that the pollution of air, water and soil will have on human beings.

It is more than a pleasure to confine my remarks to the Niagara Peninsula, where I

have lived all my life, though I know that similar conditions apply elsewhere in this land. My home is on Lake Erie, an important lake with many caprices. I wanted to talk at some length about its caprices, but I will confine myself to only one, the very severe storm we experienced this spring, with winds recorded in Buffalo, New York—which is 20 miles away—of 82 miles per hour. This brought about an unusual condition because the water began to rise, and in three hours it had risen seven feet. I am told that the people who live along that shore line from my home stayed up most of the night and hoped we would not be swept away.

It is said that running water clears itself every seven miles. It probably does in streams, but I do not think it does in a lake. The water in Lake Erie has nowhere to go except down the Niagara River.

It has been said often, and in the other place, that Lake Erie is nothing more than a cesspool. That is a very strong statement, but it is partly true. Streams and rivers feed the lake, as do some underground springs. We live in a highly developed industrial area, with industry in both Canada and the United States allowing waste to flow into the lake. The Canadian Government has been actively engaged in testing conditions in the water and air, and in educating industry and the householder in the immediate need to control sewage and prevent it from getting into our fresh water supply.

Despite all past efforts, we must increase the pace of ridding the lakes, rivers and streams of devastating pollution. The clean-up must start in the municipalities. We need more sewage disposal plants, and we must get rid of open ditches draining directly into the lake.

Chemists, scientists, and technologists in this field should spend more time in pursuing and researching all avenues of destroying the algae and impurities without doing harm to the fish.

We have the most beautiful beaches, but all too often they are posted "Unfit for Swimming." Possibly this is the reason there are so many swimming pools in Ontario. Rotting algae and fish on the shores are a source of much discomfort for cottagers. Ships on the lakes very often are offenders, and contribute to the pollution of both air and water. The Canada Shipping Act places some control on ships in this respect, but it is continually being disobeyed. Smoke from the stacks leave long streaks of black oily substance to foul the air. When these vessels are docked and discharging cargo I have seen clouds of smoke pour over the buildings. The employees breathe this smoke-filled air, and I am certain it is detrimental to their health. Garbage and sewage are discharged into the lakes, thereby adding to the pollution of the water.

I have even seen garbage floating down the Welland Canal. The cities along that canal which depend on it for their fresh water supply have a great interest in keeping the water clean.

The exhaust of motor vehicles is a dreadful source of air pollution. While driving in heavy traffic we are advised to keep the air vents closed so that we do not breathe in the exhaust from the car ahead. That is a good precaution, but we can hardly avoid breathing air filled with fumes which contain carbon monoxide, which is very dangerous indeed.

Tourism is becoming one of the greatest industries in the world today. Short hours, wealth, and automation make the world a very small place. Everyone is travelling, we want visitors to come to this lovely country, and so we must pursue more vigorously the crusade to have clean waterways and pure air.

The story about the air we breathe can be repeated. There are so many chimneys belching forth fumes and dust that the land and the people are adversely affected. A statement attributed to the Canadian Press appeared in the Ottawa *Journal* of May 9 last, which honourable senators may not have noticed. It reads as follows:

> Air Pollution Kills Cattle, Firm Pays.
>
> Health Minister Matthew Dymond told the legislature Monday that a Port Maitland fertilizer firm paid $95,729.00 last year to farmers as compensation for cattle which had to be destroyed because of air pollution from its plant. Dr. Dymond said 207 cattle were destroyed during 1965 after suffering fluorosis, a disease resulting from an excess of fluoride in bones.

Port Maitland is 20 miles west of my home, and it frightens me to think that it is possible we could be drinking milk or eating meat from this area.

I should like to refer to another statement that appeared in the Welland *Evening Tribune* on May 12 of this year:

> Air Pollution Causes Garments to Wear Out.

> Air pollution is one of the major causes of garments wearing out more quickly than ever before.

This statement was made recently by D. Hartley Currie, managing director of the Canadian Textile Testing Laboratories in Toronto. Because of air pollution the atmosphere contains many minute particles of grit and soil. These particles are hard and sharp-edged. Consequently, the friction caused by rubbing of these particles on the fibre strands of a garment results in excessive wear.

In 100 years we have come a long way. We have come from the horse-and-buggy days to the day of the space ship, from simple mathematics in which 1 plus 1 equals 2 to the computer and the atomic age, from country fairs to Expo '67, from salt and dried food to fast frozen fresh foods. All of this change has taken place in our lifetime.

Honourable senators, as a change of pace I should like to describe the beauty of the Niagara Peninsula. Last Sunday was Blossom Sunday. The blossoms of the pear, cherry, and peach trees are at their very best now. A drive there is like a drive into paradise, and every one at some time in his life should see the area at this time of year. We have two great lakes, Ontario and Erie, holding us together, with the Niagara River connecting them. The fruit thrives under the escarpment out to Lake Ontario. Strawberries and all small fruits are most plentiful. The Okanagan Valley in British Columbia is our rival. That is a wonderful territory also, but the people of Ontario think that there is no fruit like the Niagara grown varieties.

The magnificent parkway system from Chippawa through to Queenston and on along the Niagara River to Niagara-on-the-Lake is as beautiful as any place in the world. I might add here that the first government of Upper Canada was at Niagara-on-the-Lake. Niagara Falls has several towers from which people may view the surrounding countryside. The new Skylon Tower stands over 500 feet high, and from its top on a clear day one can see Port Colborne on Lake Erie and Toronto on Lake Ontario. Honourable senators, if any of you have not visited the Niagara Peninsula, then you have missed the garden of Canada, and I suggest hopefully that you will join the sightseers who will visit us this summer.

We have American neighbours, and several hundreds of them live in my own city during the summer. As a matter of fact, they come from Buffalo and go on down to Detroit, and live with us along the Canadian shore. I find it difficult to tell a Canadian from an American. I have an American on my right and at my back, and a Canadian on my left, and the lake in front, and so it is two to one for the Americans in my town.

From my window I can see the ships entering and leaving the southern end of the Welland Canal. Sightseeing is becoming very popular. Everyone likes to see the ships going through the canal, and they enjoy particularly watching them go through the locks from Thorold to Port Weller.

We are a community of cities and towns, all within 25 miles of each other. All honourable senators know them, I am sure, but to refresh your memory I will say that they are St. Catharines, Niagara-on-the-Lake, Niagara Falls, Fort Erie, Welland, Port Colborne and Dunnville.

Today we live in an ecumenical atomosphere. We can learn about the canons of the churches of our neighbours, and become more tolerant of the other point of view.

Honourable senators, perhaps I have strayed somewhat from my subject, but I shall close with this fact, that each one of us makes or mars our home, community, and country. We must see to it that Canada achieves her full potential, and plays an ever more important role in the world today.

On motion of Hon. Mr. Fournier (Madawaska-Restigouche), for Hon. Mr. McCutcheon, debate adjourned.

VISITING FORCES BILL

SECOND READING

Hon. Leopold Langlois moved second reading of Bill S-3, respecting the Armed Forces of Countries Visiting Canada.

He said: Honourable senators, this bill reintroduces Bill S-50 which was passed by this chamber during the last session but died a natural death on the order paper of the House of Commons at prorogation.

As you will recall, Bill S-50 was debated here on November 9th and 10th last and was considered by the Standing Committee on Banking and Commerce on the 17th and 30th of the same month, being given third reading on the latter date.

I assume that all honourable senators are agreed that there is no need for me to repeat all that was said when this piece of legislation was first introduced and debated in this chamber. Consequently, I shall limit myself to restating briefly the purpose of this bill.

The bill repeals the Visiting Forces (North Atlantic Treaty) Act, the Visiting Forces (British Commonwealth) Act, and the Visiting Forces (United States of America) Act, and replaces them by one act which will prescribe the rights, privileges and duties of the armed forces of any other nation whilst stationed in Canada.

As I stated in introducing Bill S-50, the proposed act will provide a more effective vehicle for regulating the activities of foreign forces visiting our country.

Hon. George S. White: Honourable senators, we are indebted to the honourable Senator Langlois, who has just spoken, and I am sure that we all recall the fine impression he made when he introduced the original bill on the occasion of delivering his maiden speech in this chamber.

I spoke on second reading of that bill, which was later referred to the Banking and Commerce Committee, before which the officials of the department appeared. I think everyone was satisfied with the consideration the bill received. So far as we on this side of the house are concerned, there is no objection to the bill now before us receiving second and third readings.

Motion agreed to and bill read second time.

THIRD READING

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Langlois: 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.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Wednesday, May 17, 1967

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

Prayers.

DISTINGUISHED VISITORS IN GALLERY

AMERICAN OTOLOGICAL SOCIETY

Hon. Joseph A. Sullivan: Honourable senators, I rise on a question of privilege for which I wish to thank the Acting Leader of the Government in the Senate (Hon. Mr. Deschatelets) and His Honour the Speaker.

Honourable senators will recall that about three or four years ago I had the signal honour of being elected President of the American Otological Society. The society has been meeting here in Canada today to pay its respects to Canada in our centennial year, in a scientific session at the Seigniory Club at Montebello. In the Speaker's gallery this afternoon we have the very distinguished president and his Canadian wife, Dr. James A. Moore and Mrs. Moore of New York City. In addition we have the immediate past president of the same society, Dr. Harry Rosenwasser and his wife of New York City.

I am sure, Mr. Speaker, that all honourable senators join with me in extending to these distinguished visitors sincere welcome and in stating how happy we are to welcome this august society to Canada to meet with us in our Centennial year. Thank you very much.

DOCUMENTS TABLED

Hon. Jean-Paul Deschatelets tabled:

Practice Notes Nos. 3 and 4, dated March 23, 1966, concerning amendments made to the Rules of the Exchequer Court of Canada. (English and French texts).

Copies of Amending Orders Nos. 5, 6, 7 and 8 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 Orders Nos. 6, 7, 8 and 9 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).

General Order of the Judges of the Supreme Court of Canada, dated September 8, 1966, 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).

Statement of Apportionment and Adjustments of Seed Grain, Fodder for Animals and Other Relief Indebtedness for the period January 19, 1966 to May 8, 1967, 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 January 19, 1966 to May 8, 1967, pursuant to section 3 of the said Act, chapter 35, Statutes of Canada, 1932. (English and French texts). *Nil Return.*

PRIVATE BILLS

THE EXCELSIOR LIFE INSURANCE COMPANY—FIRST READING

Hon. T. D'Arcy Leonard presented Bill S-8, 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, June 6.

Motion agreed to.

THE EMPIRE LIFE INSURANCE COMPANY—FIRST READING

Hon. T. D'Arcy Leonard presented Bill S-9, respecting The Empire 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, June 6.

Motion agreed to.

DIVORCE

REPORT OF COMMITTEE

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

Your committee recommend:

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

2. That they 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 their findings to the committee.

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

Hon. Mr. Roebuck: Honourable senators, we are adjourning today until June 6. In the interval between now and that date there may be some duties for the Standing Committee on Divorce to perform. One of the recommendations in the report is that the committee have the right to sit during adjournments of the Senate and while the Senate is sitting. Both recommendations are in the language used in similar reports that have been made over the past several years.

Unless any honourable senator has any objection, I would move, with leave, that this report be adopted now. I think it would be wise for us to adopt the report now so that we may have authority to sit during the recess. If there is any objection, of course we will put it over until we reassemble, but I suggest that we discuss it now.

Reported adopted.

INQUIRIES

TRANSLATIONS—QUESTION OF PRIVILEGE

On the Notices of Inquiries:

Hon. Jean-François Pouliot: Honourable senators, I have to give notice of two inquiries, but before doing so I rise on a question of privilege.

The other day I asked a few questions, and I learned to my amazement that there is no translator for the Senate and everything that the Senate wants translated has to be sent to the pool. On that day the pool said that they were too busy to make the translation in French for the two or three questions written in the English language. I admit that the former translator of the Senate was incompetent, but at least we had him, and it was a recognition of the rights of the Senate to have a translator. I find it pretty hard for us to have to dictate our questions in English as well as in French in order to have them appear on the Order Paper. I pay tribute to the officials of the Senate who do that work willingly without being obliged to do it. It shows their spirit of co-operation.

However, I find that the whole business of translation is an impossible job; it is painstaking and hard. The silly part of it is that translators make it worse by using words that are not French when they translate into the French language. I am incensed at seeing the word "parrainer" for sponsoring a bill. It is not French. Other words like it are used that are not French. The word "motion" is French but the word "motionnaire" is not French. I wonder whether the silly fellows scratch their heads to try to find unheard-of words for the French translation.

There has been some progresss, particularly with regard to the French versions of the English reports, but lately we received in May the French translation of the reports of sittings that took place in December last year. It was quite a long time, and in the meantime the bills had been adopted, and the French translations which we received were costing a lot of money and serving no purpose. I wonder if this is the price we have to pay for bilingualism, to have something to come to us a long time after it can serve any purpose.

I would like to ask a personal question of the Acting Leader of the Government (Hon. Mr. Deschatelets). I wonder if the pool of translators that we have in Ottawa have a special compendium of words that nobody understands. They are like putting too much salt or too much pepper on one's food.

If there is such a book or such a list of words that are unused—that is, neologisms, or words that sound crazy—I would like to have that list, to enjoy myself some evening if ever I have nothing else to do.

FURTHER INQUIRIES

Now I come to the questions I have to ask, and I will read them with great care.

No. 1

1. How many times did a Deputy to the Governor General come to the Senate chamber to give royal assent to bills during the first session of the 27th Parliament and on what dates did he come?

2. Referring to the inquiry which appeared in the Senate Debates of July 22, 1964, how many public bills, except supply bills, were assented to each time and what was the title of each such bill?

3. Were the bills referred to in Question No. 2 published separately after they had been assented to, and, if so, how long after in each case?

4. Were copies of the aforementioned bills forwarded to the members of both houses of Parliament?

If so, when, and, if not, why?

No. 2

1. Referring to the bound copies of the Senate Debates for the First Session of the 27th Parliament, when will they be made available in French and English to the members of the Senate?

2. Until then, will the Index of the Senate Debates be completed from March 6, 1967, to the date of the prorogation of the last session, and when will it be made available to the members of the Senate?

3. Were the Senate Minutes and Debates published for the morning session of May 8, 1967 and, if not, why?

I have not received a copy of the Minutes or of the Debates of the prorogation morning, May 8. If there are such copies, I would like to have them. It was, naturally, the last sitting of the first session of this Parliament.

Honourable senators, before sitting down, I would like to ask the Deputy Leader of the Government in the Senate, who has been so helpful, whether he has made any progress with regard to the doormats of the House of Commons and the poor lighting of the reading room of the Senate.

Hon. Jean-Paul Deschatelets: Honourable senators, first of all, I should thank honourable Senator Pouliot for having given me notice of his questions, both in French and English. I will go over those questions and also the other questions he asked last week, with the hope that when we come back on June 6 we will be in a position to provide the answers.

On the question of a translator in the Senate, I am aware of this problem. I do not see any reason why this situation should continue to exist. As soon as the leader comes back, we will go over these matters.

Regarding the doormats, I should tell honourable Senator Pouliot that I got in touch with the proper authorities in the other place and they told me that the idea was very good. We might expect that something will happen in this matter.

Hon. Mr. Pouliot: Thank you very much. It is good news.

DIVORCE

APPOINTMENT OF JOINT COMMITTEE

Hon. Jean-Paul Deschatelets, with leave of the Senate, moved:

That a Special Joint Committee of the Senate and the House of Commons be appointed to inquire into and report upon divorce in Canada and the social and legal problems relating thereto, and such matters as may be referred to it by either House;

That the following senators be appointed to act on behalf of the Senate on the Special Joint Committee, namely, the Honourable Senators Aseltine, Baird, Belisle, Burchill, Connolly (Halifax North), Croll, Denis, Fergusson, Flynn, Gershaw, Haig and Roebuck;

That the committee have power to engage the services of such technical, clerical and other personnel 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, and 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;

That the evidence received and taken on the subject at the last session be referred to the committee; and

That a message be sent to the House of Commons requesting that house to unite with the Senate for the above purpose, and to select, if the House of Commons deems advisable, some of its members to act on the proposed Special Joint Committee.

Hon. Mr. Brooks: May I ask one question, honourable senators? This committee has been sitting now for a long time and it has done very good work. I know everyone is anxious that they complete their work and that we get some practical results from it in the way of legislation. My question is, when may we expect that the committee will complete its work and be able to advise us or recommend legislation?

Hon. Arthur W. Roebuck: Thank you for the inquiry. It was my intention to say just a word or two along that line. We have been sitting, as the honourable senator has said, for quite a considerable time. We have had no less than 24 open meetings at which we have received a succession of very remarkable and excellent briefs and presentations. I would like to express my gratitude and that of all members for the assistance we received from very many quarters all over Canada. Apparently the subject that has been referred to us is of great public interest in all provinces of this dominion, and we have been giving it very serious consideration indeed.

Now, regarding the report, I suppose senators will readily imagine the difficulties of a report of this kind. The subject is very extensive and is extremely important, having many facets. At the present moment the report is drawn, although I do not say it is perfect by any means, or even perfected to the extent that it should be before it leaves our hands.

But we are only now being reconstituted—or will be when this resolution is passed—and at 4 o'clock this afternoon the Steering Committee will meet for the purpose of considering the report. The plan at present in my mind, and I think in the minds of some of the others on the committee, is that we will meet on June 8. You will recollect that we are returning on June 6. We will meet the general committee with a draft report ready to present to that committee, and it will not be a small report. It numbers now some 240 pages, because it contains much background and many recommendations. It will be presented on June 8, after our return. I hope that it will be ready to be passed by that committee on the following Monday; that is to say, the committee will have the weekend to study the details that are now prepared, and that we can pass it on within two or three days, depending on how many changes are made by the committee and how much typing and other work has to be done.

I am glad to say that this rather monumental piece of work is now pretty well completed, and that we will be prepared to present it to Parliament for its consideration in the very near future. Were we not adjourning for two weeks or so it would probably have been presented in the next few days, but due to this delay it will be in the early days of June.

Hon. Jean-François Pouliot: Honourable senators, I have not the least objection to the Joint Committee on Divorce that will study the changes to be made, if any, to the actual legislation concerning marriage and divorce. That is the first point I want to make.

But what should be the first recommendation of that committee? It should be to abolish the Divorce Committee of the Senate. It serves absolutely no purpose. I repeat now what I have said many times before, that I have the greatest regard for the members of the Divorce Committee who have undertaken painstaking, dull and discouraging work. But the situation is abnormal. We have judges who wear judges' robes and who are called honourable judges. They are members of the Exchequer Court of Canada; they are paid as judges and, if they die, their widows will receive the pensions that judges' widows receive. But they do not render any judgment. They make recommendations to the Divorce Committee. And we—we know nothing about it. The first time the legislation was sponsored in the House of Commons the then Minister of Justice was so ashamed of it that he hid himself behind the curtain instead of sponsoring the legislation and left it to one of his colleagues to do. Then another Minister of Justice came along afterwards and said he was proud to sponsor that kind of legislation. I do not know why he said that.

What honourable senator besides the Chairman of the Divorce Committee knows about each case that comes before the committee? The evidence is distributed among the members. Each one reads it conscientiously and makes his report, but none of them knows the evidence in the cases submitted to his colleagues. In addition, we are not all members of the Divorce Committee; we know nothing about it, and the names appear before us as if they were on a cinema screen, running too fast for one to be able to remember them. The names come; they are printed in the Senate papers, and that is all we know. Today we have the example of one case which I did not object to so as to show that I am broadminded enough to let these things pass occasionally. But, honourable senators, we really do not know anything about the case that was submitted to us today. The motion was made and it was adopted without anyone knowing anything about it.

Honourable senators, it is time for a change to be made. It is time for the Exchequer Court of Canada to take charge of the business and relieve the Senate of that kind of duty which, in any event, does not belong to the Senate any more since there are judges there to do this work. But these judges are

only stooges for the Divorce Committee of the Senate, and it results in a mixup that is unparalleled in any legislative body in Canada.

What about the Canadian Bar Association? What about the local Bar? What do they say about it? They say nothing. They simply suggest that there should be more grounds for the granting of divorce, but they do not examine the situation as it exists. I have seen the Dean of a Law Faculty coming here to Ottawa to teach his students about the Divorce Committee of the Senate, and probably after his visit they fortunately knew no more than they did before coming here. That's that!

I have the greatest respect for the Senate and I have the greatest respect for my colleague, but it is high time for that divorce committee to stop. Let the joint committee on divorce continue its research, providing there is no extravagance in the calling of witnesses, and let it supply us with some information about the changes that could be brought into the law; they will be considered with impartiality and fairness by every one of us.

Hon. Mr. Flynn: Would the honourable senator agree to appear before the Joint Committee on Divorce as a witness? Maybe the chairman would be pleased to hear him testify before that committee.

Hon. Mr. Pouliot: I waited for an invitation.

Hon. Mr. Flynn: That is what I am suggesting.

Hon. Mr. Pouliot: I have made just a few suggestions, but what I have said here I could repeat before any committee. Besides that, my record is there in the index to the Senate Debates, and what I have said there I am prepared to repeat everywhere because I know it is true and it takes a long time for the truth to prevail.

Motion agreed to.

ADJOURNMENT

Hon. Mr. Deschatelets: Honourable senators, I move, with leave of the Senate, that when the Senate adjourns today it do stand adjourned until Tuesday, June 6, 1967, at eight o'clock in the evening.

Hon. Mr. Brooks: May I ask a question of the Acting Leader of the Government? If this motion is agreed to, we will be away for approximately three weeks. I know it is very difficult to forecast what the business of the house might be on our return, nevertheless, I would like to get from the Acting Leader of the Government an opinion as to what we might expect at that time. This would help all honourable members when they return, particularly if they wish to make remarks on any bills that come from the other place.

Hon. Mr. Deschatelets: Honourable senators, I am pleased to answer this very pertinent question raised by the Leader of the Opposition. Several honourable senators have already indicated that it is their intention to speak in the debate on the motion for an address in reply to the Speech from the Throne, and they will have the opportunity to do so when the house reassembles.

We will have a number of private bills—I think, five or six—to deal with when we return on June 6. We will also have the report of the Canada-United States Interparliamentary Group, which met in Ottawa last week. Senator John Connolly, the Government Leader, will have returned by then and he may wish to continue the debate initiated last session concerning the status of the Indians of Canada in the Centennial year. Of course, there is a good possibility that a couple of government bills will be initiated in the Senate upon our return on June 6.

Hon. Mr. Brooks: Could you give us an idea of the subject matter of those bills?

Hon. Mr. Deschatelets: Unfortunately, Senator Brooks, I am not now in a position to disclose the nature of these bills, but I am given to understand that none of these bills will be debated on the evening of June 6. They might be introduced, but surely honourable senators opposite will have a reasonable amount of time in which to prepare for the discussion of these bills.

Honourable senators, we have much committee work to do. We have the Committee on Divorce; the External Relations Committee may have an excellent topic for discussion; and there is also the Immigration and Labour Committee.

Of course, there is considerable work which can be done and which would occupy us without being strictly dependent on legislation originating from the other place.

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 Hon. Mr. Desruisseaux, seconded by Hon. Mr. Nichol, for an address in reply thereto.

Hon. M. Wallace McCutcheon: Honourable senators, I am sorry that I was unable to be here during the entire course of the debate on the Speech from the Throne which has taken place to date, but those addresses which I did not hear I have read. At the outset I must say that this afternoon I will not be able to rise to heights of oratory or talk on the high plane which has characterized the speeches thus far.

I was particularly impressed by the addresses of the mover and the seconder of the reply. They demonstrated a certain artistic quality which can produce beauty out of the starkest scenes. Unfortunately, I feel compelled to adopt a somewhat different tone this afternoon.

Since our return, we have had not just one Speech from the Throne: we have had two; and I am very happy that we are not called upon to express our appreciation of that self-serving document, the first Speech from the Throne, delivered on the morning of Monday, May 8. There is one item in it, however, which I think should be commented upon at this time. Towards the end of the speech we find this sentence:

> Many other important items of legislation—

This is after we have had two pages of self-congratulation.

> —were approved in this session of Parliament which has been one of the most productive in our history.

My leader in another place is reported to have said that Parliament was not a sausage-making machine, with bills to be put in one end, the crank turned, and Acts of Parliament to come out at the other end. With that I am in complete agreement: volume of legislation is no measure of the quality or the effectiveness of Parliament.

I can remember a long recess we had that started in the summer of 1965 and, because of certain events that intervened in November of that year—which of course were completely unforeseen when we recessed—we did not return until early in 1966. During that period of some six months there was a deplorable lack of legislation passed by Parliament, and yet my recollection is that the country went along reasonably well.

This sentiment expressed in what I shall call "No. 1 Speech from the Throne" is, unfortunately, carried through, and in a rather frightening manner, in the Speech from the Throne to which this debate is now directed. A quick perusal of that speech leaves one feeling sorry for His Excellency who was required to deliver it, and supports the pronouncement of one of the columnists who referred to it as full of "high-sounding banalities"—and he was not indulging in poetic licence. There are some statements, when one reads it carefully, which deserve consideration.

Towards the end of the speech this statement appears:

> ...we who find ourselves in positions of authority must always remember that it is our responsibility and our opportunity to serve the needs and aspirations of the Canadian people.

As the *Globe and Mail* said the following morning: "The difficulty, of course, will lie in making sure that those in "positions of authority" remember the word "serve"—because they go on to refer to the next paragraph of the speech which, by the way, is addressed solely to the members of the House of Commons, in which the Government says with all due modesty:

> The legislative program that the Government proposes is large, and many of the issues it contains are complex. This has consistently been the case in recent years. It is a natural result of the growth and development of our country, the involvement of Government in many matters—

and so on.

It is implicit that the Government proposes to continue to be involved, and I shall go through some of the items to which the speech refers. But, it is obvious that the Government prides itself on becoming involved "in many matters."

Again, the *Globe and Mail* of May 9 says:

> In the early years of our history the tendency of governments was toward participation in those areas of our society where we could not individually achieve our aspirations—we went on the basis

> that the best government was the least government. The trend has been manifestly in the opposite direction since the Second World War, but perhaps it has never been stated with such emphasis before.

Those two statements capsule the Speech from the Throne, and the rest is detail. To point out that I am not drawing an unwarranted influence I reiterate that the *Globe and Mail* says: "...where we could not individually achieve our aspirations..." That is, how the Government is to operate is evidenced by this quotation from a speech made by the Minister of National Health and Welfare, in which he was referring to those areas where this Government feels it must move in and encompass everyone in the socialistic net that it has been throwing out. Mr. MacEachen said:

> ...overcoming the problems will, undoubtedly, continue to require society to impose rules of behaviour which will inhibit and restrict the realization of some individual potentialities...

I should have thought that the purpose of government—and I have heard other people of the same political stripe saying this in other contexts, so this I believe—should be to enable the individual to attain his complete potential.

Hon. Mr. Smith (Queens-Shelburne): I wonder if the honourable senator would tell me from where he obtained that quotation? I should like to read the whole speech.

Hon. Mr. McCutcheon: I do not mind at all. It is in a profile of the Honourable Allan J. MacEachen which appears in *Canada Month* for May 1967. When the honourable senator finishes reading it he will realize that I am very fair to Mr. MacEachen, because there are other extracts that I might have read.

The extent to which the present Government is—to use again the words from the Speech from the Throne—becoming involved in many matters, with the burden that that places upon the taxpayer, and the escalation in the proportion of the gross national product which the Government is taking in taxes, and the—I was going to use the word "impudence" but that is too strong—lack of shame with which the Government persists along this line, has never been better indicated than it is by this document entitled, "Twenty-One Million Dollars a Day", a copy of which I imagine all honourable senators received. This document is beautifully printed and well illustrated, and contains drawings in two colours and charts. It is a document which would surely win an award if it were the annual report of a large corporation. But, I suggest that the Canadian taxpayer is not impressed by the amount of money that was spent on the production of that document which boasts that he is being relieved of $21 million a day. The document is dated June 1966, so the taxpayer is probably being relieved of a little more at the present time.

That this question of government expenditures is concerning not a few people is evidenced by the organization, and the substantial and steadily increasing membership, of the Taxpayers' Union under the aegis of the Canadian Economic Foundation, which is a grass roots public response to excessive taxation. I am satisfied that the organizers would increase their membership immeasurably if the ordinary taxpayer had been recognized by being sent a copy of this document, accompanied, of course, by a personalized and simplified tax form, together with the advertisements that appeared in the press telling him how the department was helping him out and how it was really a joy to make out his tax return this year and pay his taxes.

When one looks over the Speech from the Throne one receives the impression that there is almost no area of human endeavour in which this Government is indicating it is not going to play a part. Where the Government lacks complete jurisdiction, it will co-operate with the provinces. Where it has no jurisdiction, it will consult or it will study; it will certainly intrude as far as possible.

Many of the suggestions have been made before. They are warmed over and brought out to the front of the stove again. Many, of course, are the subject of amusement.

This document stresses the importance of developing our culture. It indicates that we have been a pretty materialistic lot of people during the last hundred years, even though we did accomplish quite a bit. But, the author might well have added to its cultural value by improving its clarity, grammar, and punctuation. That, of course, is by the by.

Then there is this statement:

> In foreign affairs Canada has put its major effort into the pursuit of peace. Our diplomacy aims at strengthening Canada's position in the councils of nations so as to work towards that world peace and stability that is the agreed objective of all sectors of public opinion in this country.

And then it goes on to say:

> The Government is prepared to co-operate in the establishment of an international presence in Vietnam to provide the assurances and guarantees which may have to form part of any settlement.

Frankly, I do not know what they mean when they say we are aiming at strengthening our position in the councils of nations. At least I had no idea what it meant until I read in the press last Monday the speech of the President of the Privy Council dealing with external affairs, and possibly that is the sort of method the Government is using to aim at these objectives.

One could go through the whole list. We have been promised broadcasting legislation on a number of occasions previously; we have been promised legislation on immigration; we are going to engage in urban development by doing a study, knowing full well that it is completely outside the field of the federal Government, and we should know full well that the pattern of urban development and redevelopment which is appropriate in one part of this country would be quite inappropriate in another part. That of course is why we have a federation, not a unitary state. That is why we should have some respect for the constituent units in Confederation.

The Government has something to say about that, in the Speech from the Throne, from which I shall read:

> It is in this spirit—

Now, what spirit that is I leave to you to determine by reading the previous paragraph.

> —that the Government has in recent years actively promoted the reform of detailed federal-provincial arrangements which, with the fundamental law, compose the constitutional structure of our country.

I would like a constitutional lawyer to discuss that statement.

> Such reform includes improving procedures for federal-provincial consultation and co-ordination that are increasingly vital to the effective operation of modern government.

Any objective observer, I think, would say that this Government has done much to interfere with and to weaken the constitutional structure of this country. It is not an improved procedure for federal-provincial relationships to have provinces faced with ultimata. It does not improve federal-provincial relationships to have a federal-provincial conference with only one province present and the other provinces advised of it. Those are merely examples.

Now we have an old corpse being disinterred for either the third or fourth time. The Speech from the Throne states:

> You will therefore be asked to consider a bill to establish a Canada Development Corporation in order to further the industrial development and trade of this country by reinforcing the supply—

How do you reinforce supply?

> —of Canadian equity capital ready to share the risks as well as the rewards of investment in Canada business.

That is all the Government says about it at that stage. So we may have some hope that some of our concern may be unnecessary. I will not comment on the proposal in detail, because there is no detail, and because the President of the Privy Council, who was originally responsible for this suggestion, had a different explanation as to the way the corporation was to be set up and as to its function on each occasion on which he referred to it over a period of several years.

I do hope, however, that the Government will not use this corporation as a means of divesting itself of Eldorado or Polymer. This is another area where the Government has failed to take action on the report of the Glassco Commission. The Glassco Commission did not say, "You should sell Eldorado, and you should sell Polymer," but it said, "You should come to a decision so that these companies can operate efficiently and effectively." The Government today is not allowing Eldorado to operate efficiently and effectively as a mining company. It is restricting drastically the area in which it can prospect. While the Glassco Commission made no specific recommendation, I think it was implicit that these companies should be sold. I mention this merely because it is one more piece of evidence showing the Government's failure to reach decisions on the report of the Glassco Commission and to implement them.

I am not one of those who suggest that government should never be engaged in private business or should never intrude actively into the private sector of profit-making enterprises. I think there are certain circumstances where it should. Those circumstances are two in number. One is where the private sector is either unable or unwilling to accomplish or to do a particular thing of importance to the

country. I would put Canadian National Railways in that area; Air Canada less certainly, but possibly. The other circumstance is in times of emergency, where it may be necessary for the Government to do what it would not ordinarily do in times of peace. Eldorado and Polymer, of course, are examples of the type of corporations which arose out of an emergency. But the emergency is at an end, and there is no reasonable justification for the Government's continuing in those fields. I say it will be a gross deception of the public if those companies are sold to the Canada Development Corporation at a price which the Government fixes, and on the basis of this ownership the public is asked to make further investment in such a corporation.

Now we are going to have a Department of Consumer Affairs—and I could spend some time this afternoon, but I will not, in considering the report of the special joint committee which dealt with that subject, and which appears as an appendix to our debates of May 8 last. I raise the question: Is there any need for this proliferation of departments? It is accepted that by and large the matters on which the committee reported are in the field of jurisdiction of the provinces. No province has come forward and said, "We would like you to do this or to do that; we would be very happy if we could get agreement to delegate our powers to you." To the extent of what is within the jurisdiction of the federal Government, there is already machinery of government to deal with it, without setting up a new department. There is a department now which deals with quality of foodstuffs, with labelling, with weights and measures, and all these matters which are referred to at one point or another in the committee's report. Surely we do not wish to repeat what was done with the Department of Industry, when a section of the Department of Trade and Commerce was carved out, and a giant was produced and is still growing.

Honourable senators, I am sorry I was not at the first meeting of the Finance Committee this morning—I hope to attend other meetings —but I intend to take a little time to go over some figures which I think should be considered very seriously by that committee. I am referring to that section of the Estimates dealing with Public Service Employment, the appendix commencing at page 595.

I find that on October 1, 1965 there were employed, in all Government departments and Crown corporations—other than what I call the commercial corporations, such as Air Canada, the C.N.R., Eldorado and Polymer—225,000 people. A year later there were 10,000 more people employed. The figures for three or four years are set out in the most recent report of the Auditor General of Canada.

What I think is significant is the comparison of the number of employees with the establishment. The establishment is stated in man years, which means that if two people work six months each that is regarded as one man year. Therefore, the figures are not completely comparable.

The establishment in 1965-66 was 242,000 —I am rounding the figures. You will recall that there were 225,000 employed. On October 1, 1966, the number employed had grown to 235,000, still well below the establishment of 242,000. But the establishment was increased to 254,000.

Now, for the year 1967-68, the establishment is increased to 269,894. Nobody seems to question this and there is no attempt, that I have ever seen, to justify it. This proliferation of departments, and the setting of establishments at high level, contributes heavily to the cost of government. I suspect that, outside of the interest, the amount required to service the public debt, the largest single item in Government expenditure is found in general administration, particularly in salaries.

Parkinson's law inevitably works. Sooner or later the strength will creep up to the establishment. I do not know whether that is why we increase the establishment each year. We increased it for this coming year by 5,000 more than the number of people we added last year. As I said, at that time, we were still well under the establishment of 1965-66.

I referred to the Department of Industry and said I hoped that in setting up a Department of Consumer Affairs we would not cut something out of the Department of Health and Welfare and something out of the Department of Trade and Commerce and start another burgeoning department, as we did when we took a section of the Department of Trade and Commerce and made it into the Department of Industry.

The Department of Industry now has an establishment of 783 man years. It is true that at last October 1 it had only 495 people, but it has obviously got wide scope for growth. Growth is a good thing in a national

economy but it is a very poor thing in government. I will come back to that in a moment.

One would have said that the same thing would not be true of the Department of Trade and Commerce. The fact is that the establishment in that department has gone up in two years from 4,200 to 5,400. That is a very substantial percentage increase.

I am sorry, I must apologize. I was quoting the Department of Defence Production, which of course is allied with the Department of Industry, so what I said was valid.

I now turn for a moment to the Department of Trade and Commerce. It has not burgeoned quite so rapidly. Its establishment has gone up from 2,173 to 2,845 in a period of two years and only 147 of that is accounted for by Expo. Therefore, having lost an assistant deputy minister and the staff under him, moved over to the Department of Industry, we still have this escalation.

I do not know how this sort of thing can be controlled in any nice pleasant way but I think it does have to be controlled. Parkinson's law will apply and the strength will move up to meet the establishment, without any question at all. It does not do so only in government: it does so in business.

I made some statements the other day; and as there seems to have been some question as to what I said, I wish to repeat them at this time.

I said the objectives must be to prevent the escalation of rates of taxation and to reduce them where possible. I have not said "reduce taxes"; I referred to "rates of taxes" and the escalation of rates of taxes, because I do not want to be put in the position of being told that I said that taxes could be reduced. Absolute reduction of taxes is probably impossible in a growing country.

To the extent that the cost of government administration contributes to our tax bill, the only answer, so far as proliferation of staff is concerned, is an immediate freeze on the establishment at the number of bodies now employed; no replacements and no additions should be allowed without the express permission of the Treasury Board. No doubt there are departments that need to be beefed up, both in terms of quality and quantity; but there are many others where attrition should be permitted to reduce the number of employees to a reasonable size.

That can be done. That is done in many businesses, when things start to get out of hand. It was done by the former Government in 1962 under circumstances existing then; and the quality or the quantity of the work produced by the public service for the people of Canada was not noticed to deteriorate.

Now, I said that certain departments should probably be "beefed up" in terms of both quality and quantity, and looking at the figures for the Dominion Bureau of Statistics I find that that establishment is actually being decreased for 1967-68 as against 1966-67. The department is roughly 25 per cent under establishment. That is a department where we suffer, in my opinion, from lack of personnel both in quality and in quantity. We have good people there, but we have not enough good people or simply enough people to provide industry or even to provide the Government with the information which it should have in order to plan and project properly and efficiently.

Now, I referred to this proliferation of departments. I said I thought we ought to take into consideration the fact that the number of qualified people available to government in a given field is limited. That is just as true in business as it is in government. And I seriously question whether the overall policy objectives, however admirable—I am being kind there—are not frustrated rather than advanced by spreading such personnel out among a number of different departments. A good example is the Department of Industry. Establishing this department with its own hierarchy, its own empire and its own very considerable budget has certainly not improved the efficiency of the overall operation, and there is no evidence that its objectives could not be better obtained by the particular section, possibly somewhat strengthened, of the Department of Trade and Commerce which used to have this responsibility.

I could go on for some time, but I have taken more time than I intended, honourable senators. I am frightened, though, by the implications of this Speech from the Throne. I am frightened by a government which feels that it is obtaining some advantage or showing itself in the best light by parading what was put before us in the Speech from the Throne before the prorogation of the session on the morning of Monday, May 8.

We hear a great deal about business. To some people the words "big business" imply something sinister, something about which we should be concerned and which we should take extraordinary methods to control. Some of that philosophy can be read into the report of the Joint Committee on Consumer Prices.

But I suggest to you, honourable senators, that far more dangerous than big business is big government. I do not think it is the purpose of government to introduce programs which will make it difficult, to paraphrase Mr. MacEachen's words, or impossible for some individuals to achieve their full potential.

I think it is time we did a little fundamental thinking and realized that the important element in our society is the individual, and that the fewer restrictions, fewer restraints that are imposed upon him, the fewer rules that are laid down for him and the more responsibility that is given him, the more ability he will have to make his own decisions. Whether they are the right or the wrong decisions, and whether you or I agree with them is immaterial.

In other words, the sooner we have smaller government, comparatively, and not bigger and bigger government, the sooner the people will be able to develop their full potential. I commend that to you as being as worthy a centennial project as we can have.

Hon. Keith Laird: Honourable senators, as this is the first opportunity I have had to speak in this chamber, perhaps you will permit me to take one minute to express my sincere thanks for all the kindness that has been shown to me by other members of the Senate: in particular the Government Leader, the Acting Leader and the Leader of the Opposition; Mr. Speaker and also the staff, particularly Dr. MacNeill. Believe me it has been most helpful to have so much assistance, so much direction and so much kindness.

It would be interesting to be able to expound as capably as my friend Senator McCutcheon on the variety of fields which he has covered, but under the circumstances I propose to confine my remarks to two fields in which I hope you will find some contribution. The first the matter of broadcasting, which, as you know, is proposed in the Speech from the Throne as involving a considerable change over and above the present structure.

This exceedingly important field of communication is second only, I suggest, to the newspapers and is something that touches the lives of everyone. As the Prime Minister said the other day in a speech to the Canadian Association of Broadcasters, it is a dynamic means of reaching and influencing the hearts and minds of men. That is certainly an accurate statement of the situation, and broadcasting is a field which I am sure I do not need to urge upon the honourable members here as a particular interest for everyone in Canada—and particularly in Canada because of our peculiar situation vis-à-vis the United States.

Bearing in mind that the Speech from the Throne proposed the type of legislation which was suggested in the White Paper, you will of course remember that it is now proposed to strengthen the Board of Broadcast Governors and to give them considerably more powers, particularly in relation to the Canadian Broadcasting Corporation.

In that connection I do suggest, with respect, that it is exceedingly important for consideration in the other place and in this chamber that the legislation be so framed as to give the maximum possible freedom to the private enterprise projects in that field, and at the same time strike a balance, having in mind the good of the general public.

It is proposed in the White Paper that the number of permanent members of the Board of Broadcast Governors be increased from three to five and that there be part-time members up to seven. Perhaps in a few words I could urge upon this chamber the desirability of having part-time members on that board. At one time there was a suggestion—actually it was by the Canadian Association of Broadcasters themselves—that there should be permanent members only, and I was very glad to notice that in the White Paper this suggestion was rejected in favour of including part-time members. After all, these part-time members coming from various sections of this vast country are in a far better position, in some respects, to direct the energies of the broadcasters in the fields that will best serve the purposes of these wide and diverse communities.

Secondly, I suggest it is most important to consider the legislation which will be brought down shortly, and I understand that it will be given a great degree of priority because of the urgency of the matter. It is important when it is brought down, I suggest, to make certain that the Board of Broadcast Governors is not put in any straitjacket by a number of arbitrary rules made universally applicable to every given situation. Without taking time to read what is in the White Paper, I am glad to note that that very problem is recognized, and that there is an indication that there will be sufficient leeway for the board to take into account individual situations. Quite frankly, what worries me is that if you get a broad rule such as that which says there must be so much Canadian content in any given program, and make it

universally applicable, you are, I suggest, putting the broadcaster in a straitjacket. As a practising lawyer who has done some work in this field, I know they have real difficulties in this regard, particularly as to determining what exactly is Canadian content. For that reason I suggest that when we are considering this new legislation we should exercise every caution and insist upon the type of legislation which will give the maximum amount of service to the public through broadcasting without putting the broadcasters in a straitjacket.

Having in mind the lateness of the hour, there is only one other thing that I think you might not mind the senator from Windsor mentioning, and that is the very beneficial effect that the auto pact between Canada and the United States has had on our economy. I am not going to labour this point with a lot of statistics, and I did not come armed with a big blue book as did my friend Senator McCutcheon. I will confine this presentation to the proposition that at least one person in another Government of great importance has recognized the benefits which have emerged from the auto pact, and I shall quote from what Stanley J. Randall, the Ontario Minister of Economics and Development, said about this, as reported on Friday, April 21, in the St. Thomas *Times-Journal*. It is actually a Canadian Press dispatch, and reads:

> The 1965 Canada-U.S. automotive free trade agreement has created far more benefits than problems for Canada, the Ontario minister of economics and development said Thursday.
>
> Stanley J. Randall told the Automotive Parts Manufacturers' Association (Canada) that since implementation of the pact Canadian motor vehicle production has risen 34 per cent and 20,860 new jobs have been created.
>
> He also said price differential on comparable cars sold in the U.S. and Canada has narrowed from eight per cent to between three and five per cent and new capital investment, resulting from the pact, has been estimated at $506,000,000.

Honourable senators, I do suggest with all respect that this pact has proved most beneficial to the economy of the whole country. It happens, of course, that it is particularly beneficial to Windsor, but obviously from these few figures which I have given—since I did not wish to burden you with an exhaustive number of statistics—it is perfectly obvious that nothing that has been undertaken recently in the sphere of international trade has been more beneficial to Canada than the auto pact.

In view of the lateness of the hour, I shall just take time once again to express my appreciation of the kind consideration I have received since becoming a member of this chamber. It has been a most enjoyable experience.

Hon. Thomas J. Kickham: Honourable senators, since the Senate will be adjourning now until June 6, I would like to take the opportunity of making a few remarks at the present time.

Before beginning my remarks on the Throne Speech, I wish to express to you, honourable senators, my deep appreciation of the kind and cordial greetings extended to me in joining with you in this honourable chamber a short time ago. I am pleased to have the privilege of meeting again with former colleagues of the other place, especially the former Speaker and later Leader of the Government in this chamber. His impartiality and capable direction in those responsible positions elicited the good will and admiration of all parties. I am pleased to see him looking so well, freed from the arduous and responsible duties he performed so well. I am referring, of course, to the honourable senator from Brantford (Hon. Mr. Macdonald). I wish also to express my congratulations to the honourable Leader of the Opposition (Hon. Mr. Brooks), whom I first met in the other place, where later he held a responsible portfolio in the former Conservative Government. It is a pleasure to associate myself with a person of his kind and generous disposition. I observed in the other place that his criticisms while in opposition were never carping or caustic, but objective and constructive.

To the mover and seconder of this address, I join with other speakers who have preceded me, in saying that I thought the material and substance of their speeches was excellent and that their delivery was admirable.

Being primarily a farmer, I am interested in agricultural policies both provincial and federal, and I was pleased to note that a portion of the Throne Speech was devoted to agriculture, and I quote from His Excellency's reference to the establishment of a special task force under the Minister of Agriculture:

> It will be charged with projecting agricultural goals for the future and recommending policies to meet these

goals. A firm basis should thus be provided for the development, in full co-operation with the provinces, of a national agricultural policy.

The setting up of a task force as set forth is I feel a very necessary move to aid agriculture and to promote better agricultural conditions in an effort to give to farmers a fair share of our national income.

When I began farming about forty years ago it was easier to make a living on a mixed farm operation than it is today. Farm implements have increased about 700 per cent, but with no comparable increase in farm produce. Farmers in my province are experiencing a most distressing time to make a decent living. It is more difficult for a farmer to make ends meet than at any time since the late 1800s. At that time farm produce marketed in Boston, Halifax, Newfoundland, Bermuda, the West Indies, provided a comparatively better return than present-day prices. Twenty years ago there were 12,000 farmers in our province. Today we have 6,000 and the number is continually declining. Most farmers who can find other employment with an assured income hastily vacate their farms for the more remunerative employment. They move into industry with its fringe benefits such as sick leave and retirement pensions and, in the case of seasonal periods of unemployment, unemployment insurance benefits.

By way of contrast, a farmer must invest risk capital in crops, livestock and farm implements. He is a victim of climatic and unstable price condition. Prevailing returns are not sufficient to meet interest charges on loans. He receives no retirement pension, even if he lives to be as old as Methuselah—only the old age pension. For example, a farmer borrowed $7,000 in May, 1958. He paid off $2,250 by 1960, and when the loan was finally paid off in February, 1967, the total interest had amounted to $2,408, or about 10 per cent. I should point out that this was a loan arranged through the Farm Credit Corporation.

Interest rates are a big factor in farm borrowing. This brings to mind an article which I believe appeared in the Ottawa *Journal* not long ago, dealing with interest rate factors in the economy. It went on to say that in 1580 Sir Francis Drake stole or pirated forty thousand pounds from Spain, and that Queen Elizabeth I paid off England's foreign debts and established the East Indian Company. Today the value of each pound pirated is one hundred thousand pounds, the grand total value today being four billion dollars.

The family farm is fast disappearing. The farm women and children are not going to wear their fingernails off and get nothing for it. It is most regrettable to see our family farms disappearing, the districts being abandoned and deserted with no one left to support schools or churches. Let me mention another example. Forty years ago a young man was left a farm by his parents, free. Today, a man of the same age who was employed by the railways or some other industrial concern now enjoys a retirement pension. In many cases, such an individual returns from the U.S. comfortably financed, while his farmer friend and neighbour still toils away on his farm, very often in indifferent health.

Of the four groups of primary producers, the origin of all wealth in a country—the farmers, fishermen, miners and lumbermen—the farmers are the least organized and therefore receive the smallest share of the national income. Through their organizations, those engaged in lumbering and mining coerce society into granting them their fair share of the wealth resulting from their labours, but until such time as the farmers effectively organize themselves and use the strike weapon, they will continue to receive the smallest renuneration for their labours. To believe that other commanding groups are so charitably disposed as to hand the farmers' fair share to them, is to harbour hallucinations and to misconstrue human nature.

The honourable senator seconding the motion on this address referred to starvation in other countries while the potato growers in the Maritimes will dump millions of bushels of potatoes. I do not think there is now, or will be, a shortage of food, but there does exist a dire need for a distribution system to move food products from areas of the world where there is a surplus to areas where there is a shortage. Could our surplus potatoes not have been shipped to India? We have shipped them to Greece and England on other occasions, to meet their needs. If it is argued that there is no storage available for potatoes in India, then the potatoes could be processed into potato flour, reducing the bulk and preserving the food that otherwise would be destroyed.

All that farmers require in order to increase production is a commodity price incentive. For example, the present market price that farmers receive for their three highest grades of pork—grades "A", "B" and "C"—is approximately 25 cents per pound dressed

weight. At the same time the average price the consumer pays is one dollar per pound. Thus the farmer is receiving only 25 cents of the consumer dollar, the remaining 75 cents being absorbed in processing, packaging and distribution—which seems to be far too large a proportion.

In closing, I wish to extend my congratulations to the Honourable Robert Winters, Minister of Trade and Commerce, and his team of negotiators for their success in securing for Canada better trade conditions under GATT. The wheat growers especially will benefit greatly from the new agreements, bringing greater economic prosperity to the Prairie Provinces and Canada generally.

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

The Senate adjourned until Tuesday, June 6, at 8 p.m.

THE SENATE

Tuesday, June 6, 1967

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

Prayers.

CENTENARY OF CONFEDERATION

CONGRATULATIONS TO SENATE OF CANADA—EXTRACT FROM OFFICIAL REPORT OF HOUSE OF LORDS PRINTED AS APPENDIX

The Hon. the Speaker: Honourable senators, I have the honour to inform the Senate that I have received the following communication from the Right Honourable Gerald Austin Gardiner, Lord Chancellor of the United Kingdom:

House of Lords
S.W.1.
11th May, 1967

Dear Mr. Speaker,

I have the honour to transmit the terms of a Resolution which was moved this afternoon by the Leader of the House, the Earl of Longford, in the House of Lords, and was passed by the House *nemine dissentiente.*

Yours sincerely,
Gardiner

Senator The Hon. Sydney J. Smith,
Speaker of the Senate,
Ottawa.

The resolution referred to in the Lord Chancellor's letter reads as follows:

Die Jovis, 11 Maii 1967

It is ordered, *nemine dissentiente,* by the Lords Spiritual and Temporal in Parliament assembled, that the following Resolution be communicated to the Senate of Canada, with warm greetings:

"That this House most sincerely congratulates the Senate of Canada upon its centenary and upon the fulfilment of the farseeing hopes with which the Government of Queen Victoria introduced the British North America Bill into this House in 1867, and assures the Canadian Parliament and people of its continuing interest in their future, and in the maintenance of the close ties which have been built up over the past hundred years between this House and the Senate."

David Stephens
cler: Parliamentor

Honourable senators, may I now be permitted to table the text of the speeches made by Lords Longford, Carrington, Byers and Rowley, the Earl of Selkirk, and Viscount Monck in the debate on the aforementioned resolution as they appear in the Parliamentary Debates of the House of Lords dated May 11, 1967.

I ask, with leave, that these speeches be printed as an appendix to the *Debates of the Senate* of this day. Is it agreed?

Hon. Senators: Agreed.

For text of speeches, see Appendix, pp. 113-5.

Hon. John J. Connolly: Honourable senators—

Hon. Senators: Hear, hear.

Hon. Mr. Connolly (Ottawa West): I thank honourable senators for their warm welcome. Believe me, I am very pleased to be back in my place among you. In due time I will report on my demeanor while abroad, not upon my misdemeanors!

While I am on the subject may I say I am very grateful to our colleague, my deputy, Senator Deschatelets, for the very effective and efficient way in which he conducted the business of the Senate during my absence. Having said that, may I also thank the Leader of the Opposition (Hon. Mr. Brooks), and indeed all our colleagues for the wonderful co-operation which they gave Senator Deschatelets.

EXPRESSION OF APPRECIATION FROM SENATE OF CANADA TO HOUSE OF LORDS ON RESOLUTION

Hon. Mr. Connolly (Ottawa West) moved, seconded by the honourable Senator Brooks, with leave of the Senate:

That the Honourable the Speaker express to the House of Lords of the United Kingdom the sincere and grateful appreciation of the Senate of Canada for the resolution adopted by the House of Lords on May 11, 1967, conveying its warm greetings and congratulations on the centenary of the Senate of Canada and assuring the Parliament and people of Canada of the continuing interest of the House of Lords in their future, and the maintenance of the close ties which have been built up over the past one hundred years between the Senate of Canada and the House of Lords.

He said: Honourable senators, I am sure that the motion I have just moved, and which

the Leader of the Opposition, the honourable Senator Brooks, has been kind enough to second, will give nothing but pleasure to every honourable senator.

The motion in the House of Lords was made by the Leader of the Government in that body, the Lord Privy Seal, the Earl of Longford, supported by Lord Carrington, Leader of the Official Opposition, and by Lord Byers, Leader of the Liberal group in the House of Lords. Lord Rowley, known to so many of us as Arthur Henderson because of his long years of experience in the work of the Commonwealth Parliamentary Association, also spoke on this occasion.

These speakers were followed first by the Earl of Selkirk, whose ancestor, the fifth earl, was responsible for the coming to Canada of the Selkirk settlers. They came first to Prince Edward Island in 1803 and 1804, and to a place in Upper Canada called Baldoon, where they established very successful settlements of Scots. Later, in 1811, another group of them, came to western Canada and founded there the Red River Settlement and established the Village of Kildonan which is now part of the City of Winnipeg. The story of the Hudson's Bay Company, of the Northwest Company, of the Battle of Seven Oaks, and of many events that are so important in the history of Western Canada, are all part of the Canadian aspect of the Selkirk Saga.

It gives us pleasure to realize, too, that Viscount Monck also participated in the debate in the Lords on this occasion. His contribution was particularly appropriate because his great grandfather was Governor General in British North America when our charter legislation was enacted.

His Honour the Speaker has told me that he has received a very gracious letter from the Earl of Bessborough, whose father also served as Governor General in this country, within the memory of all of us, I am sure, and who regretted that he was not in the Lords on that occasion to speak to the motion.

Honourable senators, there is another aspect of the proceedings in the Lords which I think it appropriate to mention on this occasion. When the British North America Act was introduced to the Parliament of the United Kingdom, it was introduced first in the House of Lords, on February 19, 1867. The sponsoring speech on that occasion was made by the then Secretary of State for the Colonies, the Earl of Carnarvon, another Scot. It was not only a masterly and comprehensive summary of the bill but it contained references to the future of this country which can only be described as prescient. He and his colleagues who participated in that debate 100 years ago spoke very feelingly about the great nation that was about to be born. I shall not retrace the ground which he covered, but I would commend the reading of those speeches to all honourable senators.

There are a few sentences, however, which on this occasion I believe bear repetition. At one stage, Lord Carnarvon said this:

> Let anyone look at the map and observe how bountiful nature has lavished her gifts upon that country.

Honourable senators, how fully we appreciate that fact here today! Later in the speech, and with great magnanimity, he said this:

> We are laying the foundation of a great state—perhaps one which, at a future day, may even overshadow this country.

He spoke too of the provisions of the bill for the protection of minorities and he quoted from the 42nd Article of the Treaty of Capitulation in 1760, and, in French, as follows:

> Les François et Canadiens continueront d'être gouvernés suivant la Coutume de Paris et les lois et usages établis pour ce pays.

He spoke of the west country, and of the arrangements which would be required to be made with the Hudson's Bay Company to establish Canadian sovereignty in that region. As all honourable senators know, these arrangements were finally made in 1869 and Canada bought the territorial rights of that company.

Earl Russell, on that occasion, in supporting the motion, said he believed that

> ...there was no other instance in the history of the world of such a noble colony springing from so small a source.

In the committee of the Lords, the federal character of the new institution was debated at length.

In the House of Commons, the bill was introduced on February 28, 1867, by Mr. Adderley, who spoke in a vein similar to that followed by Lord Carnarvon.

There were some critical statements made about the proposals, but in time the bill was given third reading. The minor amendments made in the House of Commons were agreed to by the Lords on March 12, and the bill was then ready for Royal Assent on March 29 to become effective July 1, 1867.

Honourable senators, in concluding my remarks, may I say that on this occasion I think we are inspired with a sense of the historic. Tonight we feel an affinity with those statesmen who in the British Parliament 100 years ago enacted the legislation which has enabled this half-continent to develop. I say further that at this time we feel ourselves drawn closer to the colonial legislators, our own political ancestors, of all parties, who made it possible to have agreement upon the terms of the bill which resulted in the production of the British North America Act.

We are grateful, too, to the present generation of British legislators for their complimentary references to our progress, our Parliament and our people. We remind them that in so honouring us they honour the wisdom of their own ancestors as well.

May I add that we are actuated, too, on this occasion by a profound sense of gratitude to Divine Providence which has indeed watched over and promoted the welfare of our nation in this first century.

Hon. A. J. Brooks: Honourable senators, may I at the outset say that we are all pleased indeed to welcome the Leader of the Government back to this chamber. I would also say that in his absence the Deputy Leader of the Government did a splendid job and is worthy of all the praise showered upon him.

At this time I join wholeheartedly with the Leader of the Government in the sentiments he has expressed in reference to the motion which we have before us. Honourable senators, I consider it a great honour to have this opportunity of seconding his motion expressing our appreciation to the House of Lords of the United Kingdom for the resolution adopted by them conveying greetings and congratulations to the Parliament and people of Canada on our Centenary.

The Leader of the Government has already referred to the Earl of Longford, who moved the resolution. I note that the Earl in introducing his motion mentioned the fact that he had the pleasure of entertaining Senator Connolly and discussed with him the contents of the resolution. I have read the debate and his remarks on that occasion, and I know how much he enjoyed having the Leader of our Senate in London at that time and his great pleasure in having the opportunity of entertaining him.

I would like to quote a paragraph from the Earl of Longford's speech:

> The hundred years since the creation of the Confederation of Canada and of the first independent nation of the Commonwealth have seen the peaceful evolution of a young pioneer society into one of the most advanced industrial nations of today.

That is the regard in which the people of Great Britain hold their sister nation Canada. It is a great compliment and one which, I have no doubt, is very sincere indeed.

Now why should this be so, honourable senators, that we are held in such high respect not only by our sister nations in the Commonwealth but by the other nations throughout the world? First, I think it is because of the nature of our people. We are proud and happy of our ancestry. I think it is also due to the fact that we have adopted throughout the century of our Confederation a form of government which had been tried, tested and proved by the Parliament of Great Britain for 750 years. This is a system which is nearer perfection than any other developed through the centuries and is one which can be proudly traced to the common ancestry, as the leader has already stated, of British, Romans, Normans and Anglo-Saxons. These were the people who built up point by point the Constitution today which forms the foundation of the parliamentary system which we are proud and happy to enjoy.

There are many other gifts, which we have received and inherited through our adoption of the systems employed by the Mother of Parliaments. They are well known, and I mention only a few: There is the rule of law, trial by jury, the different freedoms—freedom of religion, freedom of speech, freedom of the press, *habeas corpus*, and the Bill of Rights. All these we inherited and they have made us proud indeed of the hundred years in which we have carried on our government under those principles. I do not think any other country in the world has more freedom than has our own nation, Canada.

We will receive, as we have already received, other resolutions of congratulation on our Centenary from many other countries, all offered with complete sincerity. In the community of nations Canada is popular and well-liked, and in my view, deservedly so. But of all the congratulations we receive none will be more sincere than that which we have received from the Parliament at Westminster.

It was the British Parliament which gave birth to our Confederation and helped to build and protect it when protection was necessary. It was with Great Britain and the other members of the Commonwealth that we stood side by side on two occasions during the past 100 years to defend, and did successfully defend, the freedom of the world. May I add at this time, that to me it is a sad commentary on the world changes that a nation which exhausted her resources in men and material on two occasions to save the freedom of the world should now be struggling economically to save herself, but I am satisfied that she will do it.

I repeat, honourable senators, it is a great honour and pleasure for me to have the opportunity to second the motion expressed so eloquently and in such appropriate terms by the Leader of the Government in the Senate.

Motion agreed to.

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: Mr. Speaker, Mrs. Wadds and Messrs. Allard, Dubé, Enns, Fairweather, Godin, Gordon, Honey, Klein, Macquarrie, Nesbitt, Pelletier, Prittie, Richard, Saltsman, Smith, Stewart, Wahn, Woolliams and Yanakis.

Attest.

Léon-J. Raymond,
The Clerk of the House of Commons.

Ordered, that the message do lie on the Table.

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 with respect to the Restaurant of Parliament, and that the members to serve on the said committee, on the part of this house, will be as follows: Mr. Speaker and Messrs. Bigg, Boulanger, Brand, Cantelon, Cowan, Crossman, Crouse, Émard, Grégoire, Hales, Herridge, Horner (The Battlefords), Johnston, Langlois (Chicoutimi), Leblanc (Laurier), Matheson, McNulty, Nesbitt, Noble, Peters, Rock, Tucker, Whelan, Winkler and Yanakis.

Attest

Léon-J. Raymond,
The Clerk of the House of Commons.

Ordered, that the message do lie on the Table.

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. Boulanger, Choquette, Clancy, Code, Cowan, Éthier, Grills, Harley, Irvine, Johnston, Jorgenson, Klein, Laverdière, Leblanc (Laurier), Loiselle, MacDonald (Prince), McKinley, Rapp, Richard, Rochon, Saltsman and Simard.

Attest.

Léon-J. Raymond,
The Clerk of the House of Commons.

Ordered, that the message do lie on the Table.

DIVORCE

APPOINTMENT OF JOINT COMMITTEE

The Hon. the Speaker: Honourable senators, I have the honour to inform the Senate that the following message has been received from the House of Commons:

Resolved: That this house unite with the Senate in the formation of a special joint committee to inquire into and report upon divorce in Canada and the social and legal problems relating thereto, and such matters as may be referred to it by either house;

That 24 Members of the House of Commons, to be designated by the house at a later date, be members of the special joint committee; and that the quorum be fixed at ten members provided both houses are represented and that Standing Order 67 of the House of Commons be suspended in relation thereto;

That the committee have power to engage the services of such technical, clerical and other personnel as may be necessary for the purpose of the inquiry;

That the committee have the 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, and that Standing Order 66 be suspended in relation thereto;

That the minutes of proceedings and evidence of the committee in the past session be referred to the said committee and be made a part of the records thereof; and

Ordered: That a message be sent to the Senate to inform Their Honours that this house doth unite with the Senate for the above purpose.

Attest.

Léon-J. Raymond,
The Clerk of the House of Commons.

Ordered, that the message do lie on the Table.

JOINT COMMITTEE—COMMONS MEMBERS

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons to acquaint the Senate that the following members of the House of Commons will serve on the part of that house on the Special Joint Committee on Divorce: Messrs. Aiken, Baldwin, Brewin, Cameron (High Park), Cantin, Choquette, Fairweather, Forest, Guay, Goyer, Honey, Laflamme, Langlois (Mégantic), MacEwan, Mandziuk, McCleave, McQuaid, Otto, Peters, Ryan, Stanbury, Tolmie, Wahn and Woolliams.

IMMIGRATION

APPOINTMENT OF JOINT COMMITTEE

The Hon. the Speaker: Honourable senators, I have the honour to inform the Senate that the following message has been received from the House of Commons:

Resolved: That a special joint committee of the Senate and the House of Commons be appointed to examine and report upon the White Paper on Immigration tabled in the House of Commons on October 14, 1966, and the reports on immigration matters made to the Government of Canada by Mr. Joseph Sedgwick, Q. C., in 1964 and 1966;

That twenty-four members of the House of Commons, to be designated at a later date, be members of the said committee; and that the quorum be fixed at twelve members provided both houses are represented and that Standing Order 67 be suspended in relation thereto;

That the said committee have power to call 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, and that Standing Order 66 be suspended in relation thereto;

That the minutes of proceedings and evidence of the committee in the past session be referred to the said committee and be made a part of the records thereof; and

Ordered: That a message be sent to the Senate requesting that house to unite with this house for the above purposes and to select if the Senate deem advisable some of their members to act on the proposed joint committee.

Attest.

Léon-J. Raymond,
The Clerk of the House of Commons.

JOINT COMMITTEE—COMMONS MEMBERS

The Hon. the Speaker: Honourable senators, a further message has been received from the House of Commons, as follows:

Ordered: That a message be sent to the Senate to acquaint Their Honours that the following members have been appointed to serve on the part of this house on the special joint committee of the Senate and House of Commons to examine and report upon the White Paper on Immigration tabled in the House of Commons on October 14, 1966, and the reports on immigration matters made to the Government of Canada by Mr. Joseph Sedgwick, Q.C., in 1964 and 1966: Messrs. Aiken, Badanai, Baldwin, Bell (Carleton), Blouin, Brewin, Chatwood, Crossman, Dinsdale, Enns, Haidasz, Klein, Laprise, Leblanc (Laurier), Macaluso, Munro, Nasserden, Orlikow, Prud'homme, Régimbal, Roxburgh, Ryan, Skoreyko

and Watson (Châteauguay-Huntingdon-Laprairie).

Attest.

Léon-J. Raymond,
The Clerk of the House of Commons.

Ordered, that the message do lie on the Table.

JOINT COMMITTEE—SENATE MEMBERS

Hon. John J. Connolly, with leave of the Senate, moved:

That the Senate do unite with the House of Commons in the appointment of a special joint committee of both houses to examine and report upon the White Paper on Immigration tabled in the House of Commons on October 14, 1966, and tabled in the Senate on October 18, 1966, and the reports on immigration matters made to the Government of Canada by Mr. Joseph Sedgwick, Q.C., in 1964 and 1966;

That the following Senators be appointed to act on behalf of the Senate on the special joint committee, namely, the Honourable Senators Baird, Blois, Cameron, Croll, Desruisseaux, Fournier (Madawaska-Restigouche), Hastings, Langlois, Macnaughton, Nichol, Pearson and Willis; and that the quorum be fixed at twelve members provided that both houses are represented;

That the committee have power to call 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;

That the minutes of proceedings and evidence of the committee in the past session be referred to the said committee and be made a part of the records;

That the committee have power to sit during sittings and adjournments of the Senate; and

That a message be sent to the House of Commons to inform that house accordingly.

Motion agreed to.

NATIONAL AND ROYAL ANTHEMS

APPOINTMENT OF JOINT COMMITTEE

The Hon. the Speaker: Honourable senators, I have the honour to inform the Senate that the following message has been received from the House of Commons:

Resolved: That a special joint committee of the Senate and House of Commons be appointed to consider and from time to time to report upon the question of lyrics of the National and Royal Anthems of Canada;

That 12 members of the House of Commons, to be designated at a later date, be members of the joint committee; and that the quorum be fixed at seven members provided both houses are represented and that Standing Order 67 of the House of Commons be suspended in relation thereto;

That the committee have power to engage the services of such technical, clerical and other personnel as may be necessary;

That the committee have the 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, and that Standing Order 66 be suspended in relation thereto;

That the minutes of proceedings and evidence of the committee in the past session be referred to the said committee and be made a part of the records thereof; and

Ordered: That a message be sent to the Senate, requesting that house to unite with this house for the above purpose, and to select, if the Senate deems it advisable, some of its members to act on the proposed joint committee.

Attest.

Léon-J. Raymond,
The Clerk of the House of Commons.

JOINT COMMITTEE—COMMONS MEMBERS

The Hon. the Speaker: Honourable senators, a further message has been received from the House of Commons, as follows:

Ordered: That a Message be sent to the Senate to acquaint Their Honours that the following members have been appointed to serve on the part of this house on the special joint committee of the Senate and House of Commons to report upon the question of lyrics of the National and Royal Anthems of Canada: Messrs. Forrestall, Gauthier, Hymmen, Johnston, Mandziuk, Martin (Timmins), McCutcheon, McWilliam, Orange, Prud'homme, Ryan and Tremblay.

Attest.

Léon-J. Raymond,
The Clerk of the House of Commons.

Ordered, that the message do lie on the Table.

JOINT COMMITTEE—SENATE MEMBERS

Hon. John J. Connolly, with leave of the Senate, moved:

That the Senate do unite with the House of Commons in the appointment of a special joint committee of both houses to consider and report upon the question of lyrics of the National and Royal Anthems of Canada;

That the following Senators be appointed to act on behalf of the Senate on the special joint committee, namely, the Honourable Senators Bourget, Davey, Gelinas, Smith (Queens-Shelburne), White and Yuzyk; and that the quorum be fixed at seven members provided that both houses are represented;

That the committee have power to engage the services of such technical, clerical and other personnel as may be necessary;

That the committee have power to send for persons, papers and records, and 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;

That the minutes of proceedings and evidence of the committee in the past session be referred to the said committee and be made a part of the records thereof;

That the committee have power to sit during sittings and adjournments of the Senate; and

That a message be sent to the House of Commons to inform that house accordingly.

Motion agreed to.

IMMIGRATION 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-118, to amend the Immigration Act.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Connolly (Ottawa West): Honourable senators, I had understood that Senator McDonald, who will have the carriage of this measure, would speak this evening because of an engagement elsewhere tomorrow. However, I am now advised that he will be available to speak on this measure tomorrow. Perhaps it would be more convenient if he were to explain the bill tomorrow, and the debate could be adjourned, if necessary.

Therefore, with leave, I move that the bill be placed on the Orders of the Day for second reading at the next sitting.

Motion agreed to.

CANADA CORPORATIONS ACT

BILL TO AMEND—FIRST READING

Hon. John J. Connolly presented Bill S-10, to amend the Canada Corporations Act.

Bill read first time.

Hon. Mr. Connolly (Ottawa West) moved, with leave, that the bill be placed on the Orders of the Day for second reading at the next sitting.

Motion agreed to.

DOCUMENTS TABLED

Hon. John J. Connolly tabled:

Report of The Seaway International Bridge Corporation, Ltd., for the year ended December 31, 1966, 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).

Statement of Expenditures and Financial Commitments made under the Veterans' Land Act, for the fiscal year ended March 31, 1966, pursuant to section 42 of the said Act, chapter 280, 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, 1967, 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, 1967, pursuant to section 17(2) of the said Act, chapter 54, Statutes of Canada, 1920 as amended 1951. (English and French texts).

Copies of Authentic Texts of Conventions and Recommendations adopted by the Fiftieth Session of the International Labour Conference, held in Geneva in June, 1966 (English and French texts), together with a copy of a letter expressing the opinion of the Minister of Justice on the legislative jurisdiction of these international instruments, as follows:—

Convention 125 concerning Fishermen's Certificates of Competency;

Convention 126 concerning Accommodation on Board Fishing Vessels;

Recommendation 126 concerning the Vocational Training of Fishermen;

Recommendation 127 concerning the Role of Co-operatives in the Economic and Social Development of Developing Countries.

Report relating to the Administration of the Farmers' Creditors Arrangement Act for the fiscal years ended March 31, 1966 and March 31, 1967, pursuant to section 41(2) of the said Act, chapter 111, R.S.C., 1952 (English and French texts).

Order in Council P.C. 1967-932, dated May 11, 1967, authorizing under Section 21A(2) of the Export Credits Insurance Act long-term financing by the Export Credits Insurance Corporation for the purchase and export from Canada of equipment and related engineering, construction, technical and similar services from RCA Victor Company Limited by Empresa Nacional de Telecomunicaciones, Bogota, Colombia, 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. 1967-933, dated May 11, 1967, authorizing under section 21A(2) of the Export Credits Insurance Act, long-term financing by the Export Credits Insurance Corporation for the purchase and export from Canada of goods and services from Aluminum Compay of Canada Limited by Indian Aluminium Company Limited, Calcutta, India, 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. 1967-934, dated May 11, 1967, amending Order in Council P.C. 1967-778, dated April 20, 1967, authorizing under section 21A of the Export Credits Insurance Act, long-term financing by the Export Credits Insurance Corporation for the purchase of certain capital equipment and engineering and procurement services from Montreal Engineering Company Limited, and Montreal Engineering (Eastern) Limited, and nuclear engineering services from Atomic Energy of Canada Limited by the President of India, 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. 1967-935, dated May 11, 1967, amending Order in Council P.C. 1967-779, dated April 20, 1967, authorizing under section 21A of the Export Credits Insurance Act, long-term financing by the Export Credits Insurance Corporation for the purchase of certain capital equipment and engineering and procurement services from Montreal Engineering Company Limited, and Montreal Engineering (Eastern) Limited and nuclear engineering services from Atomic Energy of Canada Limited by the President of India, 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. 1967-996, dated May 18, 1967, authorizing under section 21A of the Export Credits Insurance Act long-term financing by the Export Credits Insurance Corporation for the purchase and export of goods and related engineering, construction, technical and similar services by Secretaria de Hacienda y Credito Publico, Mexico, from RCA Victor Company Limited, for the installation of a microwave link system, 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. 1967-997, dated May 18, 1967, authorizing under section 21A of the Export Credits Insurance Act long-term financing by the Export Credits Insurance Corporation for the purchase and export of goods and related engineering, construction, technical and similar services from Canadian Suppliers by Agua y Energia Electrica, Argentina, for the construction of the combined Mar Del Plata, Rio Hondo and Mendoza Power projects, pursuant to section 21B of the said Act, chapter 105, R.S.C., 1952, as amended 1960-61. (English text).

Report to Parliament of the Auditors on the Accounts of the Canadian National Railway System for the year ended December 31, 1966, pursuant to section 40 of the Canadian National Railways Act,

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

Copies of Ordinances, Chapters 1 to 24 inclusive, made by passed by the Council of the Northwest Territories at its 1967 First Session held in Ottawa from March 6 to April 10, 1967, 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. 1967-891, dated May 4, 1967, approving same. (English text).

Copy of Table of Public Ordinances of the Northwest Territories—1956-67 (First Session). (English text).

Statutory Orders and Regulations published in the *Canada Gazette*, Part II, of Wednesday, May 24, 1967, pursuant to section 7 of the Regulations Act, chapter 235, R.S.C., 1952. (English and French texts).

Budget Papers, 1967-68 (English and French texts), for the information of Parliament, as follows:

Part I—Economic White Paper for 1967.

Part II—Review of Government Accounts 1966-67.

Report on the Operations of the Exchange Fund Account for the year ended December 31, 1966, 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 Operations under the Wealth Resources Fund Act for the fiscal year ended March 31, 1967, pursuant to section 13 of the said Act, chapter 42, Statutes of Canada, 1966-67. (English and French texts).

Capital Budget of the Canadian Overseas Telecommunication Corporation for the fiscal year ending March 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. 1967-1026, dated May 23, 1967, approving same. (English text).

Capital Budget of Atomic Energy of Canada Limited for the fiscal year ending March 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. 1967-955, dated May 12, 1967, approving same. (English text).

Report of the Department of Mines and Technical Surveys for the year ended December 31, 1965, pursuant to section 10 of the Department of Mines and Technical Surveys Act, chapter 73, R.S.C., 1952. (English and French texts).

Report on the Government Annuities Act for the fiscal year ended March 31, 1967, pursuant to section 16 of the said Act, chapter 132, R.S.C., 1952. (English and French texts).

Report of the Civil Service Commission of Canada for the year ended December 31, 1966, pursuant to section 76(1) of the Civil Service Act, chapter 57, Statutes of Canada, 1960-61. (English and French texts).

Actuarial Report on the State of the Royal Canadian Mounted Police Superannuation Account in the Consolidated Revenue Fund as at December 31, 1964, pursuant to section 24 of the Royal Canadian Mounted Police Superannuation Act, chapter 34, Statutes of Canada, 1959. (English and French texts).

Copy of Order in Council P.C. 1967-752, dated April 20, 1967, authorizing the manner in which Fishing Bounty may be distributed for the fiscal year ended March 31, 1967, 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).

Report of the Department of Transport for the fiscal year ended March 31, 1966, pursuant to section 34 of the Department of Transport Act, chapter 79, R.S.C., 1952. (English and French texts).

PRIVATE BILLS

PRINCIPAL LIFE INSURANCE COMPANY OF CANADA—FIRST READING

Hon. Donald Cameron presented Bill S-11, respecting Principal Life Insurance Company of Canada.

Bill read first time.

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

Motion agreed to.

WESTERN FARMERS MUTUAL INSURANCE COMPANY—FIRST READING

Hon. David Walker presented Bill S-12, to incorporate Western Farmers Mutual Insurance Company.

Bill read first time.

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

Motion agreed to.

FARMERS CENTRAL MUTUAL INSURANCE COMPANY—FIRST READING

Hon. David Walker presented Bill S-13, to incorporate Farmers Central Mutual Insurance Company.

Bill read first time.

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

Motion agreed to.

MR. JUSTICE LANDREVILLE

NOTICE OF MOTION FOR ADDRESS TO THE GOVERNOR GENERAL

Hon. Daniel Lang: Honourable senators, I give notice that on Thursday next, June 8, 1967, I will move that the following Address be presented to His Excellency the Governor General of Canada:

> We, Her Majesty's most dutiful and loyal subjects, the Senate of Canada, in Parliament assembled, beg leave humbly to represent to Your Excellency that the office of Judge of the Supreme Court of Ontario is an office of dignity and importance, on the impartial and upright execution of which the honour of the Crown, and the protection of the rights and interests of Her Majesty's subjects greatly depend;
>
> That on the 13th day of September, 1956, Mr. Justice Leo A. Landreville was appointed to the office of Judge of the Supreme Court of Ontario with effect from the 10th day of October, 1956;
>
> That by order of the House of Commons on the 21st day of November, 1966, and by resolution of the Senate on the 30th day of November, 1966, a special joint committee of the Senate and House of Commons was established to consider the expediency of presenting an address to Your Excellency praying for the removal of Mr. Justice Landreville from his office as judge of the Supreme Court of Ontario in view of the facts, considerations and conclusions contained in the report of the Honourable Ivan C. Rand concerning Mr. Justice Landreville dated the 11th day of August, 1966;
>
> That the special joint committee of the Senate and of the House of Commons in a report tabled in the Senate and House of Commons on the 17th day of March, 1967, finds that Mr. Justice Landreville has proven himself unfit for the proper exercise of his judicial functions and recommends, with great regret, the expediency of presenting an address to Your Excellency for the removal of Mr. Justice Landreville from the Supreme Court of Ontario;
>
> That it appears to the Senate and House of Commons that Mr. Justice Landreville has permanently impaired his usefulness as a Judge of the Supreme Court of Ontario and is unfit for the exercise of the functions of that office for the following reasons:
>
> 1. The stock transaction between himself and Ralph K. Farris whereby, after his appointment to the bench, he accepted delivery of 7,500 shares of Northern Ontario Natural Gas Company Limited, for which no valid consideration was given, justifiably gives rise to grave suspicion of impropriety which, having regard to the special position of a Superior Court Judge with its attendant requirement of manifest integrity, imposed an obligation upon him...

Hon. Sarto Fournier: Honourable senators, I rise on a point of order.

Hon. Mr. Lang:

> ...to remove that suspicion which he has not done; and
>
> 2. His conduct...

Hon. Mr. Fournier (De Lanaudiere): Honourable senators, I rise on a—

Hon. Mr. Lang: Mr. Speaker, may I have leave to continue with my notice of motion?

The Hon. the Speaker: Yes, I think it is in order for the honourable Senator Lang to continue.

Hon. Mr. Fournier (De Lanaudiere): I see no need for the honourable gentleman to continue. I should like to know in what capacity he is making that charge against a Canadian citizen.

Hon. Mr. Lang:

2. His conduct in testifying before the Securities Commission of Ontario in 1962...

Hon. Mr. Fournier (De Lanaudière): Honourable senators, I think it is my right to have an answer. The honourable gentleman is making a charge against a Canadian citizen and a British subject. My question is: In what capacity is he making it?

Hon. John J. Connolly: Honourable senators, I rise on a point of order. Perhaps Senator Lang will allow me to intervene at this point to say to Senator Fournier that Senator Lang is simply giving notice of motion now with respect to a matter which is not debatable at this time, and which can only become debatable on two days' notice. The debate on the content of the motion, notice of which is now being given to the Senate, cannot take place at this time. It can take place only after the efflux of two days.

Hon. Mr. Fournier (De Lanaudière): Honourable senators, it was not my intention to raise a debate. If the honourable senator is doing what the honourable Leader of the Government just said, the only thing he has to do is to put the question, not to make a plea, not to resume the debate according to the vote he gave in committee at the final stage.

Hon. Mr. Connolly (Ottawa West): Honourable senators, I am afraid that if we are getting into a debate I should simply say that it is the right of any honourable senator to put a notice of motion or a notice of inquiry on the Order Paper, and that is a right which is being exercised by the honourable Senator Lang at this time in his capacity as a senator.

Hon. Mr. Fournier (De Lanaudière): There is no doubt that he has the right—

Hon. Mr. Lang: May I be recognized, Mr. Speaker?

The Hon. the Speaker: I must support the observation of the Leader of the Government. We know that the honourable Senator Lang commenced by giving notice that he would present this resolution at a future sitting of the Senate. The debate on the resolution will take place at that time, and I would give the honourable senator permission to complete his notice of motion of the resolution.

Hon. Mr. Connolly (Ottawa West): Agreed.

Hon. Mr. Lang: Honourable senators will obviously realize that I am merely making a notice of motion in my capacity as a member of this chamber. I continue:

2. His conduct in testifying before the Securities Commission of Ontario in 1962 and in testifying in the proceedings—

Hon. Mr. Fournier (De Lanaudière): Honourable senators, there is something going on that I cannot accept.

The Hon. the Speaker: Order. I am asking for order to permit the honourable senator to finish his statement. Please let us have order.

Hon. Mr. Lang:

2. His conduct in testifying before the Securities Commission of Ontario in 1962 and in testifying in the proceedings for perjury brought against Ralph K. Farris in a manner that constituted a gross contempt of the tribunals concerned, was a serious violation of his personal duty as a Judge of the Supreme Court of Ontario.

We, therefore, humbly pray that, in accordance with the provisions of subsection (1) of Section 99 of the British North America Acts, 1867 to 1964, Your Excellency will be pleased to remove Mr. Justice Leo A. Landreville from the office which he holds of Judge of the Supreme Court of Ontario.

The Hon. the Speaker: Inquiries?

Hon. Mr. Fournier (De Lanaudière): Oh, not that fast. There is a motion there. I think we have the right—

The Hon. the Speaker: Order, please. I must repeat to the honourable senator that the honourable Senator Lang presented his notice of motion of a resolution which is to be presented at a time when any honourable senator will have the opportunity of taking part in the debate on it.

Hon. Mr. Fournier (De Lanaudière): All I want to point out to honourable senators is the fact that it was not only the presentation of a notice of motion, it was a plea in favour of the motion.

The Hon. the Speaker: I must ask the honourable senator to withhold his remarks in connection with the debate on the resolution until it is presented for debate.

SIR JOHN A. MACDONALD

TRIBUTES ON ANNIVERSARY OF HIS DEATH

On the Orders of the Day:

Hon. Harry A. Willis: Honourable senators, before the Orders of the Day are called, may

I respectfully recall to the members of this chamber that at 10 minutes after 10 o'clock on this date, June 6, 1891, Sir John A. Macdonald, the first Prime Minister of Canada, passed to the Great Beyond.

I do not know whether the Leader of the Government (Hon. Mr. Connolly, Ottawa West) or the Leader of the Opposition (Hon. Mr. Brooks) intended to speak about the occasion but I did not think that the anniversary date of his death should go unrecorded in this chamber.

Hon. Mr. Connolly (Ottawa West): Honourable senators, we are indebted to the honourable Senator Willis for bringing this significant date in the history of our country to the attention of this honourable chamber. Of all men associated with the concept of Confederation, the man who showed the courage and the vision was indeed Sir John A. Macdonald. He was not alone. He was aided and abetted by many others, Sir George Étienne Cartier, Thomas D'Arcy McGee, George Brown, Tilley, Tupper, and many others.

We have already this evening referred in somewhat glowing terms—I refer particularly to the notable speech by the Leader of the Opposition—to the architectural genius, speaking constitutionally, that these men possessed, and I think on this occasion of the anniversary of the death of the man who was the principal architect, and who indeed described himself as a cabinet maker, we should pause to pay a tribute of gratitude and of recognition to his memory.

Hon. A. J. Brooks: Honourable senators, I am sure that everyone will understand that it is not possible to make extended remarks this evening. However, I agree with my honourable friend from Peel (Hon. Mr. Willis) and the honourable Leader of the Government (Hon. Mr. Connolly) that Canada owes much to Sir John A. Macdonald, who was the Father of Confederation, and who could very well be called the father of his country. If anyone wishes to read a great tribute to a distinguished man I would recommend the tribute by Sir Wilfrid Laurier, which appears in *Hansard* on the date of Sir John A. Macdonald's death. I have never read a more eloquent nor a more deserving tribute in my life.

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE CONTINUED

The Senate resumed from Wednesday, May 17, consideration of His Excellency the Governor General's speech at the opening of the session, and the motion of Honourable Mr. Desruisseaux, seconded by Honourable Mr. Nichol, for an address in reply thereto.

Hon. Jacques Flynn: Honourable senators, this order stands in the name of the honourable Senator Willis, but if he is not ready to speak now I might as well deliver myself of my speech tonight. It may be that it would have been a better speech tomorrow, but I may have a better sleep tonight!

[*Translation*]

The length and the argumentative style of the Speech from the Throne could have made superfluous the traditional task of the mover and the seconder.

Yet, the honourable Senators Desruisseaux and Nichol succeeded in avoiding the shoal and, without repeating the Speech from the Throne, gave well-built and documented texts, worthy of the praise they received and which I endorse.

This session, the second of the 27th Parliament will remain important, whatever legislation is or is not placed in the statutes, by the simple fact that it is the session of the centennial of Confederation. For this reason, it will necessarily echo all the ceremonies marking this event.

Canadians have all deplored that the beginning of the year was saddened by the death of General Vanier who crowned a brilliant military and diplomatic career by adding new lustre to the role of Governor General.

The choice of his successor was unanimously approved. Let me here express my personal satisfaction at the appointment of the Right Honourable Roland Michener because of my close relations with him when he was Speaker of the House of Commons and I was his deputy. We already know their Excellencies will fulfill their important functions in the best Rideau Hall tradition.

Expo 67 will probably remain as the most typical expression of the centennial year. A gigantic undertaking which brings honour upon our country, it expresses a duality of languages and the multiple cultures of the Canadian people. When all groups of our population unite in the pursuit of practical objectives, the result can only be a tremendous success. I should recall that one of your

predecessors, Mr. Speaker, first mentioned the idea of the universal and international exposition in Montreal. In fact, upon his return from the Brussels Fair, the late honourable Mark Drouin suggested that Montreal be the site of such an event.

Hon. Mr. Connolly (Ottawa West): That is true.

Hon. Mr. Flynn: I reread with considerable emotion the speech that the late Senator Mark Drouin made in 1962, in introducing a bill to create the Universal Exposition Commission. What he said then was full of optimism but the reality has gone much beyond it.

We are all very happy, I know, that his memory was recalled by naming after him a pier on Expo site.

So far, the debate has been most interesting. Besides the speeches of the mover and the seconder, we have heard several other excellent speeches. I shall refer only to two.

First, the Acting Government Leader, Senator Deschatelets, deserves our admiration for the way he performed his task in the absence of the leader whom I am happy to see again among us; I congratulate him for the way he discharged his duties in Malta and elsewhere during the last few weeks. Senator Deschatelets spoke about a variety of subjects but he built up his argument in particular on the constitutional problem, to which I will come back later.

Secondly, I would say that the speech of the Leader of the Opposition was a clear, precise, realistic, interesting and sober statement to which we are accustomed with Senator Brooks. We are all proud on this side of the house of our leader and very happy with his leadership.

Hon. Mr. Connolly (Ottawa West): Hear, hear.

Hon. Mr. Flynn: Senator Brooks stressed the necessity of establishing a priority order for the consideration by the Government and Parliament of the numerous problems which require a solution.

It has been said over and over again that the difficulties which face our country are those of an affluent society, a developed and relatively very prosperous society. The penalty of material and cultural progress is the increasing number of economic and social adjustments made necessary.

It would be very difficult, if not impossible, to summarize the tasks requiring our attention, as it is very complicated to determine the relative importance of our external policy, especially in peace matters—as is readily realized these days—of our economic problems, of perfecting our social legislation, of gearing our Constitution to our current needs, etc. But even the context of each one of these questions, of each of these fields, is already so vast that there is great danger in tackling any specific point of being misunderstood or not understood at all. You cannot see the forest for the trees and sometimes the forest is so thick and deep that the trees can no longer be seen.

In spite of this, I still intend to deal with certain aspects of the constitutional reform.

May I first say a few words on an aspect which will not lead to acrimonious debate, namely, that of the constitutional reform with regard to Parliament and more specifically the Senate. For several years now, the other place has shown interest in this matter. Rules are changed and solutions are sought to adapt the house to the legislative and administrative programs it must face in the course of a year. Here in the Senate we are not in a new field, because this has been under discussion for a long time, and it has been suggested for a very long time that the Senate should handle certain aspects of its own reform.

I agree with those who want the Senate to examine its own conscience and, to do this, an ad hoc committee should be set up to consider certain questions, such as the following, which are not all of the same importance, but which could be usefully answered in every case.

First, would it not be desirable to limit certain powers of the Senate, just like the powers of the House of Lords are restricted? I refer particularly to a provision that the Senate could not block a bill passed by the House of Commons for more than six months, as is the case in Westminster. I see this an advantage in the sense that the Senate might be more prone to use its veto, knowing that it could only be provisional.

Second: on the other hand, I would not suggest that the Senate should not consider any financial bill. On the contrary, I would like the ad hoc committee to study the possibility of introducing some monetary bills here, provided of course that they are introduced by a member of the government.

Third, it would be interesting to consider further a suggestion, which has often been made, to entrust the Senate with certain inquiries of an administrative nature, which

were until now entrusted to royal commissions.

Fourth, I have already suggested the appointment of a new standing committee on the Constitution, with terms of reference equal to those of a parliamentary appeal court dealing with problems implying the interpretation of the Constitution and the conflicts between the federal and provincial governments. The Senate has not always, and I would even say has rarely, fulfilled the role which is bestowed upon it by tradition, to protect minorities and arbitrate the conflicts of jurisdiction between the two levels of government. Could this committee not help the Senate to rediscover this calling?

Fifth, I would like consideration to be given to the possibility of changing the ceremony of the royal assent to legislation during the course of the session. Could not this assent be given at the Government House or elsewhere by the Governor General or his deputy on presentation of the bills by two delegates only, one from the House of Commons, the other from the Senate? Such a change would obviously allow, as first result, a gain of many hours during a session. Secondly, it would enable the Senate to carry on consideration of legislation already passed by the House of Commons without feeling hurried, especially when the house adjourns to await the Royal Assent. On many occasions during recent years, the Senate would have been, with this change, in a better position to carry out its work.

I will add a sixth, which is perhaps more subjective and which has been mentioned on a few occasions, that is the review of the act concerning the retirement of senators, especially as far as retirement conditions imposed to senators appointed before the passing of this act are concerned.

I now come to another aspect of the problem, which deals with the jurisdictional reform, that is the problem considered from the standpoint of Government jurisdiction and relations between the federal government and the provinces, which is obviously a much more ticklish matter. There is, first of all, the division of responsibilities between governments, the overriding jurisdiction of one or the other to fulfil certain tasks.

I suggest that the revision of the British North America Act or the drafting of a new constitution will always raise, as a first problem, the factor of the linguistic duality in Canada, the fact that 30 per cent of Canadians speak French as their mother tongue. That fact, historically and actually, is of the utmost importance in the debate which is going on and will go on, whether we like it or not, about amending the British North America Act or simply putting it aside.

In my opinion, it is not so much a matter of considering the scope of that fact from a legal point of view as from a practical point of view. The French language has its place on our territory, because it is that of the first settlers. The English language is here by right of the conqueror, because of something that happened over 200 years ago. At the time of Confederation, as stated earlier by the Leader of the Government who was quoting Lord Carnarvon, the problem of the French-speaking group is not so much a matter of territory as of population.

For several years the Laurendeau-Dunton commission has been concerned with the matter of bilingualism and biculturalism. Its preliminary report states how difficult it is to arrive at final, precise and practical conclusions. Bilingualism can be understood in various ways. There is that which I mentioned earlier, from the point of view, considered alone, that a part of the population speaks French. There is also that of the constitutional provisions dealing with the use of that language. There is also the government or administrative practice in that regard. In addition, there are the population changes, the relations between the French-speaking and the English-speaking groups. I do not intend to discuss today any other than the constitutional aspect of the matter.

I do not intend to talk about biculturalism, because as far as I am concerned it is a concept which is much too vague, much too hazy and, in fact, false. I remain convinced that the Laurendeau-Dunton commission should have been called the commission on bilingualism and multiculturalism.

With regard to culture, so-called neo-Canadians are exactly on the same footing as Canadians of British or French origin. Before coming to Canada, these neo-Canadians or their forefathers knew that they would have to speak a language other than their own, either English or French. There are people who speak only English. There are others who do not speak English at all. All neo-Canadians, whether they came from Poland or another European country or elsewhere, knew that they would have to speak another language, but they also knew that they would be allowed to maintain their traditions and culture here and could contribute in this way

to the formation of a distinctive Canadian mentality. Our history shows how neo-Canadians have helped to build the country and make it into the prosperous nation we are today.

Are the provisions of the B.N.A. Act with regard to the French language or the French fact adequate? Before answering, I must refute the objection implicitly put forward by Senator Deschatelets and more directly some time ago by the Minister of Justice. Both suggest, without saying so in so many words, that it would be best to ignore the problem and leave it to the experts appointed by the Government to study the Constitution and propose solutions.

More serene discussions would no doubt be advisable in certain circles on the part of certain persons or groups, but is that sufficient reason to demand a complete or relative silence? Does such an attitude not deny a dialogue with those who call in good faith for the revision or the abandonment of the B.N.A. Act? The present government is dismissing the idea of a constitutional conference. I do not believe, particularly since the Speech from the Throne mentions the report now being drawn up by experts, that this refusal is truly final and a matter of principle. It seems to me that it is tactical and that its object is to postpone the conference until a more favourable and less troubled period rather than to give up the idea.

I feel personally that it is dangerous to delay much longer the convening of that conference which has been contemplated since 1962. In fact, it was suggested by Mr. Diefenbaker and, at that time, the idea was favourably received. Since then, the idleness of the present Government has enabled a lot of people to indulge in monologues to state or strengthen their views and to take some almost irrevocable positions. I say that it is wrong. And when I speak of monologues, I think as well of the debates held in certain legislative assemblies and by certain groups which are, to my mind, far too homogeneous to express balanced opinions. I am not saying the problem must be tackled tomorrow, but I say it should be very soon.

On the other hand, I do not feel that we should conclude, beforehand, that the constitution should be set aside or rewritten. An objective study of all the elements involved may well lead to the conclusion that we need no more than relatively minor amendments. A motor need not be scrapped just because it has grown noisy. At times, only a slight adjustment is needed for it to give excellent service for a long time. That may apply to our constitution.

I now go back to the rights of the French language in the B.N.A. Act. Should section 133 be amended? In my opinion, yes.

Senator Thorvaldson mentioned some time ago that nobody had suggested any amendment to that section. Many have said that it should not, or could not, be amended. For my part, I always thought, and I said so several times, that that section was the nerve centre of Canada's constitutional evolution.

It is not a matter here of safeguarding the French language and guaranteeing its perpetual rights in Canada. It is a matter of whether section 133, in its present wording, is not rather a threat to the survival of Canada itself. The survival of the French language requires a demographic, geographic, communication and educational solution, much more than a constitutional one. In other words, it is not a matter of seeking an amendment to section 133 to guarantee the survival of the French language, but one of guaranteeing, once again, the survival of Canada, for it depends, for a great part, on a constitutional solution.

This section 133 recognizes French and English as the two official languages in the Province of Quebec. Outside Quebec, French is on the same level as English only in the federal Parliament.

I realize that in practice French is recognized outside Quebec in several ways. Once again, that is not the problem I intend to deal with at this time. Much consideration can be shown to the French language here and there, but I wonder if it is logical in 1967 for the rights of the French language to be restricted, on a constitutional basis, to the Province of Quebec and the federal Parliament?

If so, it must be concluded that the French-speaking Canadian who lives in Quebec cannot leave that province without giving up certain rights, whereas the situation is not the same for the English-speaking Canadian coming into Quebec from another province. In other words, the rights of the French-speaking Quebecker, as far as the use of his language is concerned, cannot be transferred or are not portable in the same way, for instance, as those of the Retirement Fund.

Does that suggestion not imply a wish that French-speaking Canadians be confined to the Province of Quebec? Is the French Canadian not given to understand that he should stay in the Province of Quebec? In other words, is

there not an element of isolation there which encourages separatist tendencies, whether they originate in Quebec or elsewhere?

All those who believe in a pan-Canadian role for the French element in our nation will, I think, understand that it is imperative and urgent to give French and English equal status in the eye of the Constitution throughout Canada.

That was the ambition of French Canadians in 1867, one hundred years ago. I should like to quote in this respect the words of none other than P. Joseph Olivier Chauveau, who became premier of the Province of Quebec in 1867. Paying tribute to François-Xavier Garneau, in that same year 1867, Mr. Chauveau said this:

> The formal recognition of French in the constitution, as far as the parliament in Ottawa and that of Quebec are concerned, would have been a great comfort to Mr. Garneau; how could the same rights be denied later to the French element in the other provinces when it is strong enough to assert itself and wants to do so?

I will add this important point, even more so today, regardless of the number of French people in any given location, and it is that of the ease of communications. It is possible to travel from coast to coast in a few hours. People visit each other much more often than in 1867 when there might be a small village where only French was spoken and ten miles away another small village where English only was used.

Many will say: we agree with you in principle, but do you not think that as a matter of fact you are asking for something practically impossible? I do not accept this viewpoint because the Quebec experience, where both languages are official and on the same footing from a constitutional standpoint, shows that all practical problems can be settled without real difficulty.

Indeed, in the areas of the Province of Quebec where the English element is practically non-existent, constitutional bilingualism creates no problem. It would be the same in the rest of Canada where the French element is small or non-existent.

I do not think, for instance, that it would cause headaches to Mr. Smallwood if English and French were official languages in Newfoundland.

Will anyone object that a single individual can create unjustifiable complications on the basis of the equality of both languages? I will answer that the same thing is possible in Quebec but that it seldom happens. I suggest, on the other hand, that certain practical solutions have been provided in Quebec which could very well be applied in the rest of Canada. I think in particular of the provision of the Municipal Code of the province of Quebec which deals with the use of official languages and provides as follows:

> Section 130. The Minister of Muncipal Affairs, upon request made to that end by the corporation of any municipality, can prescribe that any public notice, bylaw, resolution or order of the corporation, in that municipality, except those required to be published in the Official Gazette of Quebec, be published in the future in one language only, as determined by the ministerial order.
>
> The resolution under which said request is made can be passed only after public notice to that end has been given to the residents of the municipality.

You can see how it is possible to make constitutional bilingualism work. When the problem of revising the Constitution or of writing a new constitution is up for consideration, it will be necessary to start from that central point, to find first a solution to that problem, because the trend of the discussion and the distribution of responsibilities which will follow, will be greatly conditioned and influenced by the decision taken on that point.

Right or wrong, I suggest that the terms of the present section 133 not only legally create the Quebec reserve, but have also, as much in the minds of the French-speaking population as in the minds of the English-speaking population, psychologically created such a reserve.

For too many Canadians, a French Canadian is a Quebecker. If a French Canadian is nothing but a Quebecker, how could he really become interested in the future of Canada?

I say that if we want a constitution which will enable the normal or natural geographic development of the founding elements of this country, we must remove the constitutional distinction made between English and French.

That, honourable senators, is my opinion which I humbly submit. I may have been wrong not to take the advice of the Minister of Justice who seems to think that the simple

fact of discussing the Constitution vehemently endangers it, but I do not think my voice is strong enough to produce the same effect as the trumpets of the Jews in front of the walls of Jericho, and destroy the Constitution. I submit that only a frank and honest discussion of our different points of view will help us to prepare for a better second centennial.

[*English*]

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

PRIVATE BILLS

THE EXCELSIOR LIFE INSURANCE COMPANY—SECOND READING

Hon. T. D'Arcy Leonard moved the second reading of Bill S-8, respecting The Excelsior Life Insurance Company.

He said: Honourable senators, perhaps before proceeding with my remarks on this bill you will permit me to express my pleasure at the very eloquent and impressive remarks of honourable Senator Flynn in the address he has just given. What he has said deserves the thoughtful consideration of all of us in this chamber.

Hon. Senators: Hear, hear.

Hon. Mr. Leonard: Honourable senators, Bill S-8 is identical to a bill that was introduced in the Senate at the last session. It received first and second reading, went to the Standing Committee on Banking and Commerce, and was reported out of that committee without amendment. It received third reading in the Senate and then went to the House of Commons. Before proceeding to describe the bill itself, perhaps I should tell you what happened to it there.

It passed first and second reading in the House of Commons, and was referred to the Committee on Miscellaneous Private Bills. It was reported out of that committee and was discussed in Committee of the Whole, where an amendment was moved by a private member to deal with the matter of the controlling ownership of the shares. The Excelsior Life's controlling shareholder is Aetna Life Insurance Company of the United States. The motion was to amend the bill so as to require that company to dispose of its controlling interest or at least reduce its interest within a period of five years. That motion was defeated in Committee of the Whole by 20 to 6. Then on third reading the same member moved that the bill be not now read a third time but that it be referred back to committee for further consideration. That motion was defeated by a vote of 133 to 20.

However, at the end of the session this was one of the bills upon which there was not agreement among the parties to pass before the session ended. In the result, the bill did not pass and the petitioners have to start all over again with the present bill.

As I said, this bill is in identical terms to Bill S-26 but perhaps I should refresh your memories because you may or may not remember what was in the earlier bill.

The Excelsior Life Insurance Company was incorporated under the laws of the Province of Ontario in 1889. In 1897 it was licensed under the federal Insurance Act, and for all these years the company has carried on subject to the jurisdiction of both the Province of Ontario and the Dominion of Canada. It has grown and expanded, is the twelfth largest life insurance company in Canada, and does business in all the provinces of Canada. However, it has become apparent that the difficulties in carrying on under both jurisdictions were sufficiently great to cause the company to come to the conclusion that it should give up its Ontario incorporation and become a federal life insurance company. This could have been accomplished by incorporating a new federal Excelsior Life Insurance Company and then selling the assets of the provincial company to the dominion company; but this would involve a great deal of administrative work and expense in the transferring of the thousands of mortgages from the one company to the other, in transferring the policies and in dealing with the investments of the company. So, after discussions between the company, their legal advisers, and the Ontario Department of Insurance, the Ontario Attorney General, the Superintendent of Insurance at Ottawa and the Department of Justice, it was decided to draft a bill which would have the effect of continuing the existing company as a federal instead of a provincial one. That is the essence of the bill before you.

Its principle is set out in clause 1 of the bill, which reads:

> The Company is hereby continued as a body corporate under its present name in both the English and French form and shall be deemed to be a company incorporated by Special Act of the Parliament of Canada.

At the same time, complementary legislation has been enacted by the Province of Ontario authorizing the company to apply for

this act, and then providing, if, as and when this act is passed, that the Province of Ontario divests itself of its jurisdiction over the company.

The other provisions of the bill are simply ancillary to clause 1. Clause 2 states:

> The Company is invested with all the powers, privileges and immunities and is subject to all the liabilities and provisions set forth in the Canadian and British Insurance Companies Act...

Clause 3 states that the directors shall continue in office. Clause 4 states:

> The Company may by by-law change, or authorize the board of directors to change, from time to time, the number of shareholders' directors and the number of policyholders' directors subject always to the provisions of the Canadian and British Insurance Companies Act.

Clause 5 carries on its present authorized capital. Clause 6 carries on its present head office. Clause 7 carries on its present business.

Clause 8 is an important one, and provides that:

> All rights and interests of the shareholders, policyholders and creditors of the Company in, to or against the property, rights and assets of the Company and all liens upon the property, rights and assets of the Company are unimpaired by this Act.

So it does not interfere with anybody's existing rights.

Clause 9 provides that:

> The Canadian and British Insurance Companies Act shall apply to the Company as if the Company had been incorporated by Special Act of the Parliament of Canada passed after the 4th day of May, 1910.

Honourable senators, if the bill receives second reading in this chamber, I propose to move that it be referred once again to the Standing Committee on Banking and Commerce. After talking to the chairman of that committee, I may state that it suits his convenience and also that of the officers of the company, who will be here to give evidence, to dispense with the normal rule of seven days' notice so that the bill could come before the committee for consideration tomorrow morning. If, as I say, the bill does receive second reading, at the proper time I shall ask for leave to move that the rule requiring notice be dispensed with.

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.

THE EMPIRE LIFE INSURANCE COMPANY—SECOND READING

Hon. T. D'Arcy Leonard moved the second reading of Bill S-9, respecting The Empire Life Insurance Company.

He said: Honourable senators, this bill is similar to the one that I have just described affecting The Excelsior Life Insurance Company. It is a bill to continue the existence of The Empire Life Insurance Company, which is presently a provincially incorporated company, as a federal company, and to divest the Province of Ontario of its jurisdiction over it. So, all the remarks I have made with respect to the principle involved in The Excelsior Life Insurance Company apply to this company. The wording of the two bills is the same, except for the name of the company.

Clause 1 says that:

> The Company is hereby continued as a body corporate under its present name in both the English and French form and shall be deemed to be a company incorporated by Special Act of the Parliament of Canada.

Similarly, the other clauses carry on the provisions with respect to powers, privileges and liabilities, directors and share capital. Clause 5 states:

> The head office of the Company shall continue to be in the city of Kingston, in the province of Ontario.

Clause 6 gives it the same powers to carry on business. Clause 7 preserves the rights and interests of the shareholders, policyholders and creditors. Clause 8 states that:

> The Canadian and British Insurance Companies Act shall apply to the Company as if the Company had been incorporated by Special Act of the Parliament of Canada passed after the 4th day of May, 1910.

This company was incorporated in 1923 by the Province of Ontario. It has not been registered under the Canadian and British Insurance Companies Act and, therefore, there is not the conflict between the two jurisdictions. It does not do business in all the provinces of Canada, and in order to do business in those provinces where it is not now functioning it must either register under the federal act or acquire a federal charter. For

the same reasons that influenced The Excelsior Life Insurance Company to give up its registration and acquire a federal charter, The Empire Life wishes to acquire a federal existence rather than simply to register.

Again, complementary legislation was required from the Province of Ontario, and the act in the Ontario legislature was passed this spring. Again, it will become effective, if, as and when the federal Parliament passes this bill.

This company has not come before Parliament before. The same question does not arise in connection with The Empire Life as to non-resident ownership, as in the case of the Excelsior Life, because there is no question of control outside the Dominion of Canada.

Again, honourable senators, if this bill receives your approval on second reading, I shall move that it be referred to the Standing Committee on Banking and Commerce. Later on, with leave, I shall move that the rule requiring seven days' notice be suspended, so that this bill also can be dealt with by the Standing Committee on Banking and Commerce tomorrow morning.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Leonard, bill referred to Standing Committee on Banking and Commerce.

THE EXCELSIOR LIFE INSURANCE COMPANY—SUSPENSION OF RULE 119

Leave having been given to revert to the order for motions:

Hon. Mr. Leonard: Honourable senators, I move, with leave of the Senate, that Rule 119 be suspended in relation to Bill S-8, respecting The Excelsior Life Insurance Company.

Motion agreed to.

THE EMPIRE LIFE INSURANCE COMPANY—SUSPENSION OF RULE 119

Hon. Mr. Leonard: Honourable senators, I move, with leave of the Senate, that Rule 119 be suspended in relation to Bill S-9, respecting The Empire Life Insurance Company.

Motion agreed to.

The Senate adjourned until tomorrow at 3 p.m.

APPENDIX

(*See p. 94.*)

CENTENARY OF CONFEDERATION

CONGRATULATIONS TO THE SENATE OF CANADA—
EXTRACT FROM THE OFFICIAL REPORT OF HOUSE OF LORDS MAY 11, 1967

CENTENARY OF CANADIAN SENATE

2.58 p.m.

The Earl of Longford rose to move, That this House most sincerely congratulates the Senate of Canada upon its centenary and upon the fulfilment of the farseeing hopes with which the Government of Queen Victoria introduced the British North America Bill into this House in 1867, and assures the Canadian Parliament and people of its continuing interest in their future, and in the maintenance of the close ties which have been built up over the past hundred years between this House and the Senate; and that this Resolution be communicated to the Senate of Canada with the warm greetings of this House.

The noble Earl said: My Lords, I rise to move the Motion which stands in my name on the Order Paper. Before I do so, I should like to tell your Lordships that earlier this week I had the pleasure of entertaining Senator Connolly, the Leader of the Senate in Canada. I was then able to discuss with him this Motion, and was pleased to hear from him that what we are setting out to do to-day would be warmly received in the Senate in Canada.

The hundred years since the creation of the Confederation of Canada and of the first independent nation of the Commonwealth have seen the peaceful evolution of a young pioneer society into one of the most advanced industrial nations of to-day. Yet her standing to-day on the world scene is based not only on the material wealth created by the strenuous endeavours of her people but in the example of responsibility, enterprise and democracy which Canada has given to the world in her domestic affairs and in all her dealings abroad.

Members of this House need not be reminded of the sacrifices of Canada—our ally in two world wars—in past years. To-day her efforts continue, within the Commonwealth, within NATO, within the United Nations, for the safeguarding of world peace, the pacification of troubled areas, and the bringing of prosperity to the developing countries. Her contribution to the more harmonious world order which we are all seeking has been second to none. But in moving this Resolution I should like particularly to suggest that Canada's pre-eminent role in modern society and in the international scene is above all a measure of the soundness of her roots, the spirit of her people and the Parliamentary institutions which have so outstandingly guarded her democratic tradition. My Lords, I beg to move.

Moved, That this House most sincerely congratulates the Senate of Canada upon its centenary and upon the fulfilment of the farseeing hopes with which the Government of Queen Victoria introduced the British North America Bill into this House in 1867, and assures the Canadian Parliament and people of its continuing interest in their future, and in the maintenance of the close ties which have been built up over the past hundred years between this House and the Senate; and that this Resolution be communicated to the Senate of Canada with the warm greetings of this House.—(*The Earl of Longford.*)

Lord Carrington: My Lords, there will be no one in this House who will not wish to associate himself with the Motion moved by the noble Earl, and with the way in which he has commended it to your Lordships. I rise only to say that we who sit on this side of the House wish to join in the good wishes to the Senate and the people of Canada expressed by the Leader of the House.

Earlier this week we were discussing the Common Market, and there may have been some who thought that in some degree this decision might affect the ties—the family ties and the ties of relationship and affection—of those whose history originated in this country and who form the Commonwealth. This would be a complete misjudgment. On the contrary, we believe that such an association will mean a stronger Britain and, consequently, a stronger and closer Commonwealth. Canadians should always know that whatever

may happen in the future, Common Market or no, they can always expect from us in this country the same feelings of friendship and kinship which have existed for these last hundred years.

Lord Byers: My Lords, we on these Benches should very much like to be associated with this Motion, and I should personally like to endorse the words of the Leader of the House and of the Leader of the Opposition—and particularly what the noble Lord, Lord Carrington, said about the Common Market. We have a very high regard for the Canadian people. Speaking personally, again, I was in a position during the war to appreciate the very great contribution made by, first, the Canadian Corps, and later the Canadian Army. We on these Benches, in particular, have many friends in the Liberal Administration of Canada, and we should like to join with the other Parties in this House in sending the warmest greetings to the Senate.

Lord Rowley: My Lords, as Deputy Chairman of the Commonwealth Parliamentary Association, which has 900 members from both Houses of this Parliament, I hope I may be allowed to associate myself with this Motion on behalf of the United Kingdom branch. Last year the Annual Conference of the Commonwealth Parliamentary Association was held in Ottawa. The plenary sessions of the Conference were held in the Senate House of the Canadian Parliament, and the committee sittings were held in the Lower House. I am not sure that my noble friend Lord Shepherd, as a hereditary Peer, did not make history as a result of his making speeches at one of the committees in an elected Chamber.

However, be that as it may, I think I should be expected by all the members of the United Kingdom branch to express on their behalf our warm welcome and our warm support of this Motion. I made my own position clear in the debate on the Common Market the other day, but I should like to endorse very strongly what has just been said by the Leader of the Opposition; that the Commonwealth of Nations, whatever action we may take in entering the European Economic Community, will remain as one of the great forces for peace and co-operation in the world in the future.

The Earl of Selkirk: My Lords, I am sure the House does not want to linger long on a Motion about which we are all so fully agreed, but we owe so much to Canada that it would be a pity if there were any suggestion that this was a formal acceptance of what has been moved. I wish particularly to refer to the point which my noble friend Lord Carrington has made, because in the discussions on the European Economic Community not very much was said about Canada, although it may have been in most of our minds. Indeed, there was sometimes a tendency to paint with one brush the United States and Canada.

They are very different countries. Indeed the whole existence of Canada depended on the resolution and character of the Canadians in refusing to join the 13 revolting Colonies. Secondly, Canada is the only country of the Americas—either North or South—which has wanted to maintain positive links with Europe. She has done that to this time, and in the course of doing so has set the pattern of the Commonwealth which we know to-day. It is Canada who set it by her constant refusal to allow institutional reform to supersede her own independence, and yet she maintained considerable individuality of outlook.

As far back as, I think, the time of Mr. Gladstone she refused to support his action in the Sudan. She said: "No, this is something which he has got into and we are not going into it, too." As we all know, she came immensely into the First World War and into the Second World War. She declined to join Mr. Lloyd George in Chanak. I mention this only to show that this was the form which she very early took, and which has been followed in practice by many other countries. She did it very slowly. She took, I think, ten years to get a High Commissioner in this country, about forty years to form the Royal Canadian Navy and sixty years before sending an Ambassador anywhere at all. We owe her a great deal for the form in which she has led the Commonwealth and which has been followed by others, though I regret to say not at the same easy pace which Canada herself has taken.

May I add one other point? Canadians have taken one quality from this country, and that is self-criticism. We are very self-critical and so are they. I believe they carry it to the point of masochism, which is wholly unnecessary. When you go over there they are constantly telling you of the difficulties they have —of geographical lines which are North and South rather than East and West, of the preponderant power of the United States, of their linguistic problems. I hope that that period in Canadian life is over and that they will realise that they are a great nation play-

ing an immense role in the world to-day, and if they disappeared something would be lost from the comity of nations which would be the loss of us all.

Viscount Monck: My Lords, may I, for a very particular reason, be allowed to associate myself personally and very warmly with this Motion? The particular reason is that my great-grandfather was Governor of British North America when the Bill referred to in the Resolution was before your Lordships. He became the first Governor-General, a fact of which my family and I and our successors will always be extremely proud. For that reason I associate myself most warmly with the Motion moved by my noble friend—if I may so call him—Lord Longford, and trust that Canada's future may be even more glorious than her past.

On Question, Motion agreed to, *nemine dissentiente.*

Ordered, That this Resolution be communicated to the Senate of Canada with the warm greetings of this House.

THE SENATE

Wednesday, June 7, 1967

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

Prayers.

DOCUMENTS TABLED

Hon. John J. Connolly tabled:

Copy of Cultural Agreement between the Government of Canada and the Government of the Kingdom of Belgium, done at Ottawa, May 8, 1967. (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, 1967. (English and French texts).

Statement of work performed and expenditures made as of December 31, 1966, together with estimated expenditures for 1967, respecting the construction by the Canadian 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, 1966, together with estimated expenditures for 1967, 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, 1966, together with estimated expenditures for 1967, 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, prusuant to section 9 of the said Act. (English and French texts).

Report of work performed and expenditures made as of December 31, 1966, together with estimated expenditures for 1967, 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, 1966, together with estimated expenditures for 1967, 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, 1966, together with estimated expenditures for 1967, under authority of chapter 35, Statutes of Canada, 1966-67, 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, 1966, together with estimated expenditures for 1967, under authority of chapter 35, Statutes of Canada, 1966-67, 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, 1966, together with estimated expenditures for

1967, under authority of chapter 15, Statutes of Canada, 1966-67, 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).

PRIVATE BILL

BRITISH NORTHWESTERN INSURANCE COMPANY—FIRST READING

Hon. L. P. Beaubien, for Hon. Mr. Molson, presented Bill S-14, respecting British Northwestern Insurance Company.

Bill read first time.

Hon. Mr. Beaubien (Bedford) moved that the bill be placed on the Orders of the Day for second reading on Tuesday 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. 2 to 128, inclusive, and moved that the said reports be taken into consideration on Monday next.

Motion agreed to.

PRIVATE BILLS

THE EXCELSIOR LIFE INSURANCE COMPANY—REPORT OF COMMITTEE ADOPTED

Hon. A. Hamilton McDonald, for 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 respecting The Excelsior Life Insurance Company", has in obedience to the order of reference of June 6, 1967, 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. McDonald: 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. T. D'Arcy Leonard moved that the bill be placed on the Orders of the Day for third reading at the next sitting.

Motion agreed to.

THE EMPIRE LIFE INSURANCE COMPANY—REPORT OF COMMITTEE

Hon. A. Hamilton McDonald, for 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-9, intituled: "An Act respecting the Empire Life Insurance Company", has in obedience to the order of reference of June 6, 1967, 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. McDonald: 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. T. D'Arcy Leonard moved that the bill be placed on the Orders of the Day for third reading at the next sitting.

Motion agreed to.

INQUIRIES

ANSWERED

On Inquiries 1, 2, 3, 4 and 5, by Hon. Jean-François Pouliot:

Hon. John J. Connolly: I would ask that Inquiry No. 1 stand. I have the answers to Inquiries 2, 3, 4 and 5.

(For text of Inquiries 2, 3, 4 and 5 and answers, see Appendix pp. 135-8

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. Desruisseaux, seconded by Honourable Mr. Nichol, for an address in reply thereto.

Hon. Keith Davey: Honourable senators, as is traditional, I should like to begin by congratulating the mover and seconder of the address in reply to the Speech from the Throne. In common with each of them and in common with each of you, I count it a great privilege and honour to be a member of the Senate during our 100th year. In this connection I propose to make several observations, not about Confederation itself nor indeed about the first 100 years, but rather upon the centennial celebrations themselves. I will do so mindful of what I consider to be my triple role in this place, first as a senator of Canada, secondly as a senator of Canada from Ontario, and thirdly as a senator of Canada from Ontario whose designation is York.

It is perhaps appropriate to say a word about the Centennial as it affects each of these jurisdictions, federal, provincial and municipal, because, after all, I am actively involved in each, and so, indeed, is every other Canadian—a fact which sometimes seems to escape members of various governments at each level. For example, we have the inevitable and never ending discussion—perhaps "squabble" would be a better word—about taxes, and who pays for what as between Ottawa and, in my case, Queen's Park, Metropolitan Toronto and even North York. For most taxpayers it is strictly an academic concern. Their real concern is, of course, not out of which pocket the tax money comes but whether or not there is enough money left in the suit to meet the ever-spiralling tax bill.

However, honourable senators, I digress. I should like to draw your attention to the centennial celebrations in general, and more particularly to the work of the Centennial Commission of Canada, which I think has been absolutely first class—a fact which has, I suggest, too often been obscured, first by Expo, whose fantastic success story is already legend, and then by our own inherent reluctance to commend anyone or anything for a good job well done—an inherent reluctance which, I might add, is nowhere more prevalent than in this Senate. The fact is that the Centennial Commission has succeeded well beyond most of our expectations in fostering a true sense of pride at our 100th birthday.

It is no partisan sense that I suggest that this impressive recognition of our Centennial will for ever stand as one of the hallmarks in the remarkable career of our Secretary of State. She has been ably assisted by a competent team of civil servants under the direction of Mr. John Fisher, who happens to be an old friend of mine.

Honourable senators may be interested to know that in 1953 I was one of those who approached Mr. Fisher about becoming a Liberal candidate in the then impending general election. He declined to stand. Indeed, on the very day in 1961 that I was appointed National Organizer of the Liberal Party, Mr. Fisher was named as special assistant to the then Prime Minister Diefenbaker.

John Fisher's love of Canada and sense of showmanship have been effectively blended as well as demonstrated in the Centennial to date. In turn, he has been backed up by a solid team in the Centennial Commission. Possibly it is imprudent to single out any one person in the commission, but I must commend the impressive contribution of Mr. Robbins Elliott, Director of Planning.

This overall centennial impact, if I may use that term, has been obtained only as the result of a remarkable degree of planning, covering a host of events of every kind and description. However, in my opinion there are four such events which deserve our special attention. The first is the Centennial symbol itself, a stylized multicoloured maple leaf representing the ten provinces and the territories which has been presented to the nation in a score of ways, but most frequently on flags or as a piece of jewelry. You have no doubt been impressed, as I have been, at the increasing number of Canadians wearing this maple leaf pin, such as I am wearing today, or some variation of it.

Secondly, in the Metropolitan Toronto area there are hundreds of thousands of centennial flags floating from schools, public buildings, commercial buildings and, I am delighted to say, scores and scores floating from private homes. I understand that flag manufacturers are unable to meet the demand. All this has

not just happened; it has involved a great deal of work and planning, but it seems to me that these by themselves would not have been enough. I think we have discovered a sense of national pride long latent in the hearts of our citizenry. It is sophisticated nonsense to downgrade and underestimate the value of external symbols in developing a true sense of national identity.

Probably the Centennial Commission's most conspicuous success has been the wonderfully delightful children's marching song "Canada". This record, a copy of which I am holding in my hand, and a copy of which I shall send to every senator this afternoon, has already become the all-time—I repeat, the all-time—best-selling native record in the history of Canadian music. Already more than one-quarter of a million copies have been sold and they are still selling strongly. Many people can share in the credit for this, but the chief of these is Bobby Gimby, who wrote the song and who conceived the idea of having its bilingualism and its children's chorus. Mr. Gimby, the 46-year old Saskatchewan-born Toronto musician and orchestra leader, tells the story of how he wrote the song in a forthcoming issue of the *Canadian* weekend magazine. I would like to quote briefly from the article which will appear shortly.

> "The idea first came to me when I was playing an orchestra date at Manoir Richelieu in La Malbaie, Que., back in the summer in 1964," he replies. "On St. Jean Baptiste Day I saw about 50 kids parading through the streets. The boys were dressed in quaint sacking material, and the girls had flowers in their hair, and they were all singing some delightful folk song in French.
>
> "I thought, 'Wouldn't it be wonderful if the French and English kids of this great country could pull together and sing a song in their own language?' "
>
> "Well, that thought stuck in my mind for a whole year. When I finally sat down to write the song, the first eight bars sprang on to the paper instantly. But it took nine months, working nights in my Toronto apartment and ripping up many pages of false attempts in the morning, before it came out nice and simple."

Not only does this involve the most remarkable success story in the history of Canadian music, but it seems to me to have become the unofficial anthem of the centennial year, and indeed the very words themselves seem to echo the spirit of Confederation.

> Hur-rah, Vive le Canada!
> Three cheers, hip, hip, hooray!
> Le Centenaire!
> That's the order of the day
> Frère Jacques, Frère Jacques
> Merrily we roll along
> To-gether-er, all the way.

Incidentally, in achieving maximum exposure the Centennial Commission was assisted by the Toronto advertising agency of Vickers & Benson who in turn retained the services of Robert Pugh, one of Canada's leading music promoters. It was a uniquely productive team. It revitalized the dormant sheet music business as well as setting Canadian record sales. It is interesting to note that this song "Canada" was recorded by scores and scores of groups in just about every conceivable music form and variation. In short, this song has already become a Canadian classic and I have no doubt we are destined to hear it again and again long after the centennial year. I have no doubt that as often as we hear it we will rejoice in both its infectious melody and in its unabashed Canadianism.

Then also in the centennial year there have been hundreds and thousands of worthwhile centennial projects in every corner of Canada. It is impossible in this kind of presentation to summarize these events. However, I would like to mention just two other major events, if I could so describe the Centennial Train and the Centennial Caravans—one train and, where it cannot go, there go eight caravans which depict pictorially something of Canada's heritage, its past, its present and its future.

From January 9 to December 5 the train will make 81 stops in all provinces, excluding the Yukon, Northwest Territories, and Newfoundland because of the narrow gauge rails. From May 1 to approximately November 12 the eight caravans will make 656 stops virtually everywhere in Canada, in even the most remote corners of the country—again, a story of unparalleled and unexpected success. The original estimate was that six million people would visit either the caravans or the train. Already there have been three million visitors, and now the estimate has been revised upwards to about 11 million.

Honourable senators, with so much success, not unnaturally, there has been the odd oversight by the Commission. I would

like to suggest one such oversight, and I would be absolutely delighted to be proven wrong. It is what I consider to be the inadequate recognition of and attention to the contribution made to Confederation by Canadians other than those of British or French origin. I am referring to the so-called "new Canadians," many of whom have been in Canada much longer than I have. However, not only the Centennial Commission but also business and Government generally pay so much attention to the two founding races that we tend to obscure both the size and the contribution of others, those whom Senator Yuzyk describes in his excellent new book entitled "Ukrainian Canadians" as "the Third Element." I know that Senator Yuzyk will forgive me if I quote very briefly from the introduction to his book, which he describes as his own personal centennial project, for he has some rather revealing statistics. He states:

> The above graph clearly shows that the British Element during the past 60 years has steadily decreased, not in numbers but in proportion, from 57 per cent to 44 per cent. The French Element has constantly held its own proportion, about 30 per cent. The Third Element, on the other hand, has steadily increased, from 12 per cent to over 26 per cent, more than doubling itself, and is quickly approaching the numerical and proportional position of the French Canadians. If the trends of the last 60 years continue, and there is every indication that they will, it means that in the near future the three elements of our population will be approximately equal. Canada, being a country of minorities, is obviously multicultural, a fact which should always be borne in mind by our governments, parliamentarians, politicians and leaders of our society.

Senator Yuzyk goes on to give some very interesting statistics on the multi-racial composition of the population of the various provinces. It is a most useful book, and I would commend it to your attention.

I do not think it is fair to say that the Centennial Commission has completely ignored the third element. It has encouraged many ethnic events, and I have discovered there is one excellent commercial being aired on commercial radio stations all across Canada. I quote two or three lines from the conclusion:

> Some people were born in Canada but the people who chose Canada have a special feeling for our Centennial.

What concerns me, however, honourable senators, is that we may have missed a wonderful opportunity to inform the rest of the people in Canada of the contribution which has been, is, and will be made by these various minority groups all across Canada.

Finally, as it affects the Centennial Commission, I would like to make what I believe are three constructive suggestions which hopefully might enhance the balance of the year's activities and perhaps carry the spirit of Centennial into succeeding years. I think it would be a great tragedy if we were to lose our new-found zest at being Canadian simply because it is midnight on December 31, 1967.

My first suggestion has some immediacy and reminds me of my very first words in this chamber last July. Then, however, I was speaking after the fact: now I am speaking before the fact. It was the July 1st, Dominion Day store openings which concerned me then, and indeed which concern me now. Surely, Canada's hundredth birthday deserves more than crass commercial exploitation, discount merchandising gimmicks and super-duper 24-hour sales. I am in favour of all of these things up to a point, but not on July 1, 1967.

Apparently, however, the federal Government feels that this is a provincial matter, and the provincial government in turn has passed the responsibility on to the municipalities. The net result may well be the desecration of one of the most eventful and, yes, sacred days in our nation's history.

A private member's bill has been introduced in the other place, but it will doubtless die on the Order Paper, if indeed it is even discussed in time. It has one glaring deficiency. It provides a fine of only $50 for those merchants who defy its regulation. I am sorry to say that many big merchants would simply regard this as a token licence fee for remaining open on July 1.

Much more realistic is the legislation advanced, and now passed, by Mayor James Service of the municipality in which I reside, and in this regard perhaps I may be allowed to quote from an issue of the local newspaper, the Don Mills *Mirror*:

> Merchants have given a qualified vote of approval to North York's bylaw amendment to force stores to close on Dominion Day this year.
>
> Council recently approved a proposal for making stores liable to a fine of up to $5,000 for staying open.

Ken Silverberg, president of the Bayview Village merchants' association, said, "I think it's a great idea, if it is enforced."

He said all merchants want to stay closed on the 100th anniversary of Canada. "We're in favour of this if everyone stays closed," he said...

H. T. Ross of H. T. Ross Distinctive Clothiers agreed.

"If we can get these stores to agree we're all in favour of closing on Dominion Day," he added...

"When everyone is closed the shoppers' dollar is still there," he said. "But one person open spoils it for the rest."

Mayor Jim Service who proposed the legislation said the prospect of a $5,000 fine should deter large stores from staying open.

"On previous holidays the stores regarded a small fine as a permit to stay open," he said.

Service said the amendment would allow for the opening of retail outlets supplying special services, such as drug stores and gas stations.

"I would be very surprised if surrounding municipalities did not also pass special legislation requiring stores to close on Dominion Day," he said.

Hopefully, honourable senators, the Centennial Commission and governments at every level will take appropriate action in this connection.

Secondly, I should like to make reference to one of the more appealing and visual centennial projects around Parliament Hill. I refer, of course, to the Centennial Flame in front of the Parliament Buildings—again, a centennial attraction which has been perhaps an unexpected, and certainly an unparalleled, success. In my opinion, this outstanding tourist attraction should be retained permanently. It is, after all, one more visual symbol of the Centennial of Confederation, and, indeed, of Confederation itself.

As a footnote, I should add that the tourists from the beginning have thrown coins into the fountain. I understand this money is being turned over to the Retarded Children's Society for use in their own centennial crusade. For the life of me, I do not know why someone does not erect a simple sign indicating that the money thrown into the fountain is being used in this wonderfully constructive way.

My third suggestion is perhaps a more unique one. I have already referred to the thousands and thousands of centennial flags that have added so much to our civic decor and our national pride. What is going to happen to these flags at the end of the Centennial Year? Here is my suggestion. From December 15, 1967 until January 15, 1968 the Centennial Commission should redeem all such centennial flags which it receives for Maple Leaf flags of equal dimension. The net result of this would be an even more impressive and dramatic display of Maple Leaf flags from coast to coast. Any extra or spare Maple Leaf flags so obtained could, of course, be donated to schools and classrooms across Canada. Perhaps some minimum service charge will be necessary, but I would hope not. This would be a worthwhile centennial project for some national corporation.

Honourable senators, the Ontario government has, I am delighted to report, co-operated fully in the work of the Centennial Commission, and well it might because Ontario is the very keystone of Confederation. Indeed, such descriptions as "English speaking Canadian" and "Ontarian" are alien to our ears. They are words we never hear in Ontario, because in Ontario we are, first, last, and always Canadians. Perhaps that is why some of us are uneasy about Premier Robarts' proposed Confederation of Tomorrow Conference. As presented by the Premier in his thoughtful speech to the legislature, the conference seems of itself an excellent idea, but whether or not this kind of provincial initiative in such a delicate area is really worthwhile must await the conference itself. Certainly, speeches like those of the Attorney General in the same debate do not fill me with confidence. Co-operative federalism is, after all, a two-way street. Anything that smacks of Ontario separatism, or of that kind of unenlightened provincial nationalism of, for example, W. A. C. Bennett, will not be well received in Ontario. Hopefully, Premier Robarts realizes that most of us want our Province of Ontario not only within Confederation, but in the very forefront of Confederation.

I want to say something in the Centennial context about Toronto. Toronto may not be the greatest city in the world, but it is much more than merely "Canada's staid second city," as it was recently described in the New York *Times*. Indeed, Expo not withstanding, I

believe that Toronto is Canada's most exciting city—or, at least, it has been up until now, for those of us who live in Toronto find ourselves without a centennial project worthy of the name. Indeed, honourable senators, things are so bad that the single most exciting thing to happen in Toronto in 1967 may very well be the Progressive Conservative leadership convention.

Some Hon. Senators: Hear, hear.

Hon. Mr. Davey: Sometimes change comes slowly to Toronto, but nevertheless changes do come. For example, we have not as yet introduced party politics into municipal government, but then neither has any other municipality in Canada. Honourable senators will recognize the role played by party politics in municipal government in both the United Kingdom and the United States, and I have never believed that everybody is out of step but us. Indeed, we have the shortcomings but not the virtues of partisan involvement in our civic affairs. So, one suspects that change is inevitable.

Similarly, in the case of the metropolitan government, some form of total amalgamation is inevitable. Suffice it to say, the present system of boroughs was concocted by a nervous provincial government anxious to perpetuate local ward politics as a guarantee against any concerted drive by the provincial authority. Nevertheless, as I have suggested, changes do take place in Toronto—but only in time.

For example, just before the end of the season the Maple Leaf Gardens finally replaced *God Save the Queen* by *O! Canada,* at the start of every game. Not only did the roof of the Maple Leaf Gardens not cave in, but the Maple Leafs went on to win the Stanley Cup anyway.

The point I am making is, I hope, clear. I am appalled to admit that one of Canada's great cities, my own, is without a worthwhile centennial project. Mind you, the city fathers have proposed a new civic flag, which fortunately has attracted very little publicity. They have asked our opinion of this new civic flag. Here is mine: We need a Toronto flag about as much as we need another Ralph Cowan. What we do need, however, is a centennial project worthy of the name, and time is running out.

In conclusion, the Centennial of Confederation has generated in all of us a new optimism about Canada, and an honest spirit of co-operation and understanding—a spirit, if you will, of good will as between Canadians that has become downright contagious. There has been the odd sour note, which I regard as the exception proving the rule.

So it was that the Reverend Ray Hord's recent intemperate pronouncements about the Prime Minister of Canada which were hardly in keeping with the spirit of the Centennial, or the spirit of brotherhood usually associated with the church and its various components. If honourable senators missed this news story, I will say that in discussing our policy in respect of Vietnam, Dr. Hord, who is the secretary of the Board of Evangelism and Social Services of the United Church of Canada, said that Mr. Pearson was "a puppy dog on Johnson's leash." The Moderator of the United Church of Canada apologized to Mr. Pearson, but not Dr. Hord. Indeed, he repeated his statement in a display of what I consider to be both bad manners and false courage. I would say at once that I feel that Dr. Hord is a terribly earnest and dedicated person, but it is my opinion that he should consider whether the clergy is really where he should be serving.

Certainly, the Prime Minister can look out for himself. Like the politicians of all parties, he is used to, and has come to expect, outrageous and bad-tempered observations from other politicians and certain sections of the press. I know that he, like all politicians everywhere, welcomes constructive criticism from every corner of the community, including, of course, the clergy—and here I think of the late Dr. J. R. Mutchmor, whose comments were always tempered by good judgment. In short, honourable senators, whenever reverend gentlemen continually make observations with definite political overtones, one wonders whether the clergyman in question should really be out of the church and into the cut and thrust of partisan political warfare, particularly when the party colours are so apparent.

I wonder how many other United Church members like myself were struck with the possible correlation between this news story —Dr. Hord's disrespectful comments about the Prime Minister of Canada—and another news story which followed almost within the same week stating that membership in the United Church has sagged for the first time in the church's history. Certainly it is something to think about.

Honourable senators, forgive me for again digressing. I conclude as I began. It is a unique privilege for us to be members of the

Senate in the centennial year. May each of us use this year to renew both our trust and our faith in Canada.

Hon. Norman A. MacKenzie: Honourable senators, I rise on a point of privilege to say that I happen to be one of the original directors of the Centennial Commission and the President of the Centenary Council. On behalf of my colleagues, and with permission, I would like to convey appreciation to Senator Davey for his expressions of goodwill, which I listened to with interest and approval.

Hon. Olive L. Irvine: Honourable senators, in rising to take part in the Throne Speech debate I must first of all compliment the honourable Senator Desruisseaux on his eloquent speech when he moved the address in reply to the Speech from the Throne, and also the seconder, the Honourable John Nichol. These two gentlemen made a splendid contribution to this debate consistent with their convictions, and discharged the role assigned to them in a most commendable fashion. We welcome them along with our other new senators to this august body.

It is a distinct pleasure for me to welcome Senator Kinnear, and I can assure her that she will find the work of the Senate most interesting, with plenty of scope for participation.

May I join, too, in the good wishes that have been extended to our Governor General and Her Excellency. Naturally, I take pride in the fact that they are both former westerners, His Excellency having been born in the Province of Alberta and Her Excellency in my home Province of Manitoba. The duties of opening this historic session were performed so well by one who was so recently appointed. No one is more aware than he that he follows a great Canadian. Our deep sorrow at the passing of General Vanier is revived as we recall the many previous openings at which he presided and the inspiration that flowed from him because of his love of country and his deep sense of dedication. We remember, too, his most gracious wife. This house is most unanimous in expressing the nation's gratitude to the Honourable Madame Vanier. May she enjoy many happy years, secure in the knowledge that she is held in deep affection by all Canadians.

Our new Governor General, along with his long political career in the House of Commons as a member, and also as its Speaker, has also had experience in diplomatic affairs abroad; and we feel sure that he will discharge his duties in a manner worthy of the traditions and greatness of his office.

The contents of the Speech from the Throne provide hope that the Government intends to introduce legislation which will be of advantage to the Canadian people as a whole, and particularly to the advantage of our older citizens who require an adequate standard of living; of those who require housing; of our farmers who seek parity of income, and to our young people who require education, and others who need retraining.

This afternoon I have chosen as my subject "Yukon and the Northwest Territories." I am having placed on each member's desk a map of these two great northern areas. I will endeavour to deal with the policy for development as part of the fabric for national development.

In the Speech from the Throne there is a paragraph which states:

> At the same time, the search for new resources hastens the opening of the North. Substantial progress has been made in recent years in the government of the Northwest Territories and the Yukon, and the Government intends to undertake new incentives for industry and regional economic planning intended to strengthen the economy of the North.

Let us look for a minute at the geographical location of these two vast areas. The Yukon territory is shaped like a blunt-nosed automatic pistol, with its butt resting on British Columbia's northern boundary, and its barrel pointed to the Siberian coast. It has a total area of 1,000,305 square miles, and a population in 1967 of 26,500, including 7,000 Eskimo and 5,000 Indian people. The rugged terrain is heavily mineralized and also has potential for timber and agricultural development. An extensive water area supports a modest fishing industry, although it may be classified as a fisherman's paradise. The Yukon's lakes and streams abound in huge lake trout, fighting Arctic grayling or rainbow trout, scrappy northern pike, and delicious white fish.

Fur trapping continues to be the mainstay of the Indian population. The main species caught are fox, marten, mink, beaver, muskrat, wolverine, squirrel and lynx.

The Yukon and Northwest Territories comprise over 40 per cent of Canada's land mass. It is a land rich in history. In the mid-1800s the Hudson's Bay Company first commenced fur trading in a small way. It was found to be

a land rich in history and magnificence of terrain, to say nothing of the unexcelled beauty and potential of its lakes, streams and wilderness.

The Yukon, unusually rich in mineral potential, at the present time looks primarily to mineral production and processing. On August 17, 1896, George Carmack and two Indian companions discovered gold on Bonanza Creek in the Klondike, and the great gold rush of 1898 was on. Prospectors poured into the region and the population figure zoomed. Dawson City, mecca for the gold hunters, counted close to 40,000 heads near the turn of the century. Today the community has a population of around 500. The rush petered out early in the new century and gold mining in the Yukon developed as an industrial operation conducted by a few mining companies. The first boom period was finished, and perhaps one of the most successful gold miners of the Klondike was a young bank clerk called Robert W. Service. The gold he "mined" was in the form of royalties received from the publishers of his Klondike poetry.

After the gold rush bonanza the Yukon's economy wilted and the territory lapsed into another period of inertia. This slumber was rudely interrupted by the outbreak of World War II, and a new economic boom began, triggered by the invasion of United States soldiers and civilians assigned to construct the Alaska Highway. Whitehorse was the chief beneficiary of this windfall, and while it lasted the Yukon's principal urban centre enjoyed unprecedented prosperity.

At war's end and the return to a peacetime economy, the territory was again depopulated and left dependent upon federal Government payrolls, a few mines and some transfusions of welfare money. The Yukon's hope of better days rested upon potentially vast mineral resources.

Now, in Canada's centennial year, the Yukon may have realized its hope of a new gold rush. The "gold" this time is a lead-zinc ore body. The rich 50 million ton ore body is located in an area 16½ miles northeast of Whitehorse.

In late March the Government negotiated a deal with a United States controlled company to mine the ore body. Anvil Mining Company of Vancouver, 60 per cent owned by Cyprus Mines of Los Angeles, will establish an open pit mine to develop its deposits. The remainder of the ore body is owned by Dynasty Mines of Vancouver. The entire production will be sold to foreign markets, including Japan. A movement is on foot to construct a smelter to refine the ore. If this takes place, the work force could increase four-fold and lead to the establishment of a new townsite. The Government at the present time is building a road into the area. Other mines have opened or soon will be opening in the territory; thus the Yukon's whole mining outlook has taken on new dimensions as a result of the Ross River lead-zinc discovery.

Tourism is becoming increasingly important in the Yukon and in its American neighbour, the State of Alaska. I have been told by people making this wonderful trip that the brief hush of twilight is a Yukon moment of magic which will live in your memory always. Growing numbers of visitors are coming into the Territory via boat to Alaska and over the Alaska Highway. A suggestion originating in Alaska may lead to the revival of river steamers on the Yukon River.

In view of centennial celebrations and the interest that will be generated in the legends, songs and stories associated with the early days of the river, efforts are being made to have riverboats running on the Yukon River this summer. The Yukon has a real Klondike exhibit at Expo. It has 400 feet of space located directly across from the expressway station "F", and located next to the Senegal pavilion.

The main theme exhibit is a display of gold. There is a simulated log rocker operation with a gold pan, nuggets, coins, and Yukon jewelry, all floodlit by an old Yukon lantern. The walls inside the pavilion are of simulated log design. A display case of rough lumber shows different ores found in the Yukon. Prize game heads of Yukon moose, sheep, and other animals hang from interior panels. I am sure this exhibit will be a potent factor in bringing more visitors to the authentic Klondike country.

As in the Yukon, the mining spotlight for the past few years in the Northwest Territories has been on the big lead-zinc development at Pine Point, situated between Hay River and Fort Smith on the south shore of Great Slave Lake. Last year was the first year that the mine was in full production, and the output was up some $70 million from the year previous.

The lead-zinc deposits at Pine Point rank with the largest in the world, and with their development by Pine Point Mines Ltd., a subsidiary of Consolidated Mining and Smelting Company of Canada Limited, a new townsite

came into being. Construction of a smelter at this location is now a possibility.

Tungsten is one of the new minerals produced, along with lead and zinc, which is boosting the value of minerals produced in the Northwest Territories. Also coming in for attention are two large iron deposits, one on the Yukon and Northwest Territory boundary, and the other near the Mary River on Northern Baffin Island.

The educational system of the Northwest Territories has developed rapidly during the past ten years. The enrollment in schools has increased from 15 to 20 per cent. It is 85 per cent at the present time, and within a few years this enrollment should reach the maximum of 100 per cent. A student can now enter the primary grades and continue his education through public, high school and college at no heavy financial sacrifice to his parents. The program is a good one but many dwellers in this great section of Canada would like to see the best educational system possible to fit the abilities and ambitions of the northern people and to meet the needs of the society in which they live. For those who wish to specialize and who are beyond school age, vocational and adult education have already commenced. The ultimate success of this educational system will depend upon the degree to which each young person in the Territories is able to reach out and grasp his or her full potential.

The Government is expressing strong support for the extension of television in the north. This will bring many practical advantages to northern communities. It will be a major factor in attracting families to live in areas where there are little entertainment possibilities and where the climate and surroundings are sometimes harsh. The C.B.C. hopes to have an experimental station at Yellowknife by this summer.

A recent major achievement in extending communications to the north was the opening of the Canadian Telecommunications landline along the McKenzie River to Inuvik. It provides up-to-date local and long distance telephone service, telegraph, and private line service as well as radio program circuits to these distant parts of the Territories.

Tourism has increased greatly in the Northwest Territories since the highway to Yellowknife was opened to traffic in 1962. Tourist dollars are beginning to make their impact felt. Residents of southern Canada and of the United States are delighted that roads are being opened up to the vacationer and sportsman. Along with colourful and rugged scenery, the main attraction is the sport fishing for lake trout, arctic grayling and arctic char.

In dealing with the problem of the political evolution of the Yukon and Northwest Territories to self-government, we should not make the mistake of continuing to regard these two territories of Canada's north in exactly the same light. Each of the territories has different histories, different geographical factors existing, different economic and administrative problems, to mention only a few of the differences.

It was away back in 1870 when Manitoba became the first province to be formed out of the huge western territory that was known generally as the northwest territories. Following the establishment of the Province of Manitoba, there was no further development toward provincial status until 1905. In that year the provinces of Saskatchewan and Alberta joined Confederation, with complete autonomy.

That Yukon and the Northwest Territories will become provinces is not doubted. There are, however, divergent views as to timing. At the present time there is emerging in the far north a vigorous self-assertion giving rise to the same pressures which brought about the first measure of executive control in the Northwest Territories in 1892. The time has arrived when there must be commenced a gradual transfer of executive responsibility from the federal administration to the elected legislative council.

Unlike the Canadian provinces, the Yukon is administered as a territory. The chief executive, who is called the Commissioner, acts under instructions from the federal Minister of Indian Affairs and Northern Development. It has a wholly elected council of seven members which has no executive power, merely power to act in concert with the Commissioner in the passing of legislation. It has no power to introduce money bills. The council is elected for a period of three years and has much the same functions as the provincial legislature, while the Commissioner functions along the lines of the provincial cabinet. The seat of government is at Whitehorse.

Transfer of the territorial government from Ottawa to Yellowknife is the big news event this year in the Northwest Territories, and a major step in the direction of self-government. At the present time a commissioner is the chief executive officer of the Territories.

He administers the Territory on the instruction of the Minister of Indian Affairs and Northern Development or the Governor in Council. The Deputy Commissioner, in the absence of the Commissioner or if that post is vacant, is authorized to exercise all the powers of the Commissioner. The Commissioner is the presiding officer of Council when in session but he is not a member. He may, in the event of a tie, cast a deciding vote. The Deputy Commissioner is a member of Council.

In the past both the Commissioner's and the Deputy Commissioner's posts were filled by senior officials of the Department of Indian Affairs and Northern Development, who performed these roles in addition to carrying out their federal responsibilities. In 1963 Mr. B. G. Sivertz was appointed the first Commissioner of the Northwest Territories with no other responsibilities. In August of 1965 Mr. Stuart M. Hodgson, who in March of this year became Commissioner, was appointed to the Territorial Public Service as Deputy Commissioner. He was succeeded as Deputy Commissioner by John H. Parker, the former Mayor of Yellowknife.

The council was set up in its present form under the Northwest Territories Act in 1951. At that time, provision was made for three members to be elected, representing constituencies in the Mackenzie District, and five to be appointed by the Governor in Council for a term of not more than three years. Since then the act was amended in 1954 to increase the number of elected members to four, and again in 1966 to seven. The 1966 amendment to the act made possible the seating for the first time of elected representatives on Council from all parts of the Territories. The number of appointed members has remained unchanged.

The Council of the Northwest Territories has legislative powers much similar to those of a provincial legislature except that all land and natural resources, excluding game, remain the responsibility of the federal Government. Within these limits, the jurisdiction of the Council extends over all the Northwest Territories and its residents.

Council enacts ordinances for the Territories in much the same way as provincial legislatures enact provincial law. Council has jurisdiction, as set out in sections 13, 14 and 14A of the Northwest Territories Act, over such matters as education, health, social welfare, municipal affairs, motor vehicles and roads, game, business and professional licensing, et cetera. Any ordinance or provision thereof may be disallowed by the Governor in Council within two years after its passage.

The Northwest Territories Act requires that a minimum of two sessions of Council be held in each year and that one of these be held in the Northwest Territories. All other sessions must be held at the seat of government. By order in council earlier this year, Yellowknife was named the seat of government of the Northwest Territories effective May 1.

Council's term of office is three years. On April 30 of this year the last Council expired and the Chief Electoral Officer is now making preparations for a territorial general election on July 4. It is expected that all seven seats will be contested. The first session of the new Council will be held in Yellowknife in the fall of this year.

Therefore, honourable senators, you will agree that the north more and more is becoming a place to live in and a place to earn a living. Assisted by an expanding economy in the south, more incentives from Ottawa, recognition of the middle north as a region distinct from the high Arctic and as a region which must be planned for and treated as a unit, the middle north can become a national asset.

This year as we celebrate our Centennial as a nation, does it not create in us a mood of respect for the past, appreciation of the present, and hope for the future?

On the motion of Honourable Mrs. Fergusson, debate adjourned.

CANADA CORPORATIONS ACT

BILL TO AMEND—SECOND READING

Hon. T. D'Arcy Leonard moved the second reading of Bill S-10, to amend the Canada Corporations Act.

He said: Honourable senators, this bill is what I might call a tidying-up bill. Honourable senators will recall that in 1964-65 we had before us some major amendments to what was then called the Companies Act. Those amendments were important and very constructive. They were considered by the Senate over a period of some months, particularly by the Committee on Banking and Commerce and especially by the Chairman of that committee.

Hearings were held and witnesses were called representing chartered accountants and lawyers throughout Canada and others, including the departmental officials. As a result, a very constructive bill ended as an act of Parliament passed by both the Senate and the House of Commons.

Since that time there have arisen a few instances where some clarification is required or where amendments should be made because of the provisions of the act—not that there was any oversight at that time, but because from time to time these instances appear and, although in the ordinary case they might be left until a revision of the act or a consolidation takes place, nevertheless, in the case of an act such as the Canada Corporations Act, under which business is carried on day by day throughout the country, it becomes desirable to clarify and make these changes as soon as convenient to do so.

I think honourable senators will recognize, therefore, that as there is no major principle involved in this bill, the best procedure is to run through the amendments and honourable senators can then see for themselves that they are consequential upon the passing of the previous act.

Section 1 deals with section 5 of the act. That is the section which confers upon the Secretary of State the power to issue letters patent or supplementary letters patent to companies; and there are certain exceptions in Section 5, such as loan companies, banks, and insurance companies, those companies which have their own special acts dealing with their incorporation and their powers.

This bill inserts in that section, as an exception, companies doing business under the Small Loans Act. Those companies have had for a number of years their own special act; they are incorporated under the Small Loans Act and they are in the same class or category as the other classes of companies to which I referred. So this amendment simply takes out of the general act and leaves under their own special act companies incorporated under the Small Loans Act.

In the act as it now stands, section 2 reads as if in every case where an additional series of a class of shares is issued there are required additional supplementary letters patent, even though the restrictions and the terms applying to that series have already been set out in the previous letters patent or supplementary letters patent.

Section 2, therefore, makes it clear that once letters patent or supplementary letters patent have set out the terms and restrictions for all series of that class of shares, then no further supplementary letters patent are required as further series are issued.

Hon. Mr. Connolly (Ottawa West): There is less work for the lawyers.

Hon. Mr. Leonard: I should remember that.

Now, section 3 deals with the requirements concerning a by-law changing the head office of a company. The present act requires that that by-law be published in the *Canada Gazette*. The change is to require that only notice of the by-law be published in the *Canada Gazette*; the by-law itself is to be filed with the Registrar General and is to be open for inspection. This saves companies the unnecessary expense of having to put into the *Canada Gazette* the whole by-law affecting the head office. All that will be required now will be simply a notice of the change.

Section 4. The present act requires a company to file, among other papers, a memorandum of agreement. For a long time now companies have not been incorporated by means of a memorandum of agreement, and, therefore, they could not file a memorandum of agreement. This change is to make it read so that, along with the other papers, they will file "a copy of the memorandum of agreement of the company, if any."

Section 5 corrects a printing omission. The word "of" was left out in the third line of subsection 4 of section 116. If one reads the section, he is at once aware that the word "of" should go in. So that in connection with a private company that is given a certain dispensation, it must be a private company that is not a subsidiary of a public company or of a company incorporated otherwise than by or under an act of Parliament.

Coming now to section 6, there is in the interpretation section of the Canada Corporations Act a definition of the words "any other company". Now in section 121B, instead of repeating those words "any other company" the phrase used is "another company". One might assume from that that there is a difference between the two phrases, but no difference was intended, and this change defines "another company" as being exactly the same definition as "any other company".

Section 7, as the act now reads, states that when a company has for three years failed to file its annual return, the Registrar General may give notice to the company that unless within a further year the annual statements are filed, the company may be dissolved. That gives a total of four years in all. The change is to reduce the time by one year, so that if a company is in default in its annual return for two years, the Registrar General gives one year's notice, and the company, in case of default, may be dissolved after three years instead of four.

Section 8: In the amendments made in 1964-65, one important amendment was the power given to companies to amalgamate. The wording in the section was that "Any two or more companies incorporated under this act... may amalgamate." Now the original act, the Canada Companies Act, was passed in 1934, so that in giving the power to amalgamate we only gave it to companies that have been incorporated since that year. There is no reason to differentiate as between companies incorporated prior to or after 1934, and so this change corrects that wording by saying that any two or more companies to which this Part applies may amalgamate, and the definition in the section dealing with the application of the Part brings in companies incorporated prior to 1934. Subsection 2 of that section makes it retroactive to the passing of the original amalgamating powers.

Section 9 seems to me to be a housekeeping matter for the Department of the Registrar General. The act as it reads now requires or states that no letters patent may issue until after all fees are paid. This section extends that requirement so that no by-laws, returns, prospectuses or other documents may be filed until fees are paid.

Section 10 as it now stands refers to section 125A. There is no such section in the act. This is obviously a proof-reading error. There was one originally in the bill when it came before the Senate in 1964, but that particular section 125A was struck out, and the present wording should be "125" instead of "125A".

I think honourable senators will recognize that this is a tidying-up bill, and that the amendments suggested are all helpful and ameliorating.

Hon. David Walker: Honourable senators, I agree with honourable Senator Leonard that this is a tidying-up bill, and any bill which required all the amendments that the 1934 Canada Corporations Act required in 1965 should be tidied up, and it must be further tidied up after all the amendments have been made. Two years have passed since amendments were finally passed, and it is surprising to me that there have not been more requests that further sections be tidied up.

This is a housekeeping bill, or a housecleaning bill, if you want to put it that way, and I would suggest to my very able friend, Senator Leonard, that he might now request that this tidying-up process be completed and that the original bill together with the amendments of 1964-65 and the tidying-up bill of 1967 should be consolidated. Lawyers across Canada are having great difficulty with the legislation. If you will make that recommendation, I will be very happy. This is not a political bill; it is just common sense—

Hon. Mr. Croll: Is there a suggestion that it is political?

Hon. Mr. Walker: Well, if it were political, you might be speaking.

Hon. Mr. Croll: It so happens that at the moment you are.

Hon. Mr. Walker: This is a very proud day for you, senator, and we are happy to have you interrupt so that we will know that you are here.

Hon. Mr. Croll: I am here more often than you are.

Hon. Mr. Walker: You are becoming quite vehement, I see.

Section 1 of the Canada Corporations Act is amended in Bill S-10. It is obvious that this Small Loans Act had not been mentioned, and that it should have been and now has been included.

Clause 2 makes the wording very much more specific than it has ever been before, because we know that supplementary letters patent may specifically provide particulars of more than one series or class of shares; and now there can be no doubt that all these classes are included.

Hon. Mr. Connolly (Ottawa West): You do not mind the loss of fees involved in SLP?

Hon. Mr. Walker: Did my friend mention something about SO—?

Hon. Mr. Connolly (Ottawa West): No; I said that you do not mind the loss of fees involved in SLP.

Hon. Mr. Walker: Thinking of what my friend opposite said a moment ago, I thought there might be some political connotation in that remark.

Then we come to clause 3 which I am glad to see my friend was dealing with in anticipation. There is no doubt that the printing of a long and detailed by-law is out of place; there is no necessity for it. A simple notice of change of name is very much in order, and it is a great thing to see governments, and particularly a Liberal Government through this nonpolitical Companies Branch, trying to save money instead of trying to find ways of spending it.

Hon. Mr. Connolly (Ottawa West): We are at it all the time.

Hon. Mr. Brooks: Not very successfully.

Hon. Mr. Walker: In clause 4—we are trying to help you, not that you need it or, I should say, not that you think you need it—in any new incorporation, of course, under both circumstances, no memorandum of agreement is necessary. That was simply an oversight, I presume, in the old act.

As my friend Senator Leonard has said, clause 5 was simply a printing omission. Clause 6 is purely definitive.

Clause 7 is a very good idea. Why should people be allowed three years in arrears to file? Why should they be allowed three consecutive years in which to omit filing before they are taken to task? Boiling it down to two years is a very sensible idea in all the circumstances, particularly since they still have a year after publication of the notice to correct the filing omission.

Clause 8. There is no question about the interpretation here having been too narrow. It would mean simply, if the present wording of section 128A were left as it is at the present time, that the only corporations that would be affected would be companies incorporated since 1934. This change will now make law what we intended in our committee—namely, that all companies, even those incorporated before 1934, would be affected.

Clause 9—again something about getting more fees. The Government is always proficient in getting in the money, but is not quite as proficient in keeping it from being spent.

Hon. Mr. Croll: There is no purpose—

Hon. Mr. Walker: Did my honourable friend say something?

Hon. Mr. Croll: There is no purpose in keeping it.

Hon. Mr. Walker: No. It is very nice, though, to have your interruption. This is your day, and I say that with a great deal of sincerity.

Clause 9. There is no question about this. Why should we wait for fees to be paid? Why should we wait for fees to be paid on anything? Now, before any document can be filed all fees must be paid. Originally, they had to be paid with the filing of the application for letters patent or supplementary letters patent. Now they have to be paid on every document, and unless the fee is included no action will be taken by the department on any of the returns.

Clause 10 rectifies a very small omission, a proof-reading error.

This is all to the good, and the Canada Corporations Act, of course, will be under constant review. After studying the American corporations acts and those of other countries we might quite properly feel our act is a bit old-fashioned. But as a result of the amendments of 1964-1965 and the cleaning up process of this bill, we are a great deal ahead of where we were in 1963, for instance.

Hon. John J. Connolly: Honourable senators, I just want to add a word to what Senator Leonard and Senator Walker have said.

I think that what Senator Walker said has pointed up what we all know from experience, that the Senate committee which deals with bills of this kind invariably does an outstanding job. In this case, as Senator Walker of course realizes, there was a subcommittee which looked at the amendments which were made two years ago to the Companies Act, I think for the first time in over 30 years, and it is a great tribute to the work of that committee that so few changes are now necessary to bring the act up to date.

I pay a tribute to the lawyers on that committee and on the subcommittee who paid so much attention to the draftsmanship of the various clauses; and to have two eminent counsel like these two gentlemen from one of the great Bars of this country speak about this measure is something of which the Senate should indeed be proud.

Hon. Senators: Hear, hear.

Motion agreed to and bill read second time.

On motion of Hon. Mr. Leonard, bill placed on the Orders of the Day for third reading at the next sitting.

IMMIGRATION ACT

BILL TO AMEND—SECOND READING

Hon. A. Hamilton McDonald moved the second reading of Bill C-118, to amend the Immigration Act.

He said: Honourable senators, this bill is about as short as it is possible to make one, and the amendment does one thing and one thing only. The amount of money allowed to be outstanding in the advances by the Minister of Manpower and Immigration for loans to immigrants to assist them in their expenses

of transporting themselves from their native land to Canada is changed from $12 million to $20 million.

It would be only fair if I were to give some figures as to what has happened since this legislation was first implemented back in 1951. At that time about 4 per cent of the immigrants coming to Canada came under this particular program. Today about 25 per cent of the immigrants to Canada are using this piece of legislation. Over that period from 1951 to date there have been about a quarter of a million immigrants who have used this program to assist themselves to come into this country. The total amount of money that has been lent over the period amounts to some $41 million.

There have been losses. During that period the losses have amounted to about $330,000 or 0.8 per cent of the total amount of money advanced to the immigrants. Personally, I think that is a pretty good record.

There are several reasons why these loans have been uncollectible. In some cases the individuals arrived in Canada and a few days later found themselves in the United States, which made it impossible for the department to collect the money. In other cases they had been ill. In some cases they wound up in a mental institution in our country. But 0.8 per cent over the period from 1951 to 1966, I think, is a pretty good record. To date these advances have been interest-free.

Hon. Mr. Brooks: This is a revolving fund?

Hon. Mr. McDonald: Yes.

Hon. Mr. Brooks: That 0.8 per cent would be of the original amount of $12 million and not of $41 million?

Hon. Mr. McDonald: No, of $41 million. The total amount of money that has been used in the revolving plan, with this ceiling of $12 million, is $41 million, and the losses have been 0.8 per cent of the $41 million, as I understand it.

Hon. Mr. Roebuck: It is half of 1 per cent, approximately.

Hon. Mr. McDonald: To date these loans have been interest-free. It is my understanding that it is the intention of the department to amend the regulations so that an interest rate can be charged. Part of the reason for that is the fact that at the beginning of this plan, as I said earlier, only 4 per cent of the immigrants used it. Today it is 25 per cent, and there is the indication that many people are using this plan who actually do not need financial assistance to come to our country. There is a feeling we ought not to be lending money interest free to immigrants who actually do not need help. So, there is a suggestion that the regulations under the act be amended to charge an interest rate of something in the neighbourhood of 6 per cent.

Hon. Mr. Connolly (Ottawa West): On all loans?

Hon. Mr. McDonald: No, it is the intention of the department that where there are very difficult circumstances perhaps not only a loan could be made but a gift made to the immigrant, where neither the principal nor interest would be repaid, and in other cases the principal without interest. It would depend on the circumstances.

Hon. Mr. Everett: Would the honourable senator tell me whether the ceiling of $12 million has worked any hardship?

Hon. Mr. McDonald: If the honourable senator will bear with me, I will come to that point.

Initially, there was a 24-month repayment period, but again circumstances were taken into consideration. In some cases a much longer time has been taken to repay the loan. But, to come to the honourable senator's question, the ceiling of $12 million on loans has meant that this program could be applied only in certain parts of the world. As a matter of fact, when the legislation was first brought into being there were only certain countries in Europe to which the particular program applied. I think it was last year that these benefits were extended to the Caribbean area. It is the hope of the Government, if this house sees fit to pass this amendment, to increase the maximum amount of the outstanding advances from $12 million to $20 million, after which this program can be extended to all those countries of the world from which immigrants to Canada come.

With that short explanation, honourable senators, I move second reading of this bill.

Hon. Harry A. Willis: Honourable senators, I should like to ask the honourable senator whether previously interest on these loans has been charged.

Hon. Mr. McDonald: No, there has been no interest charged to date.

Hon. Mr. Willis: It is only now that Parliament has decided to charge interest?

Hon. Mr. McDonald: Yes.

Hon. Mr. Willis: Honourable senators, this bill is typical of the Government in power. I never saw so much money spent by a government in my life. All this amendment to the Immigration Act does is provide that the total amount of outstanding advances shall not exceed $20 million, instead of $12 million. That is all there is to it.

As honourable senators know, there is set up at present a joint committee of this house and the other place on immigration, of which I happen to be a member. That committee has had many meetings, and from what it has heard it is my opinion that the Immigration Department at the present time needs a good cleaning out. Many members of my honourable friend's party in the other place are in agreement with that.

I criticize this bill not to prevent its passage, because we on this side of the chamber want it passed. But, when the minister introduced it in the other place, and when my honourable friend introduced it here today, neither gave any indication whatsoever of what the policy of the Government is going to be with respect to future immigration. They have said not one word about that.

As my honourable friend well knows, these loans have been made for some time. We all realize that more immigrants have been coming to Canada in the last few years than ever before, and there seems no doubt that this added expenditure is necessary. However, the Minister of Immigration tabled in the other place a White Paper, and this bill contains nothing of what is contained in that document.

This chamber should advise the Department of Immigration that it should take a good look to see what other countries are doing in this connection. For instance, Australia has a subsidy plan, and Australia has had two immigrants for every one that has come to Canada in the past few years.

Hon. Mr. Croll: That is, two British immigrants to our one British immigrant.

Hon. Mr. Willis: Yes, immigrants from Britain. It is my opinion that we should have more information. As the honourable sponsor of this bill (Hon. Mr. McDonald) well knows, on March 1, 1966, Manitoba introduced its immigration act. Recently there have been talks between the Premier of Quebec and General de Gaulle in Paris. Why were we not given some information as to whether there have been conferences with the Canadian Department of Immigration and the Immigration Department of Manitoba and the Immigration Department of Quebec? What we need is more information.

All this bill tells us is that the Government wants $8 million more for the purpose of bringing in more immigrants. Goodness knows, Canada needs more immigrants, but, as I say, the policy of the Department of Immigration, as it is now, needs considerable overhauling.

We on this side of the house support the bill, but we do criticize the lack of information that was given this house about it.

Hon. Arthur M. Pearson: Honourable senators, I have just a few words to say on this bill. I agree with the sponsor that it is a very short bill. It changes but one word. It increases the amount from $12 million to $20 million. My criticism is that we do not know where this figure of $20 million comes from. The minister in the other place said that immigration from France alone during the first four months of this year was nearly double that of the same period last year. If that is so, why is this additional amount of $8 million needed? Why not make it $25 million, and let us have more immigrants to this country? This money is supposed to be used for the bringing to this country of unsponsored immigrants, and it is well known that we need many immigrants.

As far as I am concerned it can well be asked: What's a million nowadays? We spend money like drunken sailors, so why not spend $25 million and get all the immigrants we need?

I too am a member of the Joint Committee on Immigration which, at the commencement of its deliberations, studied the White Paper. I must confess that I do not like the situation we are in at the moment. The committee was responsible for two minor bills with respect to immigration—this one, and another that was passed previously—and yet at the very beginning the White Paper says:

> There is a general awareness among Canadians that the present Immigration Act no longer serves the national needs adequately.

It goes on:

> This White Paper is intended to assist in public discussion in and out of Parliament. It attempts both an analysis of the problem and a statement of the principles and policies which the Government believes should be embodied in new immigration legislation.

For my part, it seems that the Government is nibbling away at this—a little bit here and a little bit there—and we are not going to have any immigration policy at all, but are just going to go along with the old one. Finally, we will have two or three little pieces of legislation in respect of immigration picked from the White Paper, and there will be very little left of that document but the skeleton.

I would like to see a thorough report made by the Special Joint Committee on Immigration presented to this chamber and to the other place, and a revised Immigration Act passed by Parliament as soon as possible, one that will assist the country to get all the immigrants it needs. There are many questions that have to be answered in respect of immigration in Canada, and we need a proper basis on which to work.

Hon. Mr. Brooks: May I ask the honourable senator whether the White Paper was studied at all by the committee?

Hon. Mr. Pearson: Yes, it was studied for a considerable period of time.

Hon. John J. Connolly: Honourable senators, perhaps it would be helpful if I said one or two things at this stage on behalf of the Government.

First of all, the question is raised as to why the amount of $20 million has been selected. I think honourable senators will gather that this is an estimate made by the officials of the department after a study of the prospects for immigration, and the requirements of these people who come to this country for assistance when they first arrive. Probably arguments could be advanced for other amounts. However, according to the best available evidence, this seems to be the amount that would be satisfactory for a while.

I suggest that this bill go to a committee, at which time the questions on that point might very well be asked of the officials, and indeed of the minister.

Secondly, I refer to the question of immigration policy. Without becoming political, I think it is a recognized fact that in this country we have vast open spaces and an abundance of opportunities for people. A modern immigration policy that is going to meet the requirements of the Canada of tomorrow is something for which all of us will want to strive. The new minister is very much actuated by a sense of urgency in this particular field.

I was impressed to find out the other day when I was in Malta, where I had the privilege of having a discussion with the minister in charge of manpower, labour and emigration in that country, that while 300,000 people live in Malta, more than 300,000 Maltese are living in Australia.

Hon. Mr. Flynn: Any Irish?

Hon. Mr. Connolly (Ottawa West): Oh, there are lots of Irish. There is no problem about finding the Irish wherever you go.

Hon. Mr. Walker: Even in the Senate.

Hon. Mr. Connolly (Ottawa West): Yes, even in the Senate; and those who are not Irish wish they were—people with names like "Flynn" particularly.

Hon. Mr. Flynn: Hear, hear.

Hon. Mr. Connolly (Ottawa West): The minister with whom I had the discussion told me of a scheme, which I think may have been already carried out, whereby by arrangement with the Government of Manitoba and the Government of Canada some 78 families from Malta at the beginning of this month were emigrating to Manitoba. This is sensible policy. It is not simply bringing people in and saying to them, "Here you are, find your own way." Undoubtedly a program has been worked out between the federal authorities and the provincial authorities. These are skilled people in various trades; they are wonderful and friendly people, good types for the Canadian economy and the Canadian population.

The minister is coming here sometime in August to visit this new group which is coming to Canada. He said that he would tell them never to forget their Maltese background, but that their first duty is to become good Canadians. With that kind of co-operation between the authorities in Canada concerned with immigration—and I think there is an interest on the provincial side, certainly on the trade union side—and people concerned with the problem in countries from which immigrants can come, I think there is an opportunity to help with the kind of program we need. We all desire the most up-to-date immigration procedures that we possibly can have.

This is only one step, one phase of the policy, but I think the Government has given an earnest of its intention to do just what I and other honourable senators have been advocating, in presenting the White Paper so that parliamentarians would have an opportunity of reviewing the whole field. Then when the time comes to draft legislation, the views of people, not only of Parliamentarians but of experts and witnesses who are brought before the committee studying the White Paper, can be made available to the draftsmen who prepare the legislation.

So, I think that there is in the making, and it is not done over night, the kind of immigration policy that we all want to see established here.

Hon. David A. Croll: Honourable senators, I am a little confused, which is not unusual for me. Senator Willis speaks of a lack of immigration policy. I recall that he landed here just after the last meeting of the Immigration Committee and said that he did not receive a notice of the meeting, that they forget to send him one. Senator Pearson was at that meeting. The minister appeared before us and in a statement of some length he outlined the immigration policy and the changes that were made by regulations. It was the most extensive commitment that could possibly be made on the part of the Government. As a matter of fact, it seemed to satisfy all of us around the table that he had met most, if not all, of the objections. We felt then that we were well away, that he was going about the business of opening up offices I think in Japan, in the Caribbean, and some other countries in order to bring in immigrants under the new regulations.

So, why do we speak about not having a policy? It has been stated, enunciated and proclaimed, and I do not know what else the minister can do.

Hon. Mr. Pearson: Honourable senators, I admit that the minister made a statement and a very good one. However, to bring in these small bits of items of the Immigration Act and not the whole act is not satisfactory to me. I want to see the total act instead of a piecemeal affair all the way along.

Hon. A. Hamilton McDonald: Honourable senators—

The Hon. the Speaker: May I remind honourable senators that if the honourable Senator McDonald speaks now it will have the effect of closing the debate.

Hon. Mr. McDonald: Honourable senators, all I want to say is that if this house sees fit to give this bill second reading I will move that it be referred to the Standing Committee on Immigration and Labour. At that time the officials of the department, and the minister himself, if desired, will be available to give all the details needed. I hope some of the remarks that have been made here this afternoon will be made again in committee. I too have some reservations with regard to immigration in this country, coming as I do from the Province of Saskatchewan which has a problem with regard to the unavailability of people to do necessary jobs. I would like to see a policy that would allow people to come to this country if they are available to do necessary work not only in Saskatchewan but in other parts of Canada. The productivity of this nation is being deterred through the lack of people to do the work. The mining, lumbering, and agricultural industries are suffering. It is most difficult to get immigrants to remain for any length of time in one of those three industries, especially in agriculture. They are likely to remain for six months or a year, and when they see the bright lights of Montreal, Toronto or Vancouver they are gone. I do not know what the answer is, but it is a fact that in many cases people who have lived in an agricultural environment in another part of the world want to live on Bay Street when they come to Canada, and that is where many of them are going. If the minister or his officials have the answers, I am sure they will give them to us in committee.

Hon. A. J. Brooks: Honourable senators, is there not another great problem in connection with immigration, that is, the shortage in housing? I understand there are thousands of people who could come to Canada but there would be no place for them to live. This has been the experience of many immigrants to this country. I read the other day of someone in Montreal who had to wait for four years before he could get a place which he could call his own, a home for his family. I think our housing problem is a very serious one in relation to immigration.

Hon. Mr. McDonald: There is no housing problem on my farm, but I cannot get immigrants.

Hon. Mr. Brooks: They are moving off the farms. The country farms have vacant houses, but the cities have none.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. McDonald, bill referred to the Standing Committee on Immigration and Labour.

The Senate adjourned until tomorrow at 3 p.m.

APPENDIX

(*See p. 118.*)

INQUIRIES ANSWERED

STATUTES OF CANADA—REVISION

Inquiry No. 2 by Honourable Jean-François Pouliot:

1. On what date was the latest revision of the Statutes of Canada commenced and what are the names of the persons who are carrying out the revision?

2. Are the persons mentioned in the previous question working full time or part time, and in the latter case, what is their main occupation?

3. What work have the abovementioned persons accomplished to date and what work remains in order to complete the revision of the Statutes?

4. What is the regular salary of each of these persons and how much are they paid for overtime?

The answers to Inquiry No. 2 are as follows:

1(a) The Statute Revision Commission was established by Letters Patent dated the 4th day of May, 1965. The consolidation of the public general statutes of Canada began about the middle of July, 1965.

(b) The Commission carrying out the revision now consists of the following:

Hon. Pierre-Elliott Trudeau, P.C., M.P., Minister of Justice and Attorney-General of Canada (*member ex officio*);

Donald S. Maxwell, Q.C., Deputy Minister of Justice and Deputy Attorney-General;

Jean Miquelon, C.R., Deputy Registrar General of Canada;

Rodrigue Bedard, C.R., Associate Deputy Minister of Justice;

Donald S. Thorson, Q.C., Associate Deputy Minister of Justice;

James W. Ryan, Director, Legislation Section, Department of Justice.

2. The persons named above work part time only on the revision; thus principal occupation is as stated above.

3(a) To date the Statute Revision Commission has consolidated a total of 726 public general statutes, a total of 363 in French and English respectively.

(b) A preliminary revision has been made of 325 statutes in English and 283 in French.

(c) In order to complete the work of the Commission, it is necessary to consolidate all the public general statutes to be included in the Revised Statutes 1967. This number has not yet been determined, because of the multitudinous changes made in the statutes in the previous sessions of Parliament and the changes proposed to be made in this session.

If the new Interpretation Act becomes a reality, the Commission will be in a more favourable position to fix a determination date for the inclusion of statutes. Until now, it has not been practical to fix any such date. It has not seemed desirable to have a revision as out of date as one that would result from a cut-off date that did not include the legislation of 1966-67.

After a cut-off date is established, a period of several months will be required to complete the consolidation. A further period will be required to complete the revision and the preparation of the required Statute Roll in manuscript. Thereafter at least six months will be required for the printing process.

In addition the Commission will in all probability be required to prepare and append a Supplement to the Statute Roll unless there is a change in the pace of legislation coming out of Parliament.

It is anticipated that the Fall of 1968 is the earliest date that the Revised Statutes 1967 can be promulgated and distributed.

4. The salaries of the members of the Commission are their salaries of office. There is no special remuneration for revision work provided the members of the Commission and no overtime benefits.

REVISED STATUTES OF CANADA—USE OF WORD "DOMINION"

Inquiry No. 3 by Honourable Senator Pouliot:

In what clauses and in what lines of the pages of the Revised Statutes of Canada, 1952, and the subsequent Statutes of Canada have the words "Dominion of Canada" and "Dominion" (referring to the Dominion of Canada) been mentioned?

The answer to Inquiry No. 3 is as follows:

The information sought is not immediately available from the records of the Statute Revision Commission. The immediate information available indicates that the terms "Dominion" and "Dominion of Canada" occur in the following Acts:

(a) By Title: Dominion Coal Board Act; Dominion Controverted Elections Act; Dominion Day Act; Dominion Succession Duty Act (Superseded by the Estate Tax Act); Dominion Water Power Act.

(b) Otherwise: Excise Tax Act (ss. 26 & 35 (4)) Canada Land Surveys Act (Dominion land surveyor).

The information sought can only be obtained from a line by line search of *all* the statutes. So far as the statutes to be included in the revision are concerned it is possible to extract this information in the course of revising without disrupting the revision if sufficient time is available.

ROYAL ASSENT—PUBLIC BILLS

Inquiry No. 4 by Honourable Senator Pouliot:

1. How many times did a Deputy to the Governor General come to the Senate Chamber to give Royal Assent to bills during the First Session of the 27th Parliament and on what dates did he come?

2. Referring to the inquiry which appeared in the Senate Debates of July 22, 1964, how many public bills, except supply bills, were assented to each time and what was the title of each such bill?

3. Were the bills referred to in question No. 2 published separately after they had been assented to, and, if so, how long after in each case?

4. Were copies of the aforementioned bills forwarded to the Members of both Houses of Parliament, and if so, when, and, if not, why?

The answers to Inquiry No. 4 are as follows:

1. A Deputy of the Governor General came to the Senate Chamber to give Royal Assent to Bills twenty-three times during the 1st Session of the 23rd Parliament and on the following dates:—

February 8, 1966; February 23, 1966; March 9, 1966; March 31, 1966; May 12, 1966; June 2, 1966; June 16, 1966; July 11, 1966; July 15, 1966; September 1, 1966; November 17, 1966; November 22, 1966; November 28, 1966; November 30, 1966; December 14, 1966; December 21, 1966; February 9, 1967; February 17, 1967; February 23, 1967; March 1, 1967; March 10, 1967; March 23, 1967; May 8, 1967.

2. See list of Acts passed during the Session 1964-65, Appendix "A" below.

3. No. When they are assented to bills become statutes and are published as such.

4. It is not the practice to deliver loose copies of statutes to members of both Houses of Parliament unless requested. However, these are available within two weeks of Royal Assent and can be obtained by any member or Senator on request from the Distribution Office of the Queen's Printer. Members of both Houses receive the bound Statutes as soon as they are available. Copies of the bound 1964-65 Statutes were delivered to the offices of the members of both Houses of Parliament on July 21, 1965.

Appendix "A"

Acts Passed During the Session: 1964-65.

PUBLIC ACTS

CHAP.		Bill No.
	Assented to March 30, 1964	
1.	Appropriation Act No. 1, 1964	C-84
2.	Trans-Canada Air Lines Act	C-2
	Assented to April 3, 1964	
3.	Appropriation Act No. 3, 1964	C-87
	Assented to April 6, 1964	
4.	Appropriation Act No. 2, 1964	C-86
	Assented to April 13, 1964	
5.	Appropriation Act No. 4, 1964	C-89
	Assented to May 21, 1964	
6.	Blue Water Bridge Authority Act	S-4
7.	Customs Tariff, An Act to amend	C-92
8.	Estate Tax Act, An Act to amend	C-94
	Assented to May 28, 1964	
9.	Appropriation Act No. 5, 1964	C-99
	Assented to June 18, 1964	
10.	Bank Act and the Quebec Savings Banks Act, An Act to amend	C-98
11.	Crown Corporations (Provincial Taxes and Fees) Act	C-95
12.	Farm Credit Act, An Act to amend	C-100
13.	Income Tax Act, An Act to amend	C-91
14.	Judges Act and Exchequer Court Act, An Act to amend	C-96
15.	National Housing Act, 1954, An Act to amend	C-102
16.	Ste-Foy-St-Nicolas Bridge Act	S-21

Assented to June 30, 1964

17. Appropriation Act No. 6, 1964 C-105
18. Export Credits Insurance Act, An Act to amend C-101
19. Roosevelt Campobello International Park Commission Act S-26

Assented to July 16, 1964

20. Appropriation Act No. 7, 1964 C-109
21. National Defence Act, An Act to amend C-90
22. Territorial Sea and Fishing Zones Act S-17
23. Youth Allowances Act C-108

Assented to July 28, 1964

24. Canada Student Loans Act C-110

Assented to August 7, 1964

25. Appropriation Act No. 8, 1964 C-116

Assented to August 13, 1964

26. Federal-Provincial Fiscal Revision Act, 1964 C-111

Assented to September 16, 1964

27. Farm Improvement Loans Act, An Act to amend C-119

Assented to October 15, 1964

28. Crop Insurance Act, An Act to amend C-129
29. Farm Machinery Syndicates Credit Act C-121

Assented to November 5, 1964

30. Appropriation Act No. 9, 1964 C-135

Assented to November 20, 1964

31. Electoral Boundaries Readjustment Act C-72
32. Harbour Commissions Act S-10
33. Newfoundland Acts respecting Harbours and Pilotage repealed S-40

Assented to December 2, 1964

34. Main Supply Bill—Appropriation Act No. 10, 1964 C-140

Assented to December 18, 1964

35. Combines Investigation Act and the Criminal Code, An Act to amend An Act to amend the C-141
36. Judges Act, An Act to amend the C-112

Assented to March 18, 1965

37. Canada-Japan Income Tax Convention Act, 1965 C-146
38. Canada Labour (Standards) Code C-126
39. Canada Shipping Act, An Act to amend S-7
40. Insurance, Department of, An Act to amend certain Acts administered in the C-123
41. Canadian National Railways Financing and Guarantee Act, 1964 C-137
42. Coal Production Assistance Act, An Act to amend C-147
43. Corporations and Labour Unions Returns Act, An Act to amend S-35
44. Geneva Conventions Act, 1949, An Act respecting S-25
45. Merchant Seamen Compensation Act, An Act to amend C-131
46. Penitentiary Act, An Act to amend C-145
47. Privileges and Immunities (United Nations) Act, An Act to amend S-24
48. Revised Statutes of Canada, An Act respecting S-2

Assented to April 3, 1965

49. Appropriation Act No. 1, (Interim), 1965 C-150
50. Appropriation Act No. 2, (Supplementary), 1965 C-151
51. Canada Pension Plan C-136
52. Companies Act, An Act to amend S-22
53. Criminal Code (*Habeas Corpus*), An Act to amend C-35
54. Established Programs (Interim Arrangements) Act C-142

27059—10

DEBATES OF THE SENATE AND INDEX—PRINTING AND DISTRIBUTION

Inquiry No. 5 by Honourable Senator Pouliot:

1. Referring to the bound copies of the Senate Debates for the First Session of the 27th Parliament, when will they be made available in French and English to the Members of the Senate?

2. Until then, will the Index of the Senate Debates be completed from March 6, 1967, to the date of the prorogation of the last session, and when will it be made available to the Members of the Senate?

Were the Senate Minutes and Debates published for the morning sitting of May 8, 1967, and if not, why?

The answers to Inquiry No. 5 are as follows:

1: Within three to four months. (See copy of letter from Mr. Hagen, Editor of Debates, to Clerk of the Senate, marked Appendix "B").

2: Yes. It is expected that the Index to the Senate Debates for the 1966-67 Session will be completed and ready for distribution to Senators by 6th June, 1967.

3: Yes.

May 23, 1967

Appendix "B"

MEMORANDUM to:—John F. MacNeill, Q.C., B.A., LL.D., D.C.L., Clerk of the Senate

Re Questions by Hon. Senator Pouliot

Throughout the past session revised copy of the Debates was sent to the Printing Bureau at regular intervals, revised proofs were received, promptly checked and returned to the Bureau for final printing. By this process the copy was moved as quickly as the printers could handle it. As of this date, about 600 pages of final proofs are still to be received. This applies only to the English language version; the final revision work on the French language copy of the Debates is done by the Bureau of Translations, and it deals directly with the Printing Bureau.

As to the likely date of distribution of the bound volume of Debates for the 1966-67 session, the delay could well stretch into three or four months. This estimate is based on the time required in other years, when there was an interval between sessions in which the printers could complete the work from the previous session. I am assured that the bound volume in the French language will be delivered within three or four days of the English.

A complete Index to the Debates of the Senate in pamphlet form—including March 6 to May 8—is now being prepared for publication and will be made available for distribution among parliamentarians only. Photolist (proofs) is now being checked and will be returned to the Bureau with the least possible delay. A further check of the negatives is necessary, but one might reasonably expect delivery of the Index by June 6.

Graydon Hagen,
Editor of Debates.

THE SENATE

Thursday, June 8, 1967

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

MR. JUSTICE LANDREVILLE

RESIGNATION FROM SUPREME COURT OF ONTARIO

Hon. John J. Connolly: Honourable senators, before the Orders of the Day are called, I desire to make a statement on behalf of the Government. It is to the effect that the Government has received the resignation from the Bench of the Supreme Court of Ontario of the Honourable Mr. Justice Leo Landreville and that this resignation has been accepted.

For the convenience of honourable senators I shall read into the record the letter of resignation, which is dated Ottawa, June 7, 1967:

> The Honourable Pierre E. Trudeau, Minister of Justice, Parliament Buildings, Ottawa, Ontario.
>
> My dear Minister,
>
> Be advised of my consent to retire and I hereby tender my resignation as Judge of the Supreme Court of Ontario effective June 30, 1967.
>
> After five difficult years and appearing in seven hearings, my health and wealth are impaired. I cannot continue. In any event my usefulness as a judge has been destroyed by the publicity and harassment arising out of such proceedings.
>
> During my years as a Judge of the Supreme Court of Ontario, I have fully and faithfully discharged my judicial duties. There has been no criticism of my conduct in this area and my integrity as a judge was not made an issue before Mr. Justice Rand who, on this point, says in his report:
>
> 'No question is raised of misbehaviour in the discharge of judicial duty; the inquiry goes to conduct outside that function.'
>
> In my personal life, as mayor, solicitor or citizen, I repeat emphatically and reaffirm my innocence of any wrong doing in law or ethics. But I cannot remove unfounded suspicions.
>
> My gratitude goes to the people of Sudbury who have shown continued confidence and persistence in defending me.
>
> Yours truly,
> L. A. Landreville

27059—10½

CANADIAN WHEAT BOARD 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-106, to amend the Canadian Wheat Board Act.

Bill read first time.

Hon. John J. Connolly moved that the bill be placed on the Orders of the Day for second reading at the next sitting.

Motion agreed to.

PRIVATE BILLS

SEABOARD FINANCE COMPANY OF CANADA—FIRST READING

Hon. J. Harper Prowse, for Hon. Mr. McDonald, presented Bill S-15, to incorporate Seaboard Finance Company of Canada.

Bill read first time.

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

Motion agreed to.

CABRI PIPE LINES LTD.—FIRST READING

Hon. J. Harper Prowse presented Bill S-16, to incorporate Cabri Pipe Lines Ltd.

Bill read first time.

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

Motion agreed to.

VAWN PIPE LINES LTD.—FIRST READING

Hon. J. Harper Prowse presented Bill S-17, to incorporate Vawn Pipe Lines Ltd.

Bill read first time.

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

Motion agreed to.

IMMIGRATION ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Donald Smith for Hon. David A. Croll, Acting Chairman of the Standing Committee on Immigration and Labour, presented the following report:

> The Standing Committee on Immigration and Labour to which was referred the Bill C-118, intituled: "An Act to amend the Immigration Act", has in obedience to the order of reference of June 7, 1967, examined the said bill and now reports the same without amendment.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. John J. Connolly: Honourable senators, with leave, I move that the bill be read the third time now.

Motion agreed to and bill read third time and passed.

DIVORCE

FIRST REPORT OF JOINT COMMITTEE ADOPTED

Hon. Arthur W. Roebuck, Joint Chairman of the Special Joint Committee of the Senate and House of Commons on Divorce, presented the first report of the committee:

> Your committee recommends that its quorum be fixed at ten (10) members, provided that both houses are represented.

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

Hon. Mr. Roebuck: In view of the fact that meetings are in progress at the moment and others are planned, I would ask the indulgence of the Senate to pass it now.

Report adopted.

ROYAL ASSENT

NOTICE

The Hon. the Speaker informed the Senate that he had received the following communication:

GOVERNMENT HOUSE

Ottawa
8th June 1967

Sir,

I have the honour to inform you that the Honourable J. R. Cartwright, M. C., Puisne Judge of the Supreme Court of Canada, acting as Deputy to His Excellency the Governor General, will proceed to the Senate Chamber today, the 8th June, 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
A. G. Cherrier
Assistant Secretary
to the Governor General

The Honourable
The Speaker of the Senate.

ADJOURNMENT

Hon. John J. Connolly: Honourable senators, I move, with leave of the Senate, that when the Senate adjourns today it do stand adjourned until Monday, June 12, 1967, at 8 o'clock in the evening.

Hon. Lionel Choquette: Is there any special reason for returning on Monday? I notice that on the Orders of the Day for Monday we have:

> Consideration of the second to one hundred and twenty-eighth Reports, both inclusive, of the Standing Committee on Divorce.

I see nothing else on the Orders of the Day. Of course, something else might be added, but it we are coming back on Monday only for that item, I wonder where the urgency arises.

Hon. Mr. Connolly (Ottawa West): I can quite understand the honourable senator's concern. My answer is that in the first place we have now received a bill to amend the Canadian Wheat Board Act, and it will be up for second reading and explanation on Monday evening. We would also continue with the debate on the address in reply to the Speech from the Throne on Monday evening, and with whatever other business we might have.

As a matter of fact, when the honourable Senator Prowse asked that second reading to certain private bills, be considered on Tuesday, I was going to suggest that this be done on Monday, but he has chosen Tuesday and perhaps I should hold my peace because I have no say on private bills.

I think honourable senators will appreciate a further valid reason for meeting on Monday. We may not have to sit very long next week. Senator Roebuck is joint chairman of

the Special Joint Committee on Divorce, and in order to have a meeting of that committee on Tuesday morning it is necessary for the Senate to sit on Monday evening, because the committee is not entitled to sit when the Senate is not sitting. As this is a serious and voluminous report, it was felt that this accommodation should be given him.

Hon. Mr. Brooks: Will there be any discussion of this report of the Special Joint Committee on Divorce before the summer recess, or whatever it is called?

Hon. Mr. Connolly (Ottawa West): I am not in a position to say, because the committee has yet to report—if I may put it in this way to the Leader of the Opposition—and there may very well be a debate on the report when it is presented. However, at the moment I am not informed, nor do I think Senator Roebuck is informed as to the date on which the report will be presented to the house.

Hon. Mr. Brooks: It would depend on what is in the report. As Senator Roebuck knows what its contents are, I would ask him whether he would consider it necessary to discuss the report before the summer recess.

Hon. Mr. Roebuck: I will be very disappointed if it is not presented to this house before we adjourn for the summer holidays—that is, at the end of this month. No one can speak for others, and as the report has still to be passed by the committee, in that respect I am in the hands of the committee. But again I say I will be very disappointed indeed if that report is not in the hands of this chamber in plenty of time for a discussion upon it prior to our adjournment at the end of this month.

Hon. Mr. Brooks: It will require considerable study.

Hon. Mr. Roebuck: I agree with you on that.

Hon. Mr. Brooks: And there should be no hurry so far as its being considered is concerned.

Hon. Mr. Roebuck: No. But once it is in the hands of the chamber, of course, we can take as long as we see fit and can either conclude our discussion before the adjournment, continue it after the adjournment or hold it over until September, or do anything we please.

All I am saying is that I am doing my very best to get the report completed and passed by the committee and the whole subject laid before this chamber. I said some time ago that I hoped to do so by the middle of this month, but honourable senators will recall that we recessed and my forecast was delayed somewhat in consequence. However, I still hope and expect that the report will be in the hands of the members of this chamber well before the summer adjournment.

Motion agreed to.

MR. JUSTICE LANDREVILLE

NOTICE OF MOTION FOR ADDRESS TO THE GOVERNOR GENERAL WITHDRAWN

Hon. Daniel Lang: Honourable senators, in the circumstances of Mr. Justice Landreville's resignation, I withdraw my motion.

Hon. David Walker: Honourable senators, I should like to ask a question of my honourable friend who has withdrawn his motion, and it is based upon something that all of us have in mind, namely, the inviolability of the Bench.

There are three parts to our Government: the Executive, the Legislative, and the Judiciary. Throughout 100 years of history our Bench—the Supreme Court of Canada and the provincial courts—has always been above reproach. We members of the Bar, as well as the members of every Bench, have been gravely concerned at the turn of events which has resulted in the resignation of the Honourable Mr. Justice Landreville.

I cannot explain how deeply the people throughout Ontario feel, and particularly how upset has been the Bar of Ontario, and how completely abashed have been the members of the Supreme Court of Ontario. We cannot say that we are happy. We are sad. This is a sad day, but we are satisfied that it has ended in this way.

The administrative branch of our Government has been attacked. The legislative end of it has been attacked. The only part of our Government that has remained free from attack up to the present time in these days of change is the Judiciary itself.

Those of us who have practised at the Bar know that as soon as a man ascends the Bench he is separate from the rest of us. He is above us. From that time on he is making a sacrifice. He must act with the greatest of propriety at all times. We, in turn, appreciating his sacrifice, do deference to him. If we lawyers, through our careers, were unable to go into court convinced of the absolute probity of all of our judges, then there would be an impossible situation, because in every case

somebody wins and somebody loses. Never, until recently, in my 36 years at the Bar has even a suspicion crossed my mind: Is this particular judge rendering justice? This feeling has seeped down to the public, and at least now we can have a correction of that very sad state of affairs.

May I say more in sorrow, and certainly not in anger, that on behalf of my leader I ask this very important question of honourable Senator Lang: Is this an unconditional resignation, or are there conditions attached to the resignation, and, if so, what are the conditions? I ask that question because we on this side of the chamber feel that a resignation should be unconditional.

Hon. Mr. Lang: Honourable senators—

Hon. Mr. Connolly (Ottawa West): Perhaps I, on behalf of the Government, should answer that question.

Hon. Mr. Lang: I was going to tell my honourable friend that those matters have not been referred to in my motion. My knowledge of the resignation is the same knowledge that my honourable colleague has. I heard the Leader of the Government (Hon. Mr. Connolly, Ottawa West) read that letter, and I assume that that letter is as stated. With the resignation having been read to this chamber the motion for an address to His Excellency is, of course, quite out of order and that is why I withdrew the motion.

Hon. Mr. Connolly (Ottawa West): Perhaps I could answer the question of honourable Senator Walker. I certainly appreciate the moderation with which he has approached this situation, which obviously is a delicate one. The resignation, in the first place, speaks for itself. In the second place, it is an unconditional resignation.

Hon. Mr. Walker: In other words, so that there will be no misunderstanding in the future, there are no conditions attached?

Hon. Mr. Connolly (Ottawa West): None whatever. The resignation is unconditional.

Hon. Mr. Walker: In concluding, may I, to keep this matter on the plane that it should be, quote an excerpt, which I received from my friend Senator Grattan O'Leary, from a speech of Sir Wilfrid Laurier appearing in the *Debates of the House of Commons* of 1884, at page 135:

> We owe it to ourselves to preserve the dignity and efficiency of the Bench. There are certain things which should never be impugned, and the honour of the Bench is one of those things; and I say it is not sufficient that the Bench should be pure, but it must also be above suspicion.

The only comment I have concerning the letter of resignation of the former judge, Mr. Landreville, is that justice has been satisfied and justice has been done in every respect to the former judge. He has recited the seven different proceedings before which he appeared as a witness, concluding in the Royal Commission and its report by Mr. Justice Rand, and finally that splendid Joint Committee of the Senate and the House of Commons that laboured over this matter for weeks and came to a very clear conclusion that His Lordship should retire or, in the alternative, should be removed.

Lest we spoil this by any word of acrimony—because there is none in my heart, and I am sure there is none in the heart of any member of this house—may I add that there is no prejudice here, there is no dislike here: all we are doing is attempting to perform the office of this deliberative body, this chamber of considered thought, of second thought. We are trying to do our duty so that the last of the triumverate, the Judiciary itself, may remain in its proud position for the next one hundred years.

PRIVATE BILLS

THE EXCELSIOR LIFE INSURANCE COMPANY—THIRD READING

Hon. T. D'Arcy Leonard moved the third reading of Bill S-8, respecting The Excelsior Life Insurance Company.

Motion agreed to and bill read third time and passed.

THE EMPIRE LIFE INSURANCE COMPANY—THIRD READING

Hon. Mr. Leonard moved the third reading of Bill S-9, respecting The Empire Life Insurance Company.

Motion agreed to and bill read third time and passed.

CANADA CORPORATION ACT

BILL TO AMEND—THIRD READING

Hon. Mr. Leonard moved the third reading of Bill S-10, to amend the Canada Corporations Act.

Motion agreed to and bill read third time and passed.

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 the Honourable Mr. Desruisseaux, seconded by Honourable Mr. Nichol, for an address in reply thereto.

Hon. Muriel McQ. Fergusson: Honourable senators, like several who have proceeded me in this debate, I want to express my congratulations and good wishes to our new Governor General and his gracious lady. Because of his kindliness, fairness, tact and competence, the Right Honourable Roland Michener was one of the best liked and most highly regarded Speakers in the House of Commons, and these characteristics will doubtless make him one of our best liked and most highly regarded Governor's General.

My good wishes go to our Speaker who presides over the sessions of this chamber with dignity. Again I would like to say how greatly we miss his late wife who held such a warm place in the affection of the all the women in the Senate, both members and wives of members.

We are happy that the leader on this side of the house (Hon. Mr. Connolly, Ottawa West) has returned to Ottawa in such excellent health, and we are looking forward to his report on the meetings he attended in Malta.

My congratulations go to the Deputy Leader, the Honourable Jean-Paul Deschatelets, for the manner in which he has carried on the work of the Senate during the absences of the leader, and the contributions he makes at all times.

My long friendship with the Leader of the Opposition (Hon. Mr. Brooks) makes me happy to see him performing his duties in this chamber so ably and in such a pleasant fashion; and I cannot refrain from saying a word of appreciation for his Deputy Leader, the Honourable Lionel Choquette, whose pungent remarks I often find stimulating and refreshing.

Hon. Mr. Connolly (Ottawa West): Hear, hear.

Hon. Mrs. Fergusson: Due to a commitment made early in the year to make a trip through New Brunswick on behalf of UNICEF with the National Chairman of the UNICEF Committee, Mrs. Konantz—which trip, as you know, had a tragic end—I was unable to be present when the mover (Hon. Mr. Desruisseaux) and the seconder (Hon. Mr. Nichol) of the address in reply to the Speech from the Throne spoke in this chamber. However, I have read their speeches and sincerely congratulate them on the excellence of the subject matter. For the same reason I was absent when congratulations were extended to the Clerk of the Senate, Dr. J. F. MacNeill, on the occasion when he received an honorary degree from Acadia University. I take this opportunity to say how pleased I am that Dr. MacNeill's outstanding contributions of many years to the public life of Canada have received this recognition from his Alma Mater.

To the Honourable Senator Grattan O'Leary I extend congratulations on his having received the honorary degree of Doctor of Laws from St. Thomas University in Fredericton, New Brunswick, and also on the very excellent convocation address he made on the occasion. I regret I was unable to attend the Convocation for, although sometimes I do not agree with the subject matter and arguments in Senator O'Leary's speeches in the Senate, I always enjoy them and am enthralled by his manner of presenting them and the limitless literary allusions he can call on to embellish his speeches and make his points. However, from what my friends in Fredericton told me of Senator O'Leary's convocation address, and from what I read of it in the press on that occasion, I would have been in perfect accord with what he said then, for, among other things, he strongly supported the institution of the Senate. He said:

> It is a function of Parliament to prevent bad laws as well as to pass good ones.

He must have done a great deal of research, for according to the press he stated that in the last 40 years the Senate has prevented 289 laws and that in only 34 cases did the House of Commons not finally concur in the Senate's veto.

Senator O'Leary also urged all the members of the graduating class to take a very active part in political life. This is most important and something I myself always urge on young audiences.

Honourable senators, I wish to take this occasion to express a warm welcome to all new senators, and in particular to the Honourable Mary Kinnear, a friend of long standing. I congratulate her on her first speech in this chamber, which showed great

interest and understanding of the problems of her province and of Canada.

Contrary to the criticisms made by some senators in this debate regarding the content of the Speech from the Throne, I find the speech most stimulating and I am looking forward to the passing of many acts in this session which will bring about great improvements in our country.

When I decided to speak in this debate I planned to refer to a number of these items, but on further study of the Speech from the Throne I find there are so many matters mentioned for which I would like to express support, that I have decided to reserve my comments until later and make them when the proposed legislation is introduced on each subject. I decided to limit myself to a comment on one statement in the speech. It reads:

> The United Nations remains for Canada a major consideration in foreign policy.

I support this statement wholeheartedly, and I am proud of Canada's contributions to the United Nations and to its agencies such as UNICEF, the World Health Organization, the Food and Agriculture Organization, and others.

I have just returned from Montreal where I attended the annual meeting of the United Nations Association in Canada, which is dedicated to the support of the United Nations.

I also attended there the annual meeting of the National UNICEF committee, whose goal is to improve the lot of the children of the world, three-quarters of whom live in conditions which do not hold promise of any worth-while future, unless something is done about it. UNICEF, which is the United Nations Children's Fund, is trying very hard to assure a decent future for those children. Our Government, and the voluntary Canadian UNICEF committee, both give support to this work.

These annual meetings were unusually interesting. I think this was due to the presence of U Thant, the Secretary General of the United Nations. It must have been at great inconvenience that the Secretary General, in the midst of the developments taking place at the United Nations, honoured his long-standing commitment to be speaker at the annual banquet. His having done so was deeply appreciated by the over 500 guests whom he addressed and who gave him a tremendous ovation. He received a tremendous ovation also from the hundreds of people waiting outside the door of the hotel where the banquet took place, hoping to catch sight of him as he left. I was told that he was particularly heartened by his reception in Canada.

At the banquet the Secretary General spoke highly of Canada's dedication to the United Nations over the years and assured us that, despite the apparent failure and what might be described as a lack of punch of the United Nations, the world today would be in a much worse situation if that body, made up of so many nations and supplying a forum where they can communicate with each other, did not exist. In another speech U Thant has said:

> Our task in the United Nations is to bring about a real international democracy and to allay mistrust and fear which is the source of all our problems.

The more I meet people of other countries, especially when I meet them in their own lands, the more I realize that misunderstandings and mistrust do exist and the stronger my belief is that if we could meet more often and understand each other better the causes of war would be eliminated from the world.

Through the United Nations and its various agencies, many interchanges take place that help to break down this mistrust and misunderstanding. The Canadian Parliamentary Association, with which we are all familiar, does much to promote understanding between Commonwealth countries. International organizations such as Rotary, the Kiwanis, the Lions, the International Chamber of Commerce, and organizations with which I am more familiar and more closely associated, such as the International Council of Women, the Associated Country Women of the World, the International Federation of Business and Professional Women, the International Federation of University Women, Zonta International, Soroptimists International and others whose members meet regularly—members from many countries—also do much to break down the barriers of mistrust and misunderstanding.

Today I would like to speak very briefly about another international body of which Canada is a member. I refer to the Inter-parliamentary Union, which held its 55th Conference in Tehran, Iran, in September and October 1966 and which I had the privilege of attending as a delegate from Canada. Iran, or Persia as I had known it in my school days, proved as interesting to me as I had always believed it would. I was fascinated by the many beautiful buildings in Tehran, in the old City of Rayy and in the old capital of Isfahan. I was fascinated too by the dainty,

attractive and intelligent women of Iran and the warmth of the welcome from all Iranians to all members of the Inter parliamentary Union.

The press of Tehran devoted tremendous coverage to the meetings and many stories and pictures appeared in the press regarding the delegates and recording the proceedings of the conference. The Canadians certainly received a good share of this recognition. The country seemed to me to follow with more interest the fact that the representatives of 58 nations were meeting in their capital, than the people and press of Canada showed when a meeting of the Interparliamentary Union was held in Ottawa in 1965.

We in Canada are inclined to forget that the Interparliamentary Union is the oldest form of man's attempt to solve the ancient problem of keeping peace on earth. Older than the United Nations, older even than the League of Nations, it was thought of as far back as the latter part of the nineteenth century. War-weary Europe felt the need for an organization whose objective would be to prevent wars and keep peace. The first meeting was held in Paris in 1888 between seven British and 27 French parliamentarians. The idea took fire and the second meeting took place in 1889, with 85 delegates from nine countries. Honourable senators may find it of interest to note that that meeting approved the first formal resolution for disarmament ever passed in the world. This is something which we are inclined to believe was a much more recent idea. Except for interruptions between the two World Wars, the Interparliamentary Union has continued to meet annually.

At the 1966 meeting in Tehran there were 450 delegates from 58 countries, all dedicated to the objectives of the I.P.U., which are to achieve international co-operation and understanding, the development of democratic organizations and lasting peace.

I do not propose to give you any detailed report of the matters discussed at the conference. Many of you are members of the I.P.U. and have read the very excellent report of the conference contained in the annual report of the competent chairman of the Canadian group, Mr. Herman Batten, who led the group to the conference. Others who are interested and wish more detailed information can secure a copy of the report, but I would like to urge members to support this organization by joining it, as we have much more influence at a conference when we can say that we have a large number of members of the organization in our Parliament.

I will merely say that in plenary session some time was given to a political debate, based on what were then recent developments in the international situation. Those supporting opposite sides in their speeches, although forceful in their presentations, rather than indulging in recriminations, looked for possibilities of conciliation and action that could lead towards peace.

Cultural and economic matters were also debated, all of which resulted in the conference adopting unanimously three resolutions. The general tenor of the first resolution is that all parliaments and governments should give their support to agreements that will prevent the increase in the number of states having control over nuclear weapons. The second resolution underlines and supports the necessity of effective measures being taken to accelerate the progress of developing countries and invites all parliaments to give full assistance to the preparations for convening the second conference on trade and development to be held in India in 1967. The third resolution calls attention to the fact that economically less developed countries depend for improvement in their living standards on the practical application of existing scientific and technical knowledge and it recommends the free and complete exchange of technical information across national frontiers.

Two plenary sittings were devoted to the discussion of the role of Parliament in the preparation and control of economic development plans. This I found very interesting, for there was a free exchange of opinions by the supporters of various systems, who could, through this exchange, pool their information, compare the experiences of their countries and describe the success which they considered had been achieved through the methods which they had adopted. Incidentally, if as well we were to assess ourselves in accordance with their opinions, it might be quite enlightening.

I will not take time to describe the work of the committees to which the various members of our delegation were assigned by the leader except to say they were interesting, more informal than the plenary sessions, and gave us an opportunity to associate more freely with delegates from other countries.

I believe that through its meetings from year to year the Interparliamentary Union is making some progress towards its objectives

even though, as we know, it has not, in accordance with its aims, been able to eliminate wars.

For some years Canada dropped her membership in the Interparliamentary Union, but I sincerely trust that Canada, with her interest in international relations, will not do this again but will continue to give active support to this organization.

Honourable senators may be interested to know that apart from the formal meetings of the I.P.U., I had some interesting experiences in Iran. One of these, inspired by my membership in the Joint Committee on Penitentiaries, was a visit to a large prison for women. Because of my interest in social work I also visited a fairly recently established and what I thought was an excellent school for social work whose director is a social worker with a world-wide reputation. Six of the graduates of this school were employed as social workers in the women's prison. In view of the fact that at the time of my visit we did not have in Canada even one social worker in our federal prison for women, I did not feel proud of our record in this area when I was asked questions about it.

Because of the interest in Canada in what is being done for retarded children, I, as a member of the Advisory Board of CARE which helps support it, visited the only school for retarded children in Iran. This is a voluntary school. It is not government-supported, but its director is a dedicated woman who has devoted to it a great deal of her own money, who is supported by the members of her family and who also receives some assistance from CARE and similar organizations.

Although the Government and the Shah of Iran are sympathetic towards this work, because of established priorities in what are considered more urgent fields, at the time I visited it, it was not receiving Government support.

I visited also, under the auspices of CARE, an institution referred to as an orphanage where a very wonderful old man, formerly a very wealthy merchant, a devout Moslem by religion, has voluntarily dedicated his life, his time and his fortune to provide a place where 1,200 homeless boys, between the ages of six and fifteen, most of whom have run afoul of the law for minor offences, but who are not necessarily orphans in the sense that we use the word, are being educated and trained so that they will be responsible citizens. This is a practical, individual approach to the problem of juvenile delinquency which has not been tried by any individuals in the Western World so far as I know.

A number of reforms were introduced in Iran in 1963, among which was the emancipation of women. Up to that time women were unable to vote or hold office. Already there are women senators and women members of the Majlis or Lower House. Women's groups have been organized which have become affiliated with international organizations. I had the privilege of being guest speaker and describing the position of women in Canada, at a meeting of the Zonta Club of Tehran, when they entertained for luncheon all members of the Zonta International who were in attendance at the conference. A local Business and Professional Women's Club in Tehran, affiliated with the International Federation, also entertained me.

The Government gives so much support to improving the status of women that, at the invitation of the Government, the UN Commission on the Status of Women was held in Tehran in 1965 and the International Council of Women met in that city in 1966. Neither of these meetings could have been held had they not had the strong support of the Government.

My experiences with the members of these clubs in Iran gave me a much better understanding of the people of that country, whom I admire very much, than I would have received if my contacts had been restricted to attending the formal meetings of the Interparliamentary Union and the delightful social activities provided for the delegates.

I was greatly impressed by the Herculean efforts being made to eliminate illiteracy throughout Iran. Stress is put on this in all walks of life, not only in the schools but in prisons and wherever people are gathered together. Thirty thousand army recruits, who have sufficient education to teach, have been sent to rural areas and to the Nomad tribes. I was also impressed by the agrarian reform introduced and fostered by His Imperial Majesty, the Shah of Iran, through which several thousand peasant families who had never owned a foot of land have been given land of their own and are being taught how to manage it.

The age of the country was impressed on me when we were told that this year they are celebrating the 2500th anniversary of the founding of the Persian Empire. I am as proud as anyone that we in Canada are celebrating our centennial year but compared

with Iran we are a very young and inexperienced country.

Before closing I would like to refer to one other avenue through which trust and understanding can be and is being promoted between Canada and other countries. That is, when friendly groups with common interests exchange visits. My own experience of this was during the Easter recess this year when the alumni of the Banff School of Advanced Management and their wives, under the Director of the school, our colleague, the Honourable Donald Cameron, visited a number of cities in the Union of Soviet Socialist Republics, Czechoslovakia, Poland and West Germany. Although I have not attended the Banff School of Advanced Management, I was privileged to accompany the party and I was greatly impressed by the way these representative business people from Canada were welcomed by people in the countries which are carrying on similar enterprises under different systems.

For myself, I learned a great deal from the visit and I think a non-government group like this can do a great deal to dispel incorrect opinions about Canada held by many people in other countries. It also does much to eliminate from the minds of Canadian visitors equally incorrect preconceived notions about other countries.

In many lands there is a feeling that everything said by official groups is inspired by the government policies of their countries. There is not this suspicion of groups travelling on their own and such groups are better able to establish contacts and friendships. This is especially true when the groups are under the leadership of a person who has himself established a reputation in his own country and who inspires confidence, friendship and trust, while at the same time making it clear that he expects friendship, co-operation, trust and respect in return, and who is able to command such a response. Our colleague, Senator Cameron, is the ideal director for such a group and I am sure the trip he directed this year, and the similar trip to China which he directed last year, has done much to advance Canada's relations with the countries visited by these groups.

Honourable senators, I reiterate that despite the difficulties the United Nations has encountered, I believe it is the only hope for the eventual establishment of peace in the world and I trust Canada will continue to support wholeheartedly the UN and its agencies, and other international organizations with similar aims, such as the Interparliamentary Union.

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

PRIVATE BILLS

WESTERN FARMERS MUTUAL INSURANCE COMPANY—SECOND READING

Leave having been given to proceed to Order No. 6:

Hon. David Walker moved the second reading of Bill S-12, to incorporate Western Farmers Mutual Insurance Company.

He said: Honourable senators, the petitioners are all directors of Western Farmers' Weather Insurance Mutual Company of Woodstock, Ontario, and are mostly active or retired farmers. This company was incorporated under the laws of Ontario in November 1905, with authority limited to the writing of weather insurance. For the past sixty-one years the company has been writing windstorm insurance in western and eastern Ontario, principally on farm buildings which are covered by fire insurance in other companies, with a windstorm policy in this company. The company is very strong financially with a surplus in excess of $3 million and they have been most successful in their operations.

There is no provision in the Ontario act for these farm mutual companies to extend their operations into other lines of insurance. To meet the increasing demand of their customers in the areas served they have decided to apply for federal incorporation with authority to write all lines of insurance, except life. This permits them to extend a full line of insurance coverage to the rural areas which they serve. It is not their intention to extend operations outside the Province of Ontario.

May I add that if this bill receives second reading, and if it then goes, as I think it should, to the Standing Committee on Banking and Commerce, representatives will be present to answer any questions.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Walker, bill referred to the Standing Committee on Banking and Commerce.

FARMERS CENTRAL MUTUAL INSURANCE COMPANY—SECOND READING

Hon. Mr. Walker moved the second reading of Bill S-13, to incorporate Farmers Central Mutual Insurance Company.

He said: Honourable senators, I shall be as brief as I can. In this case the petitioners are all of the directors of Farmers' Central Mutual Fire Insurance Company, which was incorporated as an Ontario company as long ago as March 2, 1894. The company has been engaged in this business for the past 73 years, serving the residents and farmers in a very wide area in the vicinity of the Town of Walkerton, in the County of Bruce. The directors are mostly farmers, or those who have been engaged in farming in the past.

It is a low-cost company and renders a valuable insurance service to the community.

The Ontario act restricts these farm mutual companies to the writing of fire insurance and a limited class of property damage insurance, theft insurance, etc., on those buildings which are covered by a policy of fire insurance. The farmers today need much further insurance coverage, apart entirely from fire insurance, and there is no provision in the Ontario act for a farm mutual company to write these other classes of insurance, as there is no deposit with the Ontario Department of Insurance. Therefore, to meet modern conditions the directors of the company find it necessary to apply for legislation incorporating the dominion company, with the power to write all lines of insurance, except life. The company, however, does not have any intention of extending its operations into any other province.

Hon. Mr. Pearson: Is there any connection at all between the directors of the two companies which are the subject matter of Bills S-12 and S-13?

Hon. Mr. Walker: I could not answer that, except to say that the petitioners seem to be different. However, I would be happy to answer that question when the bill reaches, as I hope it will, the Standing Committee on Banking and Commerce.

Hon. John J. Connolly: Honourable senators, simply for the purpose of the record, I wonder if at the committee stage the honourable sponsor of the bill will have one point cleared up? I note that both in the case of Bill S-12 and Bill S-13 the activities of the two companies are to be confined to a single province. While I think Parliament can do this, normally it is not a practice that is approved in the Corporations Branch of the Department of the Registrar General, as the honourable sponsor well knows. There may be very good reason for doing this, but I think all honourable senators might like to have the reason for an incorporation by the federal Parliament of a company which is going to restrict its activities to one province.

Hon. Mr. Walker: I will be very happy to answer that question in detail later.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Walker, bill referred to the Standing Committee on Banking and Commerce.

PRINCIPAL LIFE INSURANCE COMPANY OF CANADA—ORDER STANDS

On the Order:

> Second Reading of Bill S-11, intituled: "An Act respecting Principal Life Insurance Company of Canada".—(Honourable Senator Cameron).

Hon. Mr. Connolly (Ottawa West): Honourable senators, I am informed that Senator Cameron would like Order No. 5 to stand until Wednesday next, June 14.

Order stands.

The Senate adjourned during pleasure.

ROYAL ASSENT

The Honourable J. R. Cartwright, Judge of the Supreme Court 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 Speaker of the Senate said:

> Honourable members of the Senate:
> Members of the House of Commons:
>
> I have the honour to inform you that His Excellency the Governor General has been pleased to cause Letters Patent to be issued under his Sign Manual and Signet constituting the Honourable John R. Cartwright, a Puisne Judge of the Supreme Court of Canada, his Deputy, to do in His Excellency's name all acts on his part necessary to be done during His Excellency's pleasure.

The Commission was read by the Clerk.

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 Immigration 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 Monday, June 12, at 8 p.m.

THE SENATE

Monday, June 12, 1967

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

Prayers.

DOCUMENTS TABLED

Hon. John J. Connolly tabled:

Order in Council P.C. 1967-1098, dated June 1, 1967, authorizing the Export Credits Insurance Corporation, pursuant to section 21A of the Export Credits Insurance Act, to vary the requirements for repayment of its loans made to the President of India as authorized by Orders in Council P.C. 1963-1761, of November 28, 1963, P.C. 1963-1762, of November 28, 1963 and P.C. 1964-282, of February 20, 1964, pursuant to section 21B of the said Act, chapter 105, R.S.C., 1952, as amended 1960-61. (English text).

Report on the Administration of Old Age Assistance in Canada for the fiscal year ended March 31, 1966, 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, 1966, pursuant to section 12 of the Blind Persons Act, chapter 17, 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, 1966, pursuant to section 12 of the Disabled Persons Act, chapter 55, Statutes of Canada, 1953-54. (English and French texts).

PRECEDENCE AND PROTOCOL

INQUIRY ANSWERED

Hon. Jean-François Pouliot inquired of the Government, pursuant to notice:

1. What orders in council have been adopted concerning protocol and precedence since that which reversed the order of precedence of the members of the Senate of Canada over the judges?

2. What is the text and the date of that order in council?

3. Has the Government of Canada adopted an order in council to the effect that the names of the Privy Councillors not residing in Canada should not be inserted in the "Guide to Relative Precedence at Ottawa", and if so, what is the text and the date of that order in council?

4. Is the order in council mentioned in the previous question still in effect or has it been abrogated, and in this last alternative, on what date was it abrogated?

Hon. John J. Connolly: I have the answers to the honourable senator's inquiry.

(For text of questions and answers, see Appendix pp. 161-3.)

COMMONWEALTH PARLIAMENTARY ASSOCIATION

MEETING OF WORKING PARTY AT MALTA

Hon. John J. Connolly rose pursuant to notice:

That he will call the attention of the Senate to the Meeting of the Working Party appointed by the Commonwealth Parliamentary Association at its Ottawa meeting in September, 1966, which meeting of the Working Party was held in Malta, 20th to 27th May, 1967.

He said: Honourable senators, I had given notice that this evening I would call the attention of the Senate to a meeting of a special committee appointed by the General Council of the Commonwealth Parliamentary Association at its meeting in Ottawa in September 1966. I do this for two purposes: first, to inform the Senate of the developments in the work of that committee and, secondly, to inform not only the Canadian branch but also all provincial branches of the Commonwealth Parliamentary Association as to what the working party proposes be done.

I do not propose to read the terms of reference specifically because they have all been set out in the proceedings of the conference which was held here last fall. Briefly, the purpose of the working party is to consider the formation of a management committee to provide some element of continuity in the work of the association between annual meetings, to review the aims of the association and its functions, and generally to provide effective management to assist the Secretariat in London between annual meetings.

Frankly, I must say that the committees established by the Constitution of the Commonwealth Parliamentary Association have now become unwieldy. Under section 36 a General Council is provided for, and there are now about 60 members on that council. There is also provided a Finance and General Purposes Committee, on which there are now more than 30 members.

It cannot be expected that many parliamentarians would want to meet more than once a year, when the General Council meets at the annual meeting. As a result, some years ago a Salaries and Management Subcommittee of the Finance and General Purposes Committee was established to try to assist the Secretariat and, indeed, the President of the General Council in administering the affairs of the association and in arranging for the annual meeting. In practice, however, the Salaries and Management Subcommittee has met generally in London. Usually the only people who could attend were a few from the United Kingdom branch, and sometimes the Chairman of the General Council; and if any other member of the association from one of the other countries happened to be in London at the time and happened to be a member of the General Council, he was invited to attend.

It has been an impractical proposition. For that reason, in 1965 the Australian federal branch gave notice of a proposal that they would like to see some form of management committee established, small in number but capable of looking after the affairs of the association and, in fact, giving it some purpose and direction. This action was taken in 1966 and approval for a study was authorized. The invitation to hold this meeting was arranged by the two Maltese delegates who came to Ottawa at that time—Dr. Guido DeMarco and Dr. Vincent Moran, one of the government party and the other of the opposition party. The Government of Malta kindly consented to invite the members of the working party to come to Malta in May for this purpose, and meetings were held between May 20 and 27.

Perhaps in the first place I should indicate who was in attendance. The chairman was the Honourable Peter Howson, the Minister of Air for the Commonwealth of Australia. I pay him special tribute for the way in which he conducted these meetings and for the vigorous and initiating attitude that he took while the meetings proceeded.

Also present was the Honourable W. W. Kalema, the Minister of Commerce and Industry of Uganda, and the present chairman of the General Council of the C.P.A. I was there in my capacity as immediate past chairman of the Association.

Mr. Bernard Braine, a Clause 24 Councillor, who, as honourable senators know, was elected for a three-year period, was present, and so too was Mr. Malcolm MacPherson, a Labour member of the British House. I was particularly interested to meet Mr. MacPherson because he had been a professor of English at the University of New Brunswick for some ten years and was a member of the Canadian Army in the last war. He represents one of the Scottish constituencies.

Because of the regretted death of Sir Donald Sangster, the Prime Minister of Jamaica appointed the Honourable Roy McNeill, the Minister of Home Affairs, to represent Jamaica. From Trinidad and Tobago we had Senator the Honourable J. H. Maurice, the president of the Senate, and in the absence of Dr. the Honourable Lim Swee Aun, the Minister of Industry and Commerce of Malaysia, we had as his deputy Dr. Ng Kam Poh, J.P., M.P., Assistant Minister of Finance.

From Kenya we had the Honourable Ronald G. Ngala, M.P., Minister of Co-operatives and Social Services. Mr. Ngala is also a Clause 24 Councillor. He was elected for a three-year period at the Ottawa meeting. He is one of the very experienced people from the African states.

Honourable senators will also remember the impressive contribution made to the Ottawa meeting by Dr. N. M. Perera from Ceylon. He was also present.

In addition to the two Maltese representatives at the Ottawa meeting, Dr. Guido DeMarco and Dr. Vincent Moran were in attendance.

Unfortunately, because of parliamentary business in India, it was not possible for the Indian branch to send a delegate. This I regret, because the contribution that the Indians make to the deliberations of Commonwealth organizations is very great indeed. They will, of course, be completely informed about the developments that took place.

In addition to these official delegates, we had from the Central Office the invaluable Mr. Robin Vanderfelt, Secretary-General; Mr. Ian Grey, Editor of Publications; Mr. L. M. Fowler, the Finance Officer; and Miss Betty May, Personal Assistant to the Secretary-General.

The first day we were there we had some formal opening ceremonies. We were welcomed in the magnificent Tapestry Chamber, which is the home of the Maltese House of Representatives, in a felicitous speech by the Speaker of the House, Dr. A. Bonnici. I wish I could describe to honourable senators the magnificence of the tapestries that were put there by the knights 250 years ago, and which still display all their brilliance of colour and imagination. The same can be said of the tapestries in the Conventual Church, the Co-Cathedral of St. John, which is in the City of Valetta.

We were received by His Excellency, Sir Maurice Dorman the Governor General of Malta. He has a connection with Canada because in his early days before he joined the Foreign Service of Great Britain he worked with the Grenfell Missions in Labrador.

The Prime Minister, Dr. G. Borg Olivier, spent considerable time with us. He was present at the opening ceremony, and he received the delegation a little later when he spoke about relations between Malta and various other parts of the Commonwealth.

There are 300,000 people who live on the island of Malta, and there are 300,000 Maltese living in Australia. Seventy eight Maltese families left very early in June to come to this country, where there is already a considerable Maltese population. These seventy eight families are going to live in western Canada, in the area of Winnipeg.

We were also received most graciously by the Bishop of Malta, the Most Reverend Michael Gonzi, an energetic, affable man of at least eighty summers. He was on his way to a reception and so did not spend much time with us, but he certainly impressed us all with the vigour and force of his personality.

I cannot speak too highly of the hospitality that we enjoyed there, not only at the hands of the officials but of many of the Maltese people. Perhaps I should add that Dr. de Marco and Dr. Moran were not only hospitable but efficient and helpful. Mr. Louis Tortell, the Clerk of the Representative Assembly, who was known to many of us, was the acme of efficiency in connection with the meetings.

Now, I want to indicate to honourable senators some of the decisions which were taken at the meeting. I do this not only for the information of the Senate and those members who are particularly interested in the work of the C.P.A., but especially because of the concern that should be felt in the federal branch in Canada and in all provincial branches. I propose, therefore, that the *Debates of the Senate* which contain my remarks this evening be transmitted to the provincial branches as well as the federal branch in the way of a report so that they will know what to expect when their delegates go to Uganda next fall.

The working party recommended, among other things, that plenary conferences of the association should continue to be held on an annual basis, that where practicable annual conferences should alternate between branches in large and then in small countries. The possibility of branches within a region acting jointly as hosts, where appropriate, should be considered.

The working party also considered that a period of about seven days for a conference would be appropriate, that up to 14 days for tours might be a suitable length of time for large host countries, and up to seven days for tours in smaller host countries, and that these should be guidelines for the future.

The working party also recommended that the present arrangement of regional and area conferences should be endorsed and broadened if possible by the inclusion of more observers from branches in nearby countries.

Honourable senators know that the Senate, indeed, the Parliament of Canada, was ably represented by our friend Senator Grosart at a regional conference in the Caribbean quite recently. This kind of regional meeting for Commonwealth work, in my view, is invaluable to the association at large.

I do not say that we should be going to regional conferences such as the Caribbean to tell them how they should act. That is not our wish at all. However, some of the problems which occur in these regions and the approaches of the people to the general problems of the Commonwealth, are, I think, much more readily understood by attendance, not only at the annual meetings where everyone is present, but at the regional meetings themselves. I was delighted to learn that Senator Grosart, accompanied by Mr. Cashin from the other place, was able to attend that particular regional conference. I am sure the Senate will be glad to hear that the working party endorsed a proposal that these regional conferences be given a great deal of attention and that much importance should be attached to them.

I turn now to what is really the central recommendation, in which the working party recommended the appointment of an executive committee of the General Council, consisting of not less than 12 and not more than

15 members to manage the affairs of the association between annual meetings. The membership of the Executive Committee would consist, first of all, of four persons *ex officio* —1, the Chairman of the General Council; 2, the Vice-Chairman of the General Council; 3, the immediate past Chairman of the General Council; 4, the Honorary Treasurer. In addition to those four, it is recommended that there should be a Chairman of the Executive Committee, who should be elected by the General Council for a term of three years. This is to provide an element of continuity, giving that continuing experience which can be invaluable to the work of the C.P.A.

In addition to that officer holding office for three years, it was recommended that, for the time being, at least, the three clause 24 councillors, whose term of office is three years —each year one goes out of office and another is elected—should at the moment be continued, although this may not be continued indefinitely.

It has been proposed that, for the practical purposes of this executive committee, the Commonwealth should be divided into seven regions: the United Kindgdom and the Mediterranean; Canada and the North Atlantic; the West Indies, Central and South American mainland; Australasia; Southeast Asia; Asia; and Africa.

It was recommended that from each of these regions there should be selected a member to work on the Executive Committee, ultimately for a period of three years but in the first instance two should be elected for one year, two for two years, and three for three years. It is proposed that, when a permanent or temporary vacancy occurs, the branch which "owns" the member who is no longer able to serve shall be entitled to fill the vacancy.

Members elected to the Executive Committee, it is proposed, need not be members of the General Council when they are elected, although once they are elected they immediately become members of the council. Members elected to the Executive Committee may be drawn from all types of branches, excluding subsidiary branches.

It was also felt that costs of fares of members attending meetings of the Executive Committee should be met from the funds of the association, and the cost of accommodation should also be met from this source, although it was noted that host branches might, following the generous precedent set by Malta, be prepared to pay living expenses or to contribute to them.

In addition to making that proposal for an executive committee constituted in that way, there were rather elaborate terms of reference proposed to be given to the Executive Committee, to deal with such matters as preconference tours, conference agenda, arrangements for the meeting, venues of various meetings in the future, parliamentary courses, and all the other matters in which the C.P.A. interests itself.

Honourable senators, I do not propose to put down on the record of *Hansard* tonight the details of these terms of reference, because they will be given in detail at the next annual meeting of the federal branch, which is held here in Canada. However, I can summarize them by saying that, generally speaking, it is intended that the Executive Committee should have as its province the management, between annual meetings, of the necessary work of the Commonwealth Parliamentary Association.

Honourable senators, we reviewed, with great care the finances of the association. We had some fine financial documents prepared for us by the Executive Secretary General's office in London. There is no doubt that the increasing load of work done by the C.P.A. will cost more as time goes on and it will not be long before the member countries will be asked to make additional contributions.

In this connection, while the United Kingdom's contribution to the central fund at the present time is some £18,500 per annum, the United Kingdom branch actually spends some £55,000 per annum to further work in the Commonwealth, in addition to what they contribute to the central office. Canada's contribution is some $20,000, and inevitably this will have to be increased.

The United Kingdom had to cut back on their expenses, although they told me that they have been able to do this without cutting down on any of their activities, due principally to a decision to require their delegates to travel to the various meetings by economy fare rather than first-class fare. This means a large saving in the long trips required to attend these meetings.

In addition to this, the working party dealt with the Speakers Conferences, which are held at the same time as the annual meetings; the conference of Clerks at the Table, which are held also at the time of the annual meetings; and with the publications, which are issued now by the Secretary General's office. Some of the existing publications were thought by some to be superfluous; ideas were

expressed about changing the format of others; and there were suggestions as to the introduction of new types of publications.

I leave the detail of that to the report which is made to the general meetings of the C.P.A., both of the federal and the provincial branches.

Honourable senators, I feel I should say something about the forthcoming annual meeting to be held in Uganda. The delegates are expected to arrive there on October 14 and 15. A tour of Uganda will take place between October 18 and 24, both dates inclusive. The conference proper will be held in Kampala from October 25 to November 1. The delegates will be accommodated at the Apollo Hotel, which is a new building. The temperature at that time will be about 70 degrees fahrenheit in Uganda.

Following the conference it is expected that Tanzania will invite up to perhaps 120 delegates to visit that country. Kenya has already indicated that it would welcome a tour of its country by about 80 of the delegates.

As has been the practice in the past, there will be representation from the Congress of the United States. Those representatives take part now not only in the debate on foreign affairs but also in the work of the committees. This latter work they did for the first time at the Ottawa meeting.

It is also suggested that the Francophone countries, which are becoming organized now somewhat along the lines of the Commonwealth organizations, should be invited at some early future meeting to send observers. Personally, I think there might be some value in the General Council considering an invitation to observers from the Organization of American States at some time.

I should tell honourable senators, for the record, about the agenda at the Kampala meeting. On Thursday, October 26, the opening ceremonies will take place in the afternoon. On Friday, October 27, the subject of international affairs will be discussed. In the morning the topic will be "Africa in World Affairs." In the afternoon the topic will be "World Peace," and if necessary the discussions will continue that evening. On Saturday, October 28, the first committee meeting will be held. It will deal with aid to developing countries under the following heads: (1) Investment in Developing Countries of the Commonwealth; (2) Scientific Research and Development Services; (3) Food resources and the Population Increase.

The second committee which will sit concurrently with the first will deal with parliamentary institutions under three headings: (1) Erosion of Parliamentary Authority by the Executive and through Subordinate Legislation; (2) The Breakdown of Parliamentary Institutions in Part of the Commonwealth; (3) The Position of the Press in a Parliamentary Democracy.

On Monday, October 30, the conference will discuss in plenary session the Commonwealth and the European Economic Community. On Tuesday, October 31, that discussion will continue. On Wednesday, November 1, the general meeting of the association will be held, the committee reports will be made, and the conference will adjourn.

I am happy also to inform the Senate that an invitation has been received from the Government of the Bahamas to hold the 1968 annual meeting in that country.

I should conclude by saying that without interfering with the foreign policy of any of the member governments, I think Commonwealth parliamentarians, both ministers and backbenchers, are now getting to the point where they feel that where parliamentary institutions are weakening or where indeed, as in some cases, they have disappeared, that they should be in a position to try to influence the trend which weakens these institutions, in the interests not only of the Commonwealth but also of the countries concerned. It was even suggested that some consideration should be given to the establishment of teams of backbenchers from various countries of the Commonwealth to step in in cases of Commonwealth emergencies to see if they could help Commonwealth governments in promoting the aims and objectives not only of the Commonwealth Parliamentary Association but of the institution of Parliament itself.

All the recommendations which were made by the working party are subject, of course, to approval by the General Council. The working party is no more than an instrument of the General Council to review these general problems on its behalf and to make a report in Kampala. That will be done.

I hope my remarks this evening have not been too tedious or too long and that they will be helpful to the Canadian delegation not only from the federal house but as well from the various provincial houses.

Hon. Mr. Fournier (De Lanaudière): I would like to ask a question, perhaps an insignificant one, of the Leader of the Government in the Senate. Supposing that before

the conference takes place, or even afterwards, Great Britain succeeds in joining the European Economic Community, what will be the position of the countries of the British family and especially the economic position of our own country?

Hon. Mr. Connolly (Ottawa West): Well, the question, as the honourable senator has indicated, is theoretical. Perhaps between now and the time of the meeting in Kampala the entry of Britain into the European Economic Community will not have been brought about. I should add, however, that the working party felt it imperative that this very question should be discussed by the countries concerned. Certainly there is concern, particularly on the part of New Zealand, and perhaps to a lesser extent on the part of Australia, but almost every Commonwealth country is affected one way or another. I received the general impression—and I hope I am able to reflect it correctly in fairness to the people who attended the meeting—that while perhaps there might be serious difficulties in the initial stages if Great Britain should succeed in entering Europe, as the phrase has it, in time it will be of great economic benefit generally, not only to Britain but to Europe and the Commonwealth.

There is much more that could be said on this mater, but obviously I cannot give a definite answer to it. Each country will have its own approach; each country will have its own problems to consider in the light of the disappearance either in whole or in part of what were originally known as the Empire preferences and are now known as the Commonwealth preferences. This is a difficult question. I think I can say no more than that at this time.

DIVORCE

REPORTS OF COMMITTEE ADOPTED

The Senate proceeded to consideration of reports of the Standing Committee on Divorce Nos. 2 to 128, inclusive, which were presented on Wednesday, June 7.

On motion of Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, reports adopted.

RESOLUTIONS PRESENTED

Leave having been granted to revert to Presentation of Petitions:

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, presented the following resolutions:

Resolution 1, for the relief of Yvonne Zilkha Abdoo.

Resolution 2, for the relief of Martial Belanger.

Resolution 3, for the relief of John Harold Berrys.

Resolution 4, for the relief of Rose (Rosa) Marie Anita Cormier Binette.

Resolution 5, for the relief of May Edelstein Bertolotti.

Resolution 6, for the relief of Lionel Chalifour.

Resolution 7, for the relief of Mary Helena Flemming Chesley.

Resolution 8, for the relief of James Colussi.

Resolution 9, for the relief of Jeanne d'Arc Therese Bernard Dalpe.

Resolution 10, for the relief of Marie Denise Noella Archambault Devogelaere.

Resolution 11, for the relief of Barbara Joan Clifford David.

Resolution 12, for the relief of Marie Antoinette Rollande Gysele Dumais Archambault.

Resolution 13, for the relief of Jeanne d'Arc Boule Gauthier.

Resolution 14, for the relief of Donat Ludger Grenier.

Resolution 15, for the relief of Marie Delia Lucille Claudette Guilbeault Gauthier.

Resolution 16, for the relief of Marie Rhea Isabelle Brouillette Guilbault.

Resolution 17, for the relief of Marie Grace Jacqueline Bolduc Granger.

Resolution 18, for the relief of Irene Papatheodorou Gasparinatos.

Resolution 19, for the relief of Werner Walter Hose.

Resolution 20, for the relief of Marie Delphine Francine LeSage Hinton.

Resolution 21, for the relief of Micheline Seguin Lavallee.

Resolution 22, for the relief of Pierrette Delorme Laroche.

Resolution 23, for the relief of Jean Jacques Lapointe.

Resolution 24, for the relief of Umberto (Alberto) Lazzari.

Resolution 25, for the relief of Marie Irene Thibodeau Lavoie.

Resolution 26, for the relief of Greta Weber Mayer.

Resolution 27, for the relief of Therese Simone Lantin Migneault.

Resolution 28, for the relief of Sylvia Judith Earle Paddock.

Resolution 29, for the relief of Diane Charlotte Begin Page.

Resolution 30, for the relief of Rosalie Sandberg Prupas.

Resolution 31, for the relief of Marie Marguerite Helene Tremblay Renaud.

Resolution 32, for the relief of Audry Carrier Rivest.

Resolution 33, for the relief of Francine Morin Robert.

Resolution 34, for the relief of Frank Solarik.

Resolution 35, for the relief of Roger Joseph Spick.

Resolution 36, for the relief of Celine Genois Terrault.

Resolution 37, for the relief of Daphne Ann Williams Therrien.

Resolution 38, for the relief of Helene Sue Friedman Wechsler.

Resolution 39, for the relief of Marilyn Mae Pickering Wilson.

Resolution 40, for the relief of Cecile Lalande Dumont.

Resolution 41, for the relief of Hermina Spodek Fried.

Resolution 42, for the relief of Justine Johnston Fisher.

Resolution 43, for the relief of William Frank Green.

Resolution 44, for the relief of Doris Kathleen Steeves Gamble.

Resolution 45, for the relief of Jean Lefebvre.

Resolution 46, for the relief of Anne Charles Lewis McKay.

Resolution 47, for the relief of Elisabeth Knox Millar.

Resolution 48, for the relief of Adrian Gregory O'Neill.

Resolution 49, for the relief of Annette Ferland Roussin.

Resolution 50, for the relief of Marie Emma Louise LaRocque Saunders.

Resolution 51, for the relief of Dawn Ann Bradshaw Wiehe.

Resolution 52, for the relief of Gerard Augustin Cadieux.

Resolution 53, for the relief of Gordon Marcel Frenza.

Resolution 54, for the relief of Juliette Bourduas Gravel.

Resolution 55, for the relief of Claire Vaillancourt Gadoua.

Resolution 56, for the relief of Patricia Valerie Devenish King Harris.

Resolution 57, for the relief of Maria Dolischna Kwas.

Resolution 58, for the relief of Jean Guy Arthur Lacombe.

Resolution 59, for the relief of Yolanda Marie Corinne Marotta McCay.

Resolution 60, for the relief of Myer Ovrutsky.

Resolution 61, for the relief of Henri Ouellette.

Resolution 62, for the relief of Lauretta Martineau Paradis.

Resolution 63, for the relief of Evelyn Finestone Schaffer.

Resolution 64, for the relief of Vera Joan Livesey Webb.

Resolution 65, for the relief of Helene Egesborg Wand.

Resolution 66, for the relief of Colin Douglas Wilburn.

Resolution 67, for the relief of Ruth Wagner Alpert.

Resolution 68, for the relief of Nicole Van Renterghem Champagne.

Resolution 69, for the relief of Sandra Silver Clayman.

Resolution 70, for the relief of Micheline Desjarlais de Beaumont.

Resolution 71, for the relief of Alain Durocher.

Resolution 72, for the relief of Thomas Arnold Rosenthal.

Resolution 73, for the relief of Marcelle Blanchette Schwartz.

Resolution 74, for the relief of Gary Theodore (Theodor) Soucie.

Resolution 75, for the relief of Marilyn Itovitch Vinitsky.

Resolution 76, for the relief of Margaret Betty Lane Woodward.

Resolution 77, for the relief of Manuel Wohl.

Resolution 78, for the relief of Bruce Carl Anderson.

Resolution 79, for the relief of William Robert Della Malva.

Resolution 80, for the relief of Beverlee Marilyn Knott Rolling.

Resolution 81, for the relief of Mary Helen Roy (Rye) Thibault.

Resolution 82, for the relief of Herman Ponchner.

Resolution 83, for the relief of Peter Bostwick Lowndes.

Resolution 84, for the relief of Henri Georges Hubert Ghislain Lehousse.

Resolution 85, for the relief of Robert Charles Oakley.

Resolution 86, for the relief of Daniel Pomerantz.

Resolution 87, for the relief of Simone Descoteaux Melissinos.

Resolution 88, for the relief of Mary Lise Shirley Brady Klink.

Resolution 89, for the relief of Helena Evelyn Coursol Roy.

Resolution 90, for the relief of Beverley Ann Michell Widders.

Resolution 91, for the relief of Frederick Haigh Waterhouse.

Resolution 92, for the relief of Marie Mireille Louise Poudrier Wilson.

Resolution 93, for the relief of Alma Whittaker Gourlay.

Resolution 94, for the relief of Jean Guy Michaud.

Resolution 95, for the relief of Roger Soucy.

Resolution 96, for the relief of Yvan Girard.

Resolution 97, for the relief of Berthe Marie Claire Desroches Goudreau.

Resolution 98, for the relief of Grace Louise Hough Walker.

Resolution 99, for the relief of Antonio Di Paola.

Resolution 100, for the relief of Blossom Altman Boyer.

Resolution 101, for the relief of Beverley Frances Mann Bell.

Resolution 102, for the relief of Micheline Sigouin Clark.

Resolution 103, for the relief of Marie Gertrude Jeannette Haineault (Henault) Sharp.

Resolution 104, for the relief of Panagiota (Pat) Maharas Kostolabros, otherwise known as Panagiota (Pat) Maharas Kostolakos.

Resolution 105, for the relief of Jean Beaufort Brunelle.

Resolution 106, for the relief of Gisele Fontaine Kilganon.

Resolution 107, for the relief of John Paul McAlister.

Resolution 108, for the relief of Guy Beaudin.

Resolution 109, for the relief of Therese D'Amours Saint-Laurent.

Resolution 110, for the relief of Bernard Champagne.

Resolution 111, for the relief of Remi Briere.

Resolution 112, for the relief of Janice Rae MacMillan (Howard) Brownrigg.

Resolution 113, for the relief of Gladys Irene Moran Boyer.

Resolution 114, for the relief of Mary Maureen Bradley Woodford.

Resolution 115, for the relief of Lorraine Beausejour Dumouchel.

Resolution 116, for the relief of Sonya Nathalie Bedard Bollini.

Resolution 117, for the relief of Marie Juliette Eva Madeleine Charron Labrecque.

Resolution 118, for the relief of Norma Mabel (Mable) Stark Dalquen.

Resolution 119, for the relief of Maryse Marie Gineste Bet.

Resolution 120, for the relief of Glenda Joanne Bagnato James.

Resolution 121, for the relief of Henrietta Grace McKinnell Elliott.

Resolution 122, for the relief of Fernand Dion.

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

Hon. Mr. Roebuck: Honourable senators, I am not sure what the program is for the next few days. I suppose I should have asked some questions about it. In view of the doubt I would move that these resolutions be taken into consideration tomorrow.

Motion agreed to.

CANADIAN WHEAT BOARD ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Earl A. Hastings moved the second reading of Bill C-106, to amend the Canadian Wheat Board Act.

He said: Honourable senators, the important provisions of Bill C-106, being an act to amend the Canadian Wheat Board Act, are comparatively simple.

First, it is provided that the minister responsible to Parliament for the Canadian Wheat Board shall be such member of the Queen's Privy Council as may be designated from time to time by the Governor in Council.

Secondly, and certainly the most important aspect of the bill, the powers of the Canadian Wheat Board, which would otherwise expire on August 1, 1967, shall become permanent.

Honourable senators, it is significant and perhaps historical that the Senate should be taking such a step tonight, for it was exactly 50 years ago yesterday that the Government of the day determined that control of distribution and price of grain was a necessity. On June 11, 1917, the Board of Grain Supervisors was created by order in council and granted powers to fix the selling price and to determine the destination and movement of grain.

The Board thus established handled the 1917 and the 1918 crops, which resulted for the first time in producers receiving uniform prices and being relieved of the uncertainty of marketing dates, conditions and other pertinent problems they had experienced prior to this date. Western producers in these two years, 1917 and 1918, were completely satisfied with this new method of marketing grain, and there was strong opinion prevalent in western Canada favouring continued government control of the marketing of grain.

By order in council of July 31, 1919, the Canadian Wheat Board was created for the purpose of both handling and marketing the 1919 wheat crop. The first Canadian Wheat Board and its predecessor, the Board of Grain Supervisors, demonstrated to producers at that time a method of marketing whereby the growers were paid not on the basis of current market prices at the time of delivery, but on the basis of average returns realized over the entire crop year. This stability of price and marketing conditions greatly impressed the farmers, and they have since looked with favour on government control of marketing grain.

Few voices questioned the success of the marketing operations during 1917, 1918 and 1919. As I have said, western producers strongly supported and endorsed the boards through their various farm organizations.

In 1920 the Canadian Council of Agriculture petitioned the federal Government to continue this system of board marketing beyond 1919. Concerted efforts by organized farmers in western Canada were, however, unsuccessful in convincing the Government of the continued need for the Canadian Wheat Board. The Government announced on July 15, 1920 the Board would not function in so far as the 1920 crop was concerned, and the marketing of grain reverted to the Grain Exchange on August 15, 1920.

Throughout the following years, until 1935, producers undertook to form wheat pools in the provinces of Alberta, Saskatchewan and Manitoba, with the orderly marketing of grain as their objective. The undertaking of the pools was seriously curtailed and impaired by the world wide depression of 1929 and 1930. However, throughout these years they did give unstinting service in the interests of producer co-operation. More important, I think, throughout this period they maintained the idea of crop pooling, as originated by the first two wheat boards.

The Canadian Wheat Board as we know it today, and the security it offers to western Canada, is in a real sense an achievement of the wheat pools.

Finally, in 1935, after many years of agitation by western producers and many appeals to parliamentarians, the Canadian Wheat Board was again created as a federal regulatory agency responsible for:

> ...marketing in an orderly manner, in inter-provincial and export trade, grain grown in Canada.

In 1943, by order in council, the board was granted monopoly power. This authority has had to be renewed periodically, usually every five years.

Honourable senators, I bring to your attention these historical facts by way of explanation as to why we have the Wheat Board today and, perhaps, to show how deeply rooted it has become over a long period of history in the western provinces.

In the years since 1935, notwithstanding periods of stress and difficulty, the Wheat Board has served the farmers and the nation well. It has earned the deep and abiding faith, trust and confidence of western producers.

In this regard, I can do no better than quote to you an opinion expressed by Dr. Gordon P. Boals in the *American Economic Review* of March, 1953. He said:

> Few government organizations anywhere, especially of the size and volume of business handled, can point to a longer untarnished record than the Canadian Wheat Board.

The record of this government agency in the ensuing years would enhance and in no way deter the enthusiasm expressed by Dr. Boals for the Wheat Board. During this period, it has continued to perform its allotted task of selling wheat, oats and barley delivered by western producers on the markets of the world at the best attainable prices.

As a result of its operations, assisted by government leadership, the marketing of grain during the last four years has been at unprecedented levels. Wheat today represents our No. 1 earner of foreign exchange. Western Canada farmers have accordingly realized record farm incomes.

According to the board records and current crop estimates, Canada will have exported in the last four crop-years over 2.1 billion bushels of wheat and wheat flour at an average price of $2.06 per bushel, No. 1 Northern, basis Fort William; that is, 2.1 billion bushels during the last four years, as compared to 1.3 billion bushels during the previous four years, at $1.80 a bushel.

In the present crop year ending July 31, it is estimated that exports will total 525 million bushels at an average price of $2.12 per bushel for No. 1 Northern, basis Fort William. When the current 1966-67 pool is closed and determined on July 31, 1967, I suggest that western producers have every expectation of a record final payment. It will mean a total realized payment of over $2 per bushel for No. 1 Northern wheat, basis Fort William.

The board has been able to establish this impressive record by reason of its sales efforts in three areas of activity. Firstly, it has filled the continuing needs of our traditional markets, and I might say that these markets are the first consideration of the board at all times. They make certain they are able to fill the requirements of our traditional markets before embarking on long-term sales to other nations.

Secondly, there are the exports to the Sino-Soviet countries, which today take nearly 50 per cent of our export wheat. Since 1963 eleven agreements with seven countries have been signed in this area of endeavour.

Finally, under the Government's food aid program, Canadian grain is presently being exported to nearly 100 countries of the world. In exporting to the Sino-Soviet countries it is necessary to extend credit terms under the Canadian Wheat Board Act or the Export Credits Insurance Act. These transactions have been made possible by the Government's assuming credit risks which today amount to $500 million, as compared with $200 million in 1962. In the food aid program the allocation of funds for food in the form of wheat and flour has increased from $4.5 million in the fiscal year 1962-63, to $100 million in the last fiscal year.

In negotiating the recent three-year international wheat agreement the Canadian delegation, led by the Minister of Trade and Commerce and the Minister of Agriculture, and assisted by Wheat Board officials and representatives of farm organizations, played a key and central role in finalizing the agreement which, in turn, provided a higher price range for our wheat. This was a significant, and certainly an important, accomplishment for those directly involved in the production of wheat, because it permitted the Minister of Trade and Commerce to announce subsequently an increase of 20 cents per bushel to $1.70 as the initial payment for wheat marketed in the coming crop year.

Honourable senators, the Canadian Wheat Board since 1935, in good years and in bad, with surpluses and shortages, and in war and peace, has been the greatest single stabilizing factor in the economy of Canada. The impact of its operations is keenly felt in every Canadian farm family, if not every Canadian family. It is accepted as an important and integral part of the agricultural community of western Canada, and by the grain trading circles of the world. It is, therefore, the decision of the Government to give permanence to legislation covering the operation of the Canadian Wheat Board. I recommend to you Bill C-106, being an Act to amend the Canadian Wheat Board Act, for second reading.

In summary, the bill provides as follows:

1. The Governor in Council shall designate the minister responsible to Parliament for the operations of the board as provided in clause 1.

2. The powers of the Canadian Wheat Board which would otherwise expire on August 1, 1967, shall be permanent by the repeal of sections 23 and 24, and an amendment to section 31, as provided in clauses 2, 3 and 4.

Finally, clause 5 amends the schedule of mills and feed warehouses in existence as March 1, 1967.

Honourable senators, as I have stated, the Canadian Wheat Board, through good years and through bad, has played a very important and ever increasing part in the agriculture of western Canada. It is certainly regarded as a

permanent feature by the producers of western Canada. Therefore, I recommend to you the reading of this bill the second time.

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

DIVORCE

NOTICE OF MEETING OF JOINT COMMITTEE

On the motion to adjourn:

Hon. Arthur W. Roebuck: Honourable senators, I have on my desk a notice that a meeting of the Special Joint Committee on Divorce will be held *in camera* at 10.30 tomorrow morning.

I should inform the house that at last, after a great many technical difficulties, copies of the report passed by the steering committee are now at hand. I had hoped to place this report in the hands of the members of the committee on Thursday last when the organizational meeting was held, but I was disappointed in that. I hasten to add that this was not because of any fault of the printing establishment; they are really splendid workers, but they ran into some technical difficulties. I had hoped to distribute copies of the report on Friday, but again I was disappointed. However, at 6 o'clock this evening I received the necessary 50 copies, and they are now being worked on upstairs and will be ready tomorrow morning.

I should like to emphasize the importance of the meeting tomorrow. Honourable senators will recollect that the matter of divorce has been the special province of this chamber since Confederation, and I might say that the people of Canada look to the Senate for leadership in this field. The report in question which, as I say, has been passed by the steering committee, is the culmination of one solid year of work, in the course of which the committee held 24 open meetings in which it heard from some 70 witnesses. A very large number of briefs and a tremendous amount of information has been given to us. The report is the culmination of this one year of work, and of all the very great and very valuable assistance that we have received.

The meeting tomorrow morning is *in camera*, and I do trust that all those honourable senators who are members of the committee, and who find it possible, will attend.

Hon. Mr. Connolly (Ottawa West): Why not give their names?

Hon. Mr. Roebuck: Yes, I shall name them.

Senator Aseltine unfortunately will not be present. I understand that very shortly he will be leaving hospital to return to his home. We shall miss him sorely, because for 10 years he was Chairman of the Standing Committee on Divorce prior to my appointment some 13 or 14 years ago. Senator Baird is here and I am sure he will attend the meeting—no one is more faithful than he. Senator Belisle is also here. I understand that Senator Burchill will be present if he can arrange a flight in time. I expect that Senators Connolly (Halifax North), Croll, Denis, Fergusson and Flynn will be present. I have not seen Senator Gershaw or Senator Haig but I am sure they will be here, and of course I shall be there.

Honourable senators, I apologise for taking your time over a routine matter of this kind but I insist that the subject matter is of very great importance, since it will affect the lives of thousands of our fellow citizens. I trust therefore that as many as possible from this chamber will be present at 10.30 o'clock tomorrow morning.

The Senate adjourned until tomorrow at 3 p.m.

APPENDIX

(*See p. 150.*)

PRECEDENCE AND PROTOCOL

ANSWERS TO INQUIRY

Inquiry by Hon. Jean-François Pouliot:

No. 1

1. What Orders in Council have been adopted concerning protocol and precedence since that which reversed the order of precedence of the members of the Senate of Canada over the Judges?

Answer: Order in Council P.C. 1954-1900, dated December 1, 1954. (Text follows); Order in Council P.C. 1967-120, dated January 19, 1967. (Text follows).

P.C. 1954-1900

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 1st December, 1954.

The Committee of the Privy Council, on the recommendation of the Right Honourable Louis S. St-Laurent, the Prime Minister, advise that the following amendments to the Table of Precedence for Canada be laid before Her Majesty the Queen:

1. Category 12 to be amended to read as follows:

12. The Primate of the Church of England in Canada, a Prelate of the Roman Catholic Church having high relative precedence in that Church in Canada, the Moderator of the United Church of Canada, the Moderator of the Presbyterian Church in Canada and the President of the Baptist Federation of Canada or their representatives. (Note 6).

2. Note 6 to be amended to read as follows:

6. Precedence to be given as a courtesy in this category to the Apostolic Delegate as has been the custom in the past and the relative precedence of the Canadian ecclesiastical dignitaries to be governed by the date of their assumption of their present office, with their representatives to be given the same relative precedence.

Clerk of the Privy Council.

27059—11

P.C. 1967-120

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 19th January, 1967.

The Committee of the Privy Council, on the recommendation of the Right Honourable Lester Bowles Pearson, the Prime Minister, advise that the annexed amendments to the Table of Precedence for Canada be laid before Her Majesty the Queen.

P. Michael Pitfield

Assistant Clerk of the Privy Council.

AMENDMENTS TO THE TABLE OF PRECEDENCE FOR CANADA

1. Categories:

(a) Category 2 to be amended to read as follows:

"2. The Prime Minister of Canada. (Note 1(a))."

(b) Category 8 to be amended to read as follows:

"8. Members of the Queen's Privy Council for Canada, not of the Cabinet in accordance with the date of their appointment to the Privy Council."

(c) Category 11 to be amended to read as follows:

"11. The Leader of the Opposition (subject to Note 1(a))."

(d) Category 12 to be amended to read as follows:

"12. The Primate of the Anglican Church of Canada, a Prelate of the Roman Catholic Church having high relative precedence in that Church in Canada, the Moderator of the United Church of Canada, the Moderator of the Presbyterian Church in Canada and the President of the Baptist Federation of Canada or their representatives, and a representative of the Jewish Faith in Canada. (Note 5)."

(e) Category 21 to be amended to read as follows:

"21. The Chief of the Defence Staff. (Note 6)."

2. Notes:

Notes to be amended by:

(a) inserting between Notes 1 and 2 the following Note 1(a):

"1(a) Precedence to be given immediately after former Governors General to former Prime Ministers with relative precedence governed by the date of their first assumption of office."

(b) deleting Note 5;

(c) renumbering Note 6 as Note 5;

(d) renumbering Note 7 as Note 6 and amending it to read as follows:

"6. This precedence to be given to the Chief of the Defence Staff on occasions when he has official functions to perform, otherwise the Chief of the Defence Staff to have equal precedence with Deputy Ministers with their relative position to be determined according to the respective dates of their appointments to office. The relative precedence of the Chief of the Defence Staff, Deputy Ministers and other high officials of the public service to be determined from time to time by the Secretary of State of Canada in consultation with the Prime Minister."

No. 2.

What is the text and date of that Order in Council?

Answer: Order in Council P.C. 1954-1041, dated July 6, 1954.

(Text follows).

P.C. 1954-1041

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 6th July, 1954.

The Committee of the Privy Council, on the recommendation of the Right Honourable Louis S. St-Laurent, the Prime Minister, advise that the Table of Precedence for Canada hereto annexed, to replace as of September 1st 1954, the present table of Precedence for Canada, be laid before Her Majesty the Queen.

R. B. Bryce
Clerk of the Privy Council.

July 6, 1954.

TABLE OF PRECEDENCE FOR CANADA

1. The Governor General or the Administrator. (Note 1).

2. The Prime Minister of Canada.

3. The Chief Justice of Canada.

4. Ambassadors and High Commissioners. (Note 2).

5. Ministers Plenipotentiary. (Note 3).

6. The Members of the Cabinet with relative precedence governed by the date of their appointment to the Queen's Privy Council for Canada.

7. The Lieutenant-Governor of Ontario; the Lieutenant-Governor of Quebec; the Lieutenant-Governor of Nova Scotia; the Lieutenant-Governor of New Brunswick; the Lieutenant-Governor of Manitoba; the Lieutenant-Governor of British Columbia; the Lieutenant-Governor of Prince Edward Island; the Lieutenant-Governor of Saskatchewan; the Lieutenant-Governor of Alberta; the Lieutenant-Governor of Newfoundland. (Note 4).

8. Members of the Queen's Privy Council for Canada, not of the Cabinet in accordance with the date of their appointment to the Privy Council. (Note 5).

9. The Speaker of the Senate.

10. The Speaker of the House of Commons.

11. The Leader of the Opposition.

12. The Primate of the Church of England in Canada, the Prelate of the Roman Catholic Church having the highest relative precedence in that Church in Canada, the Moderator of the United Church of Canada, the Moderator of the Presbyterian Church in Canada and the President of the Baptist Federation of Canada or their representatives. (Note 6).

13. The Premiers of the Provinces of Canada in the same order as the Lieutenant-governors. (Note 4).

14. Puisne Judges of the Supreme Court of Canada.

15. The President of the Exchequer Court of Canada.

16. (a) The Chief Justice of the highest court of each Province and territory; and (b) the Chief Justices of the other superior courts of the provinces and territories, including the Associate Chief Justice of the Superior Court of the Province of Quebec; with precedence within sub-categories (a) and (b) governed by the date of appointment as chief justice.

17. (a) Puisne judges of the Exchequer Court; (b) Puisne judges of the superior courts of the provinces and territories; with precedence within each sub-category to be governed by the date of appointment.

18. Members of the Senate.

19. Members of the House of Commons.

20. Consuls-General of countries without diplomatic representation.

21. The Chairman of the Chiefs of Staff Committee, the Chief of the General Staff, the Chief of the Naval Staff, and the Chief of the Air Staff. (Note 7).

22. Members of the Executive Council, Provincial, within their Provinces.

23. The Speaker of the Legislative Council within his Province.

24. Members of the Legislative Council within their Provinces.

25. The Speaker of the Legislative Assembly within his Province.

26. Members of the Legislative Assembly within their Provinces.

NOTES

1. Precedence to be given immediately after the Chief Justice to former Governors-General with relative precedence among them governed by the date of their leaving office.

2. Precedence among Ambassadors and High Commissioners, who rank equally, to be determined by the date of the presentation of their credentials.

3. Precedence to be given to Chargés d'Affaires immediately after Ministers Plenipotentiary.

4. This provision does not apply to such ceremonies and occasions as are of a Provincial nature.

5. In this category, precedence to be given as a courtesy, before other Privy Councillors not of the Cabinet, to former Prime Ministers with relative precedence governed by the date of their appointment to the Privy Council.

6. Precedence to be given as a courtesy in this category to the Apostolic Delegate as has been the custom in the past and the relative precedence of all six ecclesiastical dignitaries to be governed by the date of their assumption of their present office, with their representatives to be given the same relative precedence.

7. This precedence to be given to the Chiefs of Staff on occasions when they have official functions to perform, otherwise the Chiefs of Staff to have equal precedence with Deputy Ministers with their relative position to be determined according to the respective dates of their appointments to office. The relative precedence of the Chiefs of Staff, Deputy Ministers and other high officials of the public service to be determined from time to time by the Secretary of State of Canada in consultation with the Prime Minister.

No. 3

3. Has the Government of Canada adopted an Order in Council to the effect that the names of the Privy Councillors not residing in Canada should not be inserted in the "Guide to Relative Precedence at Ottawa", and if so, what is the text and the date of that Order-in-Council?

Answer: No

No. 4

4. Is the Order in Council mentioned in the previous question still in effect or has it been abrogated, and in this last alternative, on what date was it abrogated?

Answer: Answered by No. 3

THE SENATE

Tuesday, June 13, 1967

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

Prayers.

PARLIAMENTARY PUBLICATIONS

DELAY IN FRENCH TRANSLATION—QUESTION OF PRIVILEGE

Hon. Jean-François Pouliot: I rise on more than 40 questions of privilege. According to the Constitution, both the English and French languages are official and the publications issued by the Parliament of Canada shall be published in both languages. I cannot understand the delay in providing French translations.

I have put together the French reports of committees which I have received at various intervals from May 31. On May 31 I received the French translation of the following committees: the ARDA committee sittings of April 25 and April 27; the Transport and Communications Committee of the Commons of April 25; Public Accounts Committee of the Commons of April 20; Transport and Communications Committee of the Commons of April 11; Public Accounts Committee of the Commons of April 13; Banking and Commerce Committee of the Senate of March 22; Banking and Commerce Committee of the Senate, March 20; External Relations Committee of the Senate, March 15; Joint Immigration Committee of the Senate and the Commons of February 23 and 24, and March 2; Public Accounts Committee of the Commons, February 14, 16 and 23; Private Bills Committee of the Commons, February 14, 23 and March 2; Immigration Committee of the Commons, February 22.

All those committee reports, from February 22 until April 25, were received on May 31.

On June 1, I received the French translation of the proceedings of the following committees: the External Affairs Committee of the Commons of April 11; and the Joint Committee on Immigration of March 20.

On June 3, I received the Orders of the Day of the House of Commons of the previous day in French. It came one day too late. This was an exception, but it is to be noted.

On the same day, June 3, I received, in French, the proceedings of the following committees: the Joint Committee on Immigration of April 13; the Committee on External Affairs of the Commons of April 13; the Joint Committee on Immigration, April 11; the Joint Committee on Penitentiaries, April 6; the Joint Committee on the Public Service, March 14; and the Joint Committee on Immigration of March 13 and 14.

On June 5, I received the French translations of the following: External Affairs Committee of the Commons of April 20; the Justice Committee of the Commons of April 18, and the Joint Committee on Immigration, March 16.

On June 6, I received the proceedings in English of the following committees: The ARDA Committee of the Commons of June 1—which was not so bad; the External Affairs Committee of the Commons of May 30; the Committee of Finance, Trade and Economic Affairs of the Commons of May 30.

Also on June 6, I received in French the following proceedings: the Joint Committee on Immigration of May 8; the Finance Committee of the Senate of April 26; the Banking and Commerce Committee of the Senate of April 20; the Joint Committee on Immigration of April 18; and the Justice Committee of the Commons, April 11.

On June 7, I received the External Affairs Committee report of the Commons in French for May 30; the Finance Committee of the Commons of May 30; the Committee on Immigration and Labour of the Senate of March 16, 1967, and of June 16, 1966—that one was a year late.

Honourable senators, I wonder if you are impressed. However, I shall have a word or two to say afterwards.

On June 8, I received the translation of the Veteran Affairs Committee report of June 6, 1967—which shows that when they want to do something, it can be done.

On June 9, I received the report of the ARDA Committee of June 1, and of the Public Accounts Committee of April 25.

Yesterday I received the report of the Housing Committee of June 8, which was very good. It was in English. I received the French translation of the report on the very same date—that is excellent. Yesterday also I received the Senate Banking and Commerce Committee report of April 26; the Justice Committee report of the Commons of April 13; the report of the Joint Committee on Immigration of March 21, and the reports on the Joint Committee on Divorce of February 7, 14 and 16.

Honourable senators, the two languages are official, and as the French reports are needed for those who are not familiar with the English language I have come to the conclusion that it would be necessary for a parliamentarian to be familiar with both languages to make any use of the committee reports. To speak in plain English, translations which come so late might be a fine gesture, but they are absolutely useless and a waste of money.

I want to bring this to the attention of the Government. I have spoken about it, and we have been told that a correction would be made, that translations would be done even in Montreal. However, this shows that the translation of the committee reports in French is for the most part unsatisfactory. The thing to do is to publish the reports on time, or save money by curtailing the publication of reports which come too late to be of any use.

HON. MARIANA BEAUCHAMP JODOIN

INVITATION TO UNVEILING OF BRONZE LIKENESS

The Hon. the Speaker: Honourable senators, before calling the Orders of the Day I would like to put on record a reference to the ceremony mentioned by the Government Leader (Hon. Mr. Connolly, Ottawa West).

Tomorrow, June 14 at 5.30 p.m., the Right Honourable Lester B. Pearson, Prime Minister of Canada, will unveil a bronze likeness of the Honourable Mariana Beauchamp Jodoin, a former member of the Senate, in the Senate antechamber. Madame Jodoin and some members of her family will be guests at that time, and I would urge that all senators make a special effort to attend the ceremony, which will be followed by a small reception in the Speaker's chambers.

CANADIAN WHEAT BOARD ACT

BILL TO AMEND—SECOND READING

The Senate resumed from yesterday the adjourned debate on the motion of Hon. Mr. Hastings for the second reading of Bill C-106, to amend the Canadian Wheat Board Act.

Hon. Arthur M. Pearson: Honourable senators, before dealing with this bill, I wish to congratulate my honourable colleague, Senator Hastings, on the fine explanation which he gave when moving the second reading. He did a worthwhile job, and most honourable senators now have a better idea of the act and what it has done for western Canada. There are, however, some points which he might have brought in and which I should like to mention.

The farmers in the West will be very pleased to know that the Canadian Wheat Board will be a permanent institution, no longer subject to being reconstituted every five years.

It seems ironic that it is the party which was strongly opposed over the years, especially in their eastern section, to the Canadian Wheat Board, is the party which has had to bring in this bill and finally make the Wheat Board a permanent organization.

This act was originally introduced in 1935. There were attempts to build up a wheat board as far back as 1917, as the honourable Senator Hastings said, when during the First World War the Government set up a board, which really was not a wheat board as we know it today but a board to handle the wheat of western Canada. This board was under a man named McFarland who came from the Winnipeg Grain Exchange. He did a very fine job as to price during the First World War, as far as the farmers were concerned. I must say that the price at that time was very much higher than the price during the Second World War. I remember that in 1919, the year after the war, the price was something like $2.48 a bushel for No. 1 Northern.

That board was discontinued in 1920. In the election in the following year, we in western Canada were asked to vote for Mr. Motherwell, then Minister of Agriculture. We were asked to vote for him and a wheat board. He was elected but could not do anything along the line of setting up a wheat board because of opposition in the east. The price of wheat in 1921 dropped substantially. During the 1920s the farmers became restless and decided the only thing to do was to form a pool or co-operative of all the farmers and attempt by force or persuasion to bring in a wheat board along the lines of that in use during the First World War.

In those days, it was not a case of being unable to sell wheat: the problem was to maintain our price. I well remember that in 1928 we had an excellent crop—it was low-grade, of course—but most of it, 500 million bushels or a little better, was disposed of by the grain trade without much difficulty. We boast today about our 500 million bushels, but this amount was sold in 1928.

In 1929, due to the financial embargoes throughout the world, the price dropped from $1.60 or better very rapidly until it hit a low of around 90 cents. In the 1930s the West was

suffering from drought, and the price fell still further until it reached a low in Saskatchewan of about 40 cents a bushel.

The wheat pool in Saskatchewan ran into financial difficulties at that time because they had guaranteed or given out a minimum or first payment to the farmers, which was more than what the market warranted. The Government of Saskatchewan at that time advanced about $10 million to save the wheat pool.

This was at a time when we had a Conservative Government. Right Honourable R. B. Bennett could see the problem and decided that the only thing to do was to form a wheat board, which the farmers had been crying for for almost two decades, and so remove some of the vicious gambling that was upsetting to the farmers. Mind you, many of the farmers were themselves gamblers in the wheat market. Mr. Bennett brought in a wheat board act in 1935. However, the next government, which had the problem of carrying out the provisions of the act, allowed some to sell their grain outside the board. Those who remained with the board received the low price of 87½ cents as an initial payment, and nothing further was paid beyond that initial payment in 1936-37, while those who sold their grain outside the board received as high as $1.40 a bushel.

Things apparently drifted along for the rest of the thirties and on through the war period when the federal Government again undertook to control the sale and price of wheat, with the result that the farmers took a loss of, some say, as high as $600 million during the war years from the sale of their wheat. Since that time the Wheat Board has been functioning and has been growing stronger every year.

Finally, in 1956 after a series of good crops, a surplus began to build up, so much so that farmers had piles of wheat on their farms, and grain companies had piles of wheat outside their elevators, with no storage space available for it.

In 1961, under the former Minister of Agriculture, the Wheat Board got permission to close a deal on a credit basis with mainland China. Honourable senators will remember that this same minister took a great deal of ribbing in both houses because he would not produce the agreement made with China, and he was laughed at because the Opposition felt that he had made a deal which would show a great loss to this country, as they believed the Chinese would never live up to the terms of their agreement. However, to date, they have carried out meticulously the terms of their deal, and have gone on to buy a great deal more wheat from our Wheat Board.

So, honourable senators, the Wheat Board has finally proved itself as the greatest marketing agency that has been brought forward for farm products, which include wheat, oats and barley. Some day I hope that the farmers of eastern Canada will be able to build a board of a similar nature to aid them in the marketing of their produce.

On page 2 of Bill C-106, honourable senators will see a schedule of grain handling bodies authorized to handle grain for the Wheat Board. Under the schedule you will notice the lists of flour mills in Manitoba, the seed cleaning mills and the feed mills and feed warehouses. On page 4 you will see the same information for Saskatchewan, and on page 6 for Alberta.

It is interesting to note, in referring back to the schedule in the act of 1935, there has been quite a change not only in the names of a great many of these flour mills but also in the numbers of seed cleaning and feed mills. In the Province of Manitoba, for instance, in 1935 there were 25 flour mills; there are now seven. In 1935 there were four seed cleaning plants; now there are 68. In 1935 there were 37 feed mills; now there are 64. In the Province of Saskatchewan similar changes have taken place. In 1935 there were 30 flour mills; now there are eight; there were two seed cleaning mills, now there are 34; there were 21 feed mills and now there are 29. Alberta shows a greater change. There were 40 flour mills in 1935; now there are nine; there were eight seed cleaning mills, now there are 39; in the feed mills and warehouses there were 49, and now there are 194.

With regard to the flour mills there used to be what we called grist mills in many of the small towns. As farm transportation got better and farmers were able to travel further, these mills became fewer. Now most of them have gone out of business and we have only the large flour mills in the main centres of each province. The striking thing to me is the large number of seed cleaning plants that have been built up, which shows that the farmers are very conscious of keeping their seed as pure as possible, in order to obtain a higher yield by eradicating the weeds. With regard to feed mills and warehouses, it indicates the tremendous build-up of herds of cattle, hogs, etc., on the Prairies, particularly in Alberta. Even in British Columbia we now

have four mills and feed warehouses and three seed cleaning mills. These, of course, are up in the Peace River area.

I have mentioned the foregoing, honourable senators, to draw your attention to the changes in the schedule which graphically show the changes taking place in the western provinces. I wholeheartedly support this bill.

Hon. Hazen Argue: Honourable senators, the bill now before us will undoubtedly be given unanimous approval which it has already received in the other place. The Canadian Wheat Board has had a long and varied history, but one thing that has been consistent throughout the years is the support of farm organizations for this method of handling western grain. I would suggest that while various political parties may from time to time have taken somewhat different attitudes to the Canadian Wheat Board, today the board enjoys the support not only of all farm organizations but of all political parties. Therefore, it would seem to me that this kind of measure, and the Canadian Wheat Board itself, is very much above politics and day-to-day political strife. Certainly that is the way it should be.

This measure has been asked for by farm organizations for a long time, and I think it is in keeping with the general situation in Canada that the Canadian Wheat Board should be made a permanent institution by this measure. The board has proven itself, and there is certainly no need to have it inferred, as it might be, that there is any possibility at all of the board being dropped at the end of any given five-year period.

The Canadian Wheat Board has sometimes been called a socialist organization. It has sometimes been held up to ridicule by political parties, and there are still some active politicians in the country today who have made rather disparaging remarks about it in the past. Nevertheless, I think that the development of the Canadian Wheat Board has brought about, at least in this area, an excellent balance between Government initiative, producers' initiative and private initiative.

The board itself is independent. It was established by Parliament, but it has been made the agent of the producers. The function of the board is not to operate in any sense as an agent of the Government, but as an agent of the producers, and they very much wish to keep it this way.

As a producers' board, it operates from the moneys taken from the grain sold on behalf of the producers, and although it is a well-known fact among people who understand its operation, there is still a feeling abroad that the Canadian Wheat Board is somehow or other financed by the Government of Canada. Nothing could be further from the truth. Every single item of cost of the Canadian Wheat Board—with the possible exception, if one might add the Temporary Wheat Reserves Act, which pays certain storage costs when grain is in a surplus position—is paid for by the producers themselves, including the administrative costs of the board, the cost of buildings, postage, salaries and even the pension of retired members of the board.

It is an exceedingly efficient operation. The total administrative cost of the Canadian Wheat Board is less than two-thirds of a cent per bushel of wheat the board handles, and if you could wipe out the Wheat Board tomorrow and bring in some organization that would function at no cost, the total saving would be only two-thirds of a cent a bushel. So, as I say, it is an exceedingly efficient organization, and farmers are pleased to pay this two-thirds of a cent in order to ensure that it is their marketing board and that it will remain independent.

I said it is a kind of combination of Government and private initiative, in that a vast part of the operation of the Canadian Wheat Board is carried on by the grain trade itself, which is composed of co-operative and private organizations. Even in the day-to-day selling of Canadian wheat, my understanding is that at least in the majority of instances almost all, if not all, of the actual selling is done by the elevator companies and the grain organizations themselves. In other words, the private trade is out hunting for world markets and is making the actual arrangements for particular sales. Even with some of the Iron Curtain countries, to my personal knowledge, there has been an important initiative taken from time to time by private grain trade in bringing about certain sales of grain to some of these countries. So, I think it is a very useful combination of Government initiative, of a board functioning in the interests of the producer and receiving the active assistance and support of the grain trade, the private grain trade and the co-operative elevator companies.

There are some quite optimistic features of the present grain situation. First of all, some real optimism has been generated by the new cereals agreement. It means, at least as far as the floor and ceiling is concerned, they are trending in the right direction—an improvement in the floor price and an improvement

in the ceiling price. Prices, of course, will range between the floor and the ceiling and, therefore, the actual price that may be obtained from time to time is certainly unknown, but it will range between $1.98 per bushel No. 1 Northern, basis Fort William, and $2.38 per bushel No. 1 Northern, basis Fort William, expressed in Canadian dollars.

The Canadian Minister of Trade and Commerce, the Honourable Robert Winters, and the Minister of Agriculture, the Honourable J. J. Greene, have played distinguished roles in promoting and bringing about this agreement. They have been ably assisted by representatives of farm organizations, and I think that without the authority of the Canadian Government behind it, without the prestige and the activity of the Canadian Wheat Board, without these organizations there would not be a cereals agreement today. The fact that the Canadian Wheat Board is operating in Canada and is playing this important role, with the full support of the Canadian Government, is the main reason there is a new cereals agreement.

What about the actual world situation in grain today? Well, there is no room for complacency. It is still true that two-thirds of the people of the world go to bed hungry at night. It is still true that there is a tremendous shortage of food grains in the world. It is unfortunately true that within the last few years there has not been the same increase in food production as there has been in population growth and, therefore, there is a further lag; but, nevertheless, there is a very large quantity of grain on hand in the world today. The United States is forecasting the biggest crop in its history. If you take the stocks as of April of this year among the major exporting countries of the world, they have available for export 1200 million bushels, which is 150 million bushels higher than the year before.

Canada is waging a real battle with the United States, in the area of wheat prices today, with the Canadian Wheat Board acting as spokesman for Canadian producers, because the United States feels from time to time that, in order to move their grain on the world markets, the best answer is to cut the price of wheat. I think they are mistaken. I think it is something the Canadian officials should be resisting, as they are, and I wish them every success.

However, the price the Wheat Board is receiving today for Canadian wheat has gone up considerably in the last number of months. Today it stands at $2.12 a bushel for No. 1 Northern, basis Fort William. This is not, in fact, the price the farmers themselves would like to receive. They hope that the Wheat Board, the Canadian Government and others who play a role in this field will be successful in their continuing efforts to get a higher price for wheat; but I think we would be foolish, as producers or parliamentarians, to think that any increase in the price of wheat in the next few months is certain or automatic. I think the Canadian Wheat Board feels that their biggest problem at the moment is to hold the current selling price at $2.12 a bushel.

There has been an announcement that the initial price for wheat will be increased on August 1 from $1.50 a bushel, basis No. 1 Northern Fort William, to $1.70 a bushel. I think that this is a correct move. It is sensible, because it means that even with the initial price going up to $1.70 a bushel, the Wheat Board will still operate on a margin of 42 cent a bushel. There is no danger to the board unless there is a calamitous fall in price. The board has an ample margin. The farmers will get 20 cents a bushel more when they sell, and they need that money. They are most grateful that the Wheat Board, and the Minister of Trade and Commerce have agreed, and have so acted so as to bring about on August 1 an increase in the initial price of 20 cents a bushel.

Senator Hastings said last evening that the outlook in respect of the present crop is for exports of some 525 million bushels of wheat from Canada, and I think that is accurate. This will certainly be another very great accomplishment. I believe it is the third highest figure for exports in the history of this country.

Farmers' marketings up until the end of May totalled 457 million bushels, as compared to 390 million bushels the year before. The marketing situation has never been better. The quotas are very high. In fact, in most places for all practical purposes there is an open quota, and the farmers are able to market a large part, if not all, of the grain they have on hand. This is another encouraging feature in the present grain situation.

Honourable senators, I have looked at the remarks that have been made in the other place in debating this legislation. I think the debate generally was on a very high and non-partisan level, with positive suggestions being put forward by the members. I do not think it is any criticism of any measure to say "I support the measure." However, I do think

certain improvements can be made. Mr. Warner Jorgenson, M. P., for example, asked that steps be taken to increase production of grain by emphasizing new breedings and methods of providing greater scientific information, and by other means. Mr. Jorgenson is a farmer himself, with experience in the farm movement, and what he said was a contribution to the debate.

Mr. E. Nasserden, M.P. from Saskatchewan, asked that the initial quotas for grain from small farmers should initially be higher in the fall. I do not know how realistic is that suggestion, but it is certainly a positive one that I am sure the Wheat Board has considered many times in years gone by and will consider many times in the future. Whether there is an initial quota of 400 bushels as it now is, or 300 bushels as it used to be, the important factor is whether the farmers—the small and medium-sized farmers, and even the larger ones—have an opportunity to market the grain they produce at a reasonable price.

I have one suggestion that I would like to make at this time with respect to the operation of the Canadian Wheat Board. I think it is constructive, and I hope that the Wheat Board officials, as well as the Minister of Trade and Commerce, will take a look at it to see whether it might be followed in order to remove a criticism that I have heard from time to time—a criticism that upsets me because I do not like to see the Wheat Board criticized, if it can possibly be avoided.

There is a policy in effect, as honourable senators know, and has been for some years, of cash advances on farm stored grain—interest-free advances. In the fall the farmer can go to the local elevator agent, and the agent on behalf of the Canadian Wheat Board has authority to grant him, on the basis of a 50 cents per bushel, up to a maximum, depending upon the size of his farm, of $3,000 interest free. This money is automatically paid back as the farmer delivers his grain. The experience has been excellent. The losses have been surprisingly low—almost negligible.

This has been a good operation. But what happens is that every spring there may be a few thousand farmers who for one reason or another have not marketed sufficient of their grain to pay back their cash advance. They have the grain. They have given the security of their permit book, and then somebody in the legal department of the Canadian Wheat Board writes the individual farmer a letter. I do not suppose these letters today are quite as starchy as they once were, but these persons in the legal department of the Wheat Board send such letters by registered mail. They make the farmer feel that the Canadian Wheat Board thinks he is absconding with the money that he has borrowed. Such letters make the farmer angry with either the Canadian Wheat Board or with the government of the day, or with both. The farmer becomes completely upset.

If you want to get a farmer upset, just send him a registered letter when he is busy seeding, telling him, in effect, you had better quit your seeding and get busy hauling some grain to town. Of course he is not going to do it. This brings about a criticism of the Canadian Wheat Board and I think could well be avoided.

My suggestion is that a greater responsibility be given to the elevator agents themselves. When a farmer hauls a load of grain to the elevator, the elevator agent decides the grade and the dockage, and he buys the grain on behalf of the Canadian Wheat Board. Any argument that the farmer may have—and we all have arguments when somebody wants to decide whether they should give us less money than a certain figure—is with the local elevator agent, who is an agent of the company, which in turn is an agent of the Wheat Board.

I would like to see the Canadian Wheat Board give the elevator agent—the very man who gave the farmer the advance in the first place—the responsibility of collecting from the farmer, when the quotas are available and when the grain can be hauled in. The elevator agent is far better able to know the position of the farmer, to know when the grain should be hauled in, than is somebody sitting in the office of the Wheat Board in Winnipeg and who has before him just cold statistics but who does not know the particular circumstances. I think that my suggestion would remove this kind of criticism that one hears from time to time.

Every once in a while in the history of the Canadian Wheat Board an operation takes place which receives the resounding approval of the producers in western Canada, or some other operation may take place which disturbs the producers and which can become something of a political football. In January 1965 the Canadian Wheat Board, in a series of steps, reduced the selling price of Canadian Wheat of various grades over a period of a few days from 12 to 17 cents a bushel. The price of No. 1 wheat, for example, dropped from approximately $2.03 to $1.91 a bushel,

and a great howl went up in the country. There were politicians who condemned the government or the Wheat Board for having done this.

Nobody likes to see the price of wheat reduced, but I think the Canadian Wheat Board would have been subject to far greater criticism, and the government along with the board, if they had said, "We are keeping our prices at their present level whether we sell the wheat or not." Other countries would have been selling wheat at lower prices, and instead of getting the lower price for a large quantity we would have gotten no price at all because we would not have been able to sell any wheat.

The Wheat Board made its decision very clear, and it outlined why it had to take these various steps. It had an opportunity of selling some lower grade wheat—No. 5 wheat—to China, and sold it at competitive prices. The Americans stepped in soon after, and cut the American price. There was a series of price cuts after the Canadian Wheat Board had cut its own price in order to meet this competition. The Americans continued to cut their prices even further.

The point is that the Canadian Wheat Board did this to meet competition. I was very sorry and disturbed to read the statement by the Leader of the Opposition in this country (Hon. Mr. Diefenbaker), when he stated:

> They have not forgotten, though, that while 21 cents is the maximum increase in the price of wheat under the new international agreement, two years ago 17 cents was cut off their price. The result is that the wheat farmers of Saskatchewan, Alberta and Manitoba received an income in those two years of about $190 million less—

And here are the words I wish to emphasize:

> —than they would have received because of the action of this Government.

I believe that statement is false, that there is no foundation for it at all in fact. If there were it would certainly be an extremely disturbing statement because it would say, as it does say, that the Government of Canada took action in which the Wheat Board acquiesced, that cost producers in this country in the amount of $190 million.

I can see in political campaigns this kind of statement being hurled across the country, that an action taken by the Government cost the wheat producers $190 million. No action taken by the Government of Canada in relation to this problem has cost the wheat producers of western Canada five cents. No action was taken by the Government. The Wheat Board met existing competition. As a wheat producer, I am certainly glad they did; they did a good job of moving our grain.

The arithmetic that goes into the $190 million figure, I am unable to fathom. Apparently it assumes that for two full years this drop has been in effect and that it is related to the sales of wheat within that period. Of course that is not true. A few weeks after the cut the Wheat Board was, step by step in the light of changing conditions, able to increase the price of wheat, and the price of wheat today is nine cents a bushel higher than in January 1965, when the initial reduction in price took place.

To demonstrate that the Wheat Board has been able to do a very competent job, one needs only point out that in the year in which this price cut was effective the final payment was still 38 cents a bushel, which compares to final payments in 1958-59 of nine cents, in 1959-60 of nine cents, and in 1960-61, 29 cents, and so on; and the final payment last year which would cover a large part of the two-year period which was referred to by the Leader of the Opposition, was 48 cents a bushel, which is the highest final payment ever made by the Canadian Wheat Board in the history of its operations.

I think this is a tremendous tribute to the Canadian Wheat Board and demonstrates that while it had to take steps to meet competition at a given time, it was acting in the interests of the producer, that instead of losing $190 million, as has been alleged, it probably saved the wheat producers $500 million or $600 million by meeting existing competition in a fair way.

The kind of statement I have referred to would not be disturbing if it had not come from a man in the position of the Leader of the Opposition, but since it does come from him it is a serious and an uncalled for reflection on the operation of the Canadian Wheat Board.

I have referred to certain members who took part in this debate and had some constructive things to say. When the Conservative party was in the throes of selecting a leader, a new leader, or an old leader reaffirmed, it would have been interesting to see the stand of these would-be leaders on this very important question. And not one of the would-be leaders, the Honourable Mr. Fulton, the Honourable Mr. Hees, the

Honourable Mr. Starr or the Honourable Mr. Hamilton, spoke in this debate. Of course, as I am reminded, there is a prospective leader from this place who may give us his views on this important legislation. However, I would think the people of western Canada would appreciate learning whether or not these other prospective leaders in fact support the operation of this important board as it now exists and whether they agree or disagree with the statement that was made by the Leader of the Opposition.

Hon. Mr. Brooks: May I ask the honourable senator a question? When he was looking to be the prospective leader of a certain party in the other house some years ago, did he use that chamber as a sounding board as to whether or not he should be selected as a leader?

Hon. Mr. Argue: Well, I did my very best. One has to be energetic over there.

Hon. Mr. Brooks: You can be overly energetic.

Hon. Mr. Argue: Apparently it did not have any effect. However, I am 100 per cent sure that each of the prospective leaders of the Conservative party, either from this or the other place, is endeavouring to show in that place what substance he has, what his opinions are, and whether or not he might be a good prospective leader. I admire them for it. I think they should be doing that. However, I am a little disappointed—

Hon. Mr. Walker: May I interrupt the honourable senator for a moment? Honourable senators, I appreciate that my learned friend is tub-thumping again for some political campaign that is forthcoming.

Hon. Mr. Argue: Oh, no.

Hon. Mr. Walker: But we do not like to hear the honourable member, whose career is behind him, making the allegation against our Leader of the Opposition in the other place that he has made false statements. I am not a farmer, and am therefore not in a position to answer my friend in detail, but we know this: that of all the criticisms levelled at the Leader of the Opposition in the other place, there is one criticism one can never make, and that is that he makes false statements. I think my honourable friend should be entirely ashamed of himself, and that he ought to realize that he is now in a place of quiet second thought and forget the tub-thumping that got him nowhere during his career. He had to switch his party at the last moment in order to get a place in this house.

Some hon. Senators: Order.

Hon. Mr. Argue: I think I can take those barbs and not worry about them. I consider the source from which they come.

Hon. Mr. Walker: I hope you do.

Hon. Mr. Argue: I will tell my honourable friend that I have not changed that much from former days, and he probably has not changed at all, because this is exactly the same sort of thing he was coming up with then.

I did not say that the statement I referred to was deliberately false, but certainly it is false. I do not believe that the Government of Canada took action that cost the producers of western Canada $190 million; and because this is a reflection not so much on the Canadian Government, because the Government does not set the selling price of wheat, but a reflection on the operations of the Canadian Wheat Board, I feel I am justified and have a responsibility to take exception to that statement.

Now, the operations of the Wheat Board, in spite of some of these things that have been said, have been good and are getting better.

I have in my hand the official United States Government publication, The Wheat Situation, for May 1967. It gives the prices in the United States to wheat producers. For example, in 1965 the average return to wheat producers was $1.71 a bushel for those who agreed to reduce their acreage. In many counties in the United States the farmer's allotted acreage is about 29 per cent of his cultivated acreage; that is, $1.71 per bushel for those who have agreed to curtail their wheat acreage to 29 per cent of their cultivated acreage. For those in 1965 who wanted to produce, as farmers do in Canada, to be free to produce everything they can at home, their return was $1.35 per bushel. The $1.35 per bushel is the farm price in the United States as compared to $1.75 per bushel as the total price on the farm for No. 2 wheat. I think this comparison shows the good job the Wheat Board is doing for the Canadian farmer.

The proof of the pudding is in the eating, and within the next few months or early next year, a final payment will be made on the crop now being marketed. If the Wheat Board is not able to do more than hold the present price of wheat in the next few months, I would forecast a final price of at least be-

tween 55 and 58 cents a bushel and perhaps as much as 60 cents a bushel, making a ten per cent increase over the price, which has already been the highest in the history, a price that will give the Canadian wheat producers the biggest payment that they ever received in the history of the Canadian Wheat Board.

Honourable senators, the Canadian Wheat Board deserves the support of every person acquainted with agriculture and with farm movements in this country, and the board should not be subjected to unjustifiable criticisms.

Hon. Earl A. Hastings: Honourable senators—

The Hon. the Speaker: I would remind honourable senators that if Senator Hastings speaks at this time, it will have the effect of closing the debate.

Hon. Mr. Hastings: Honourable senators, I am naturally pleased that Bill C-106 is to receive the unanimous support of senators, which is as it should be. I shall close the debate briefly.

First, I would like to thank honourable Senator Pearson for his kind words with respect to my presentation. There is one point which he put and which I think I should answer. He referred to its being ironic that the party in power, which has strongly opposed the Canadian Wheat Board, should be the party making it a permanent institution.

Honourable senators, the Canadian Wheat Board and the cause of orderly marketing of wheat has always made the greatest advances under a Liberal Government. The original Wheat Board created in 1917 was jettisoned in 1920. The board's term expired on July 31 of that year and trading on the Winnipeg Grain Exchange was resumed August 20, 1920. That was the first wheat board that was torpedoed. The cause of orderly marketing and of the Canadian Wheat Board was set back 15 years until 1935.

The cause of the Canadian Wheat Board had no greater or better friends than W. R. Motherwell, James G. Gardiner or Charles Dunning in those years. Through his ten years as federal Minister of Agriculture, the Right Honourable James Gardiner was always a friend of the pools and did remarkable work for western Canada.

It is true that the Wheat Board was created in July 1935—but the Government which created it lasted only until the following October.

During the intervening years, through the Honourable C. D. Howe and the Honourable J. G. Gardiner, the greatest advances in the orderly marketing of wheat were made. Under the Pearson Government, more wheat has been sold in the last four years than during any four years in the history of the board, and at the highest price.

The sales to the Sino-Soviet countries have expanded to the point where they take half of our export of wheat, and our food aid program increased from $4.58 million in 1962 to $100 million in the last fiscal year.

The cause of the wheat pools and the orderly marketing of grain, I repeat, have made their greatest advances under Liberal Governments, and we have never opposed the Canadian Wheat Board.

Honourable senators, the Canadian Wheat Board has performed faithful service to the western wheat producers and during the years, its record has been one of accomplishment.

I therefore strongly commend second reading of this bill, which will make the Canadian Wheat Board a permanent agency of government with respect to the marketing of grain.

Motion agreed to and bill read second time.

On motion of Hon. Mr. Hastings, bill placed on the Orders of the Day for third reading at the next sitting.

DIVORCE

RESOLUTIONS ADOPTED

The Senate proceeded to consideration of Resolutions numbered 1 to 122 inclusive, which were presented yesterday.

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, moved the adoption of the following resolutions:

Resolution 1, for the relief of Yvonne Zilkha Abdoo.

Resolution 2, for the relief of Martial Belanger.

Resolution 3, for the relief of John Harold Berrys.

Resolution 4, for the relief of Rose (Rosa) Marie Anita Cormier Binette.

Resolution 5, for the relief of May Edelstein Bertolotti.

Resolution 6, for the relief of Lionel Chalifour.

Resolution 7, for the relief of Mary Helena Flemming Chesley.

Resolution 8, for the relief of James Colussi.

Resolution 9, for the relief of Jeanne d'Arc Therese Bernard Dalpe.

Resolution 10, for the relief of Marie Denise Noella Archambault Devogelaere.

Resolution 11, for the relief of Barbara Joan Clifford David.

Resolution 12, for the relief of Marie Antoinette Rollande Gysele Dumais Archambault.

Resolution 13, for the relief of Jeanne d'Arc Boule Gauthier.

Resolution 14, for the relief of Donat Ludger Grenier.

Resolution 15, for the relief of Marie Delia Lucille Claudette Guilbeault Gauthier.

Resolution 16, for the relief of Marie Rhea Isabelle Brouillette Guilbault.

Resolution 17, for the relief of Marie Grace Jacqueline Bolduc Granger.

Resolution 18, for the relief of Irene Papatheodorou Gasparinatos.

Resolution 19, for the relief of Werner Walter Hose.

Resolution 20, for the relief of Marie Delphine Francine LeSage Hinton.

Resolution 21, for the relief of Micheline Seguin Lavallee.

Resolution 22, for the relief of Pierrette Delorme Laroche.

Resolution 23, for the relief of Jean Jacques Lapointe.

Resolution 24, for the relief of Umberto (Alberto) Lazzari.

Resolution 25, for the relief of Marie Irene Thibodeau Lavoie.

Resolution 26, for the relief of Greta Weber Mayer.

Resolution 27, for the relief of Therese Simone Lantin Migneault.

Resolution 28, for the relief of Sylvia Judith Earle Paddock.

Resolution 29, for the relief of Diane Charlotte Begin Page.

Resolution 30, for the relief of Rosalie Sandberg Prupas.

Resolution 31, for the relief of Marie Marguerite Helene Tremblay Renaud.

Resolution 32, for the relief of Audry Carrier Rivest.

Resolution 33, for the relief of Francine Morin Robert.

Resolution 34, for the relief of Frank Solarik.

Resolution 35, for the relief of Roger Joseph Spick.

Resolution 36, for the relief of Celine Genois Terrault.

Resolution 37, for the relief of Daphne Ann Williams Therrien.

Resolution 38, for the relief of Helene Sue Friedman Wechsler.

Resolution 39, for the relief of Marilyn Mae Pickering Wilson.

Resolution 40, for the relief of Cecile Lalande Dumont.

Resolution 41, for the relief of Hermina Spodek Fried.

Resolution 42, for the relief of Justine Johnston Fisher.

Resolution 43, for the relief of William Frank Green.

Resolution 44, for the relief of Doris Kathleen Steeves Gamble.

Resolution 45, for the relief of Jean Lefebvre.

Resolution 46, for the relief of Anne Charles Lewis McKay.

Resolution 47, for the relief of Elisabeth Knox Millar.

Resolution 48, for the relief of Adrian Gregory O'Neill.

Resolution 49, for the relief of Annette Ferland Roussin.

Resolution 50, for the relief of Marie Emma Louise LaRocque Saunders.

Resolution 51, for the relief of Dawn Ann Bradshaw Wiehe.

Resolution 52, for the relief of Gerard Augustin Cadieux.

Resolution 53, for the relief of Gordon Marcel Frenza.

Resolution 54, for the relief of Juliette Bourduas Gravel.

Resolution 55, for the relief of Claire Vaillancourt Gadoua.

Resolution 56, for the relief of Patricia Valerie Devenish King Harris.

Resolution 57, for the relief of Maria Dolischna Kwas.

Resolution 58, for the relief of Jean Guy Arthur Lacombe.

Resolution 59, for the relief of Yolanda Marie Corinne Marotta McCay.

Resolution 60, for the relief of Myer Ovrutsky.

Resolution 61, for the relief of Henri Ouellette.

Resolution 62, for the relief of Lauretta Martineau Paradis.

Resolution 63, for the relief of Evelyn Finestone Schaffer.

Resolution 64, for the relief of Vera Joan Livesey Webb.

Resolution 65, for the relief of Helene Egesborg Wand.

Resolution 66, for the relief of Colin Douglas Wilburn.

Resolution 67, for the relief of Ruth Wagner Alpert.

Resolution 68, for the relief of Nicole Van Renterghem Champagne.

Resolution 69, for the relief of Sandra Silver Clayman.

Resolution 70, for the relief of Micheline Desjarlais de Beaumont.

Resolution 71, for the relief of Alain Durocher.

Resolution 72, for the relief of Thomas Arnold Rosenthal.

Resolution 73, for the relief of Marcelle Blanchette Schwartz.

Resolution 74, for the relief of Gary Theodore (Theodor) Soucie.

Resolution 75, for the relief of Marilyn Itovitch Vinitsky.

Resolution 76, for the relief of Margaret Betty Lane Woodward.

Resolution 77, for the relief of Manuel Wohl.

Resolution 78. for the relief of Bruce Carl Anderson.

Resolution 79, for the relief of William Robert Della Malva.

Resolution 80, for the relief of Beverlee Marilyn Knott Rolling.

Resolution 81, for the relief of Mary Helen Roy (Rye) Thibault.

Resolution 82, for the relief of Herman Ponchner.

Resolution 83, for the relief of Peter Bostwick Lowndes.

Resolution 84, for the relief of Henri Georges Hubert Ghislain Lehousse.

Resolution 85, for the relief of Robert Charles Oakley.

Resolution 86, for the relief of Daniel Pomerantz.

Resolution 87, for the relief of Simone Descoteaux Melissinos.

Resolution 88, for the relief of Mary Lise Shirley Brady Klink.

Resolution 89, for the relief of Helena Evelyn Coursol Roy.

Resolution 90, for the relief of Beverley Ann Michell Widders.

Resolution 91, for the relief of Frederick Haigh Waterhouse.

Resolution 92, for the relief of Marie Mireille Louise Poudrier Wilson.

Resolution 93, for the relief of Alma Whittaker Gourlay.

Resolution 94, for the relief of Jean Guy Michaud.

Resolution 95, for the relief of Roger Soucy.

Resolution 96, for the relief of Yvan Girard.

Resolution 97, for the relief of Berthe Marie Claire Desroches Goudreau.

Resolution 98, for the relief of Grace Louise Hough Walker.

Resolution 99, for the relief of Antonio Di Paola.

Resolution 100, for the relief of Blossom Altman Boyer.

Resolution 101, for the relief of Beverley Frances Mann Bell.

Resolution 102, for the relief of Micheline Sigouin Clark.

Resolution 103, for the relief of Marie Gertrude Jeannette Haineault (Henault) Sharp.

Resolution 104, for the relief of Panagiota (Pat) Maharas Kostolabros, otherwise known as Panagiota (Pat) Maharas Kostolakos.

Resolution 105, for the relief of Jean Beaufort Brunelle.

Resolution 106, for the relief of Gisele Fontaine Kilganon.

Resolution 107, for the relief of John Paul McAlister.

Resolution 108, for the relief of Guy Beaudin.

Resolution 109, for the relief of Therese D'Amours Saint-Laurent.

Resolution 110, for the relief of Bernard Champagne.

Resolution 111, for the relief of Remi Briere.

Resolution 112, for the relief of Janice Rae MacMillan (Howard) Brownrigg.

Resolution 113, for the relief of Gladys Irene Moran Boyer.

Resolution 114, for the relief of Mary Maureen Bradley Woodford.

Resolution 115, for the relief of Lorraine Beausejour Dumouchel.

Resolution 116, for the relief of Sonya Nathalie Bedard Bollini.

Resolution 117, for the relief of Marie Juliette Eva Madeleine Charron Labrecque.

Resolution 118, for the relief of Norma Mabel (Mable) Stark Dalquen.

Resolution 119, for the relief of Maryse Marie Gineste Bet.

Resolution 120, for the relief of Glenda Joanne Bagnato James.

Resolution 121, for the relief of Henrietta Grace McKinnell Elliott.

Resolution 122, for the relief of Fernand Dion.

Resolutions adopted, on division.

PRIVATE BILLS

BRITISH NORTHWESTERN INSURANCE COMPANY—SECOND READING

Hon. Hartland de M. Molson moved the second reading of Bill S-14, respecting British Northwestern Insurance Company.

He said: Honourable senators, this is a brief bill on the surface, and seems to require no explanation, but I think the house is entitled to some more background than is evident, and I will try to give that.

Prior to 1964, the Eagle Star group of companies of England, and internationally known—and I expect known to most honourable senators—had a number of insurance companies licensed under the Canadian and British Insurance Companies Act to operate in Canada.

The British Northwestern Insurance Company, the company being considered in this bill, is one of these companies, having as parent the Eagle Star Insurance Company of London, England. This latter British company is presently licensed to carry on the business of general re-insurance in Canada under the act. It is now the purpose of the parent company to consolidate the Canadian operations and combine the portfolios of the various companies which it owns, to combine these in the British Northwestern Insurance Company, and in consequence to increase the capital of this company by an appropriate amount.

As a natural corollary, the parent company wishes to retain its name, which has become known throughout the world, and for that purpose desires to change the name of its company, in which the activities have been consolidated, from the British Northwestern Insurance Company to Eagle Star Insurance Company of Canada, and to have also a name in French, Eagle Star Compagnie d'Assurance du Canada.

To go a little further into the background, there are in reality four insurance companies involved. First, there is the Eagle Star Insurance Company Limited of England, the parent company to which I referred.

Secondly, there is the company for whom this bill is put forward, the British Northwestern Insurance Company.

This company, originally incorporated in Manitoba in 1906, was incorporated as a Dominion company by chapter 70 of the Statutes of 1910 as the British Northwestern Fire Insurance Company. The name was changed in 1952 to the present name, that is, by the elimination of the word "fire". The company has for many years been licensed under the Canadian and British Insurance Companies Act to conduct the business of general insurance.

The third company concerned is The British Crown Assurance Corporation Limited. This is a British company which, for a number of years, was licensed in Canada to carry on general insurance but ceased active business in Canada in 1964 when its portfolio was absorbed by British Northwestern.

The fourth company concerned is Security National Insurance Company. This is a Canadian company incorporated by statute in 1934, chapter 71. It also has been licensed to carry on the business of general insurance and is presently withdrawing from active operation in Canada. Its portfolio is being absorbed by British Northwestern.

In essence then, several companies cease independent operations and consolidate all their activities in one company. The latter company increases its capital to an adequate figure for the size of its business and then desires to change its name to one which identifies it perfectly with that of its British parent company.

If honourable senators are pleased to give second reading to this bill, I propose to move that it be referred to the Standing Committee on Banking and Commerce.

Hon. Mr. Burchill: What type of insurance is this?

Hon. Mr. Molson: General insurance for all companies concerned except the one I mentioned as being in re-insurance.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Molson, bill referred to the Standing Committee on Banking and Commerce.

SEABOARD FINANCE COMPANY OF CANADA—SECOND READING

Hon. J. Harper Prowse, for Hon. Mr. McDonald, moved the second reading of Bill S-15, to incorporate Seaboard Finance Company of Canada.

He said: Honourable senators, it may be remembered that this bill was passed by this chamber at the last session as Bill S-21. Unfortunately, it did not get any further at that time, so this is a reintroduction.

The Seaboard Finance Company of Canada was incorporated by Ontario letters patent on August 17, 1955. May I assure my honourable friends that while apparently it had Conservative parentage at that time, the purpose now is not just to change the political parentage of the company. Since it was incorporated as a money-lending company—a small loans company—it has expanded successfully into practically all of the provinces of Canada, and therefore it is felt appropriate that it should have a Dominion charter. That is the purpose of this bill.

It is my intention, if the bill should receive second reading, to move that it be referred to the Standing Committee on Banking and Commerce. In that event, the people concerned will appear to answer any questions that honourable senators may wish to ask.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Prowse, bill referred to the Standing Committee on Banking and Commerce.

CABRI PIPE LINES LTD.—SECOND READING

Hon. J. Harper Prowse moved the second reading of Bill S-16, to incorporate Cabri Pipe Lines Ltd.

He said: Honourable senators, the incorporators are seeking a charter for a Special Act company with the right to construct interprovincial and international pipe lines for the transportation of natural gas, oil, liquid petroleum and other products.

The pertinent facts are that the intention is to build a pipe line which would carry the natural gas from the source well approximately two miles east of the border between Saskatchewan and Alberta, past the City of Lloydminster, to a gas storage well which lies about 3½ miles inside the border of Alberta. This would be a six-inch pipe line and would enable the gas from the well in Saskatchewan to be produced at a steady rate. Then during the summer months, in the low-demand periods when the gas is taken off for the use of the city, the excess gas goes into storage so that you get the production of two wells in order to have the gas available to meet the peak requirements during the winter months.

The immediate reason for the request for incorporation is that the company requires a special act of incorporation because the pipe line crosses a provincial border.

Now with the development going on in the fields on both sides of the border, the company does propose, when the bill comes before you, to ask for incorporation in general terms, so that they will then have the necessary authority to expand, should the circumstances indicate that expansion is justified.

Honourable senators are undoubtedly aware that before any pipe line can be built or any extensions undertaken, approval has to be obtained from provincial authorities, I presume, or in any event from the National Energy Board. That in itself will be a safeguard. It will ensure that we are not giving carte blanche to people to build pipe lines all over the place for any purpose they choose. But they must have incorporation before they can make application to the National Energy Board which, in the final analysis, will decide on the specific application what a pipe line company will be allowed to undertake.

The proposed incorporators of this company are prominent businessmen in Alberta who have particular experience in gas and oil exploration and in the development and the transportation of these products. The manager and a director of Cabri Pipe Lines Ltd. will be Stanley A. Milner, of the City of Edmonton, who is president of Chieftain Development Co. Ltd., Blue Crown Petroleums Ltd. and the Lloydminster Gas Co. Ltd. He and his associates have been actively engaged in the production and transportation of natural gas and other petroleum products.

Included in the general objects of the company is the right to construct and operate transportation and communication facilities which might be required for the operation of their systems on an interprovincial basis.

The present plan calls for the construction of a pipe line from a source well in Saskatchewan to a gas storage well in the Province of Alberta for supplying the City of Lloydminster, as I have outlined to you.

The application has been advertised in: The *Lloydminster Times*, Lloydminster, Saskatchewan; the *News-Optimist*, North Battleford, Saskatchewan; the *Journal*, Edmonton, Alberta; the *Leader-Post*, Regina, Saskatchewan; and the Canada *Gazette*. To date there have been no objections filed to the granting of the charter to the company.

The applicants have conducted initial feasibility studies and are satisfied that this is an economical venture. They have themselves the financial means to carry out the project, and it is not their intention to sell any shares to the public or make any offer of shares to the public for the purpose of carrying out the project they presently have in mind.

If this bill receives second reading, it is my intention to move that it be referred to the Standing Committee on Transport and Communications, at a meeting of which the principals will be able to appear and answer any questions honourable senators might have to direct to them.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Prowse, bill referred to the Standing Committee on Transport and Communications.

VAWN PIPE LINES LTD.—SECOND READING

Hon. Mr. Prowse moved the second reading of Bill S-17, to incorporate Vawn Pipe Lines Ltd.

He said: Honourable senators, with regard to Vawn Pipe Lines Ltd., yet another group of Edmonton businessmen are seeking a charter, in this instance because they propose to build a pipe line from a point about six miles inside the Alberta border to a point about 12 miles inside the British Columbia border. The site is on the other side of the province from that in connection with the bill I have just been speaking about, and quite a bit farther north, to connect an area that is being developed on the Alberta side of the border with transmission lines that presently exist on the B.C. side of the border. It is a different group of Edmonton businessmen who have experience in this field. They have the finances necessary to carry out their project and it is not their intention to seek financial support from the public at this time.

The incorporators are asking for quite broad powers and, again may I say, they are aware, as we are, that before any of these powers can be specifically exercised they must make application to and receive the approval of the Energy Board of Canada.

Here again, the application has been advertised, but I do not think it is necessary for me to list the names of the newspapers. They include publications covering any areas in which people might be concerned, including the areas around Vancouver, Edmonton and Calgary. To date no objections have been received.

If and when this bill receives second reading, it is my intention to move that it be referred to the Standing Committee on Transport and Communications, at a meeting of which any detailed questions can be answered by those involved.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Prowse, bill referred to the Standing Committee on Transport and Communications.

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE CONTINUED

The Senate resumed from Thursday, June 8, consideration of His Excellency the Governor General's speech at the opening of the session, and the motion of Hon. Mr. Desruisseaux, seconded by Hon. Mr. Nichol, for an address in reply thereto.

Hon. Allister Grosart: Honourable Senators, if my count is correct, I am the fifteenth speaker in this debate on the motion of Senator Desruisseaux, seconded by Senator Nichol.

As I shall certainly be referring to Senator Desruisseaux on several occasions, I should perhaps apologize in advance if my pronunciation of his distinguished name is not all it should be. However, I did look it up in my French dictionary and was interested to find that "ruisseaux" means "brooks", and I am sure he is happy to find himself so well connected in this place!

Hon. Mr. Connolly (Ottawa West): And it flowed very well.

Hon. Mr. Grosart: I regret that I did not have the privilege of hearing the speeches of the mover and seconder, or, indeed, of the nine speakers who followed them. As excuse, I can only plead that I was on Senate business elsewhere, as the Notice of Inquiry in my name will indicate. However, I spent most

of Sunday reading the speeches of those who have preceded me. While some might say that there are more devout ways of spending the Sabbath, I would have to reply that whatever these speeches lack in spiritual uplift they certainly make up for in mental exercise.

I congratulate all the speakers who have preceded me, and particularly the mover and seconder who had the very difficult task of making the document which is the subject of this motion appear to contain new and enterprising legislation. That is an almost impossible task because, as Senator Brooks pointed out, of the 28 items mentioned only four are new. The document is largely, therefore, a list of promises deferred, or an agenda of unfinished business left over from the last session. Perhaps I should not be overcritical on that score because I know that in the other place there is a minority government, a strong opposition, and fractious flanking parties.

My personal view is that all the frustration of that very long session will have been worthwhile if it convinces the Canadian public that the only way out of the difficulties with which Parliament has been faced in the last few years is a return to the two-party system, which alone can guarantee a government majority and the efficient operation of Parliament.

However, I pay tribute to those who have had the conduct of our affairs in this chamber, the first of which, of course, is His Excellency the Governor General. I have known him and his gracious lady for many years, and I congratulate them upon the high honour that has been bestowed upon them. I congratulate the Government upon its wisdom and, I might add, its political impartiality in the advice tendered to Her Majesty on this occasion.

The Right Honourable Roland Michener is our third native Canadian Governor General. The first was Mr. Massey, who was affiliated at one time with the Liberal Party. He was appointed by a Liberal Government and served with great distinction and, indeed, his term of office was extended by a Conservative Government.

The second Canadian-born Governor General was the late beloved General Vanier who, as far as I know, had no political affiliations, but who was appointed by a Conservative Government.

We have now our third Canadian Governor General whose party affiliations are well known to the members of the Conservative Party. He was appointed by a Liberal Government. When the time comes for the appointment of the next Governor General the Conservative Party will, of course, be in office.

Hon. Mr. Connolly (Ottawa West): You can dream, anyway.

Hon. Mr. Grosart: Perhaps at that time it might be appropriate to return the compliment, and for that Conservative Government to appoint to this high office one who has been affiliated with the Liberal Party. With that in mind, as I look across the chamber and to my left, I find myself wondering whether I might have the honour to be serving here with the next Governor General.

I join, of course, with my colleagues in the congratulations that have been paid the honourable Leader of the Government in this chamber (Senator Connolly, Ottawa West), and I welcome him upon his return from his very important mission to Malta. I listened with the greatest of interest to the very fine report he made last night.

I join also in the congratulations that have been tendered to the Deputy Leader of the Government, Senator Deschatelets, upon his interim leadership. I said to someone the other day that if he wished to see a demonstration of courtesy and consideration in Parliament he should come here and see Senator Deschatelets in action, and I meant it.

Honourable senators, if there is anyone here who excels in those two special qualities, it is my own leader, Senator Brooks. It is very easy to forget that he has been a member of one or other of the legislatures of Canada for over 40 consecutive years, because he carries his years so well. We all agree, I think, that they show only in the unfailing skill with which he carries out his important functions here.

Hon. Senators: Hear, hear.

Hon. Mr. Grosart: I was delighted to hear Senator Fergusson's remarks in respect of our Deputy Leader, Senator Choquette. I can only add to her mention of his often pungent, but always to the point, interjections in debate, that some of us on this side would like to hear more of them.

To climax this series of compliments that I have the privilege of rendering at this time, I pay my respects to his Honour the Speaker. I am sure we all look forward to his continuing to preside over our affairs with the distinction he has shown in the past. We particularly take pride in the distinction he will bring to

his important duties in connection with the Centennial celebrations and the visit of Her Majesty.

Hon. Mr. Connolly (Ottawa West): Hear, hear.

Hon. Mr. Grosart: The topics dealt with by the previous speakers in this debate, and which, as I said, I read on Sunday, have been legion. We have been reminded that this is the Centennial session of Parliament, and that Canadians are entitled to look back to the past with pride, and to the future with confidence. Emphasis has been placed upon the role that the Constitution has played in our development, and will play in the future, particularly the written part that we call the British North America Act.

I was glad to read that the mover of the motion spoke of Confederation as creating here in Canada a "new nationality". That, to me, is the keystone of the structure of the nationhood that we have built upon the existing foundation of the two founding cultures We can be bicultural or multicultural, bilingual or multilingual, as some nations are, but, in my view, we must be and remain one nation and one nationality if we are to achieve our full destiny on this continent of North America, and in the world.

I have not the competence to talk about the feasibility or even the desirability of such things as "special status" for one or other of the provinces, but I have no confidence at all in the constitutional viability of what is called "associate statehood," because I had an opportunity recently of observing the latest experiment in associate statehood in the Caribbean. The experiment there is less than a year old, and even under generous terms it is already proving difficult, if not impossible, to work out, and at least one associate state finds itself, within less than a year, in a critical constitutional position.

The most remarkable fact about our own Constitution is not that it may need revision, but that is has already proved its remarkable flexibility to deal with the changes brought about by the stresses of a hundred years.

Senator Thorvaldson, in his penetrating review—indeed, it was one of the best reviews of constitutional development I have heard in a long time—pointed out that the Constitution has already been amended many times. I think he said it has been amended 21 times, but I have not had a chance of checking that.

I found myself in agreement certainly with Senator Flynn that the present apparent attitude of the Government in postponing, if that is a correct assumption, the calling of a Constitutional Conference may be dangerous. One of the many dangers, as he pointed out, is that in the absence of a more general dialogue, attitudes are hardening and postures are becoming permanent.

I was unhappy to find Senator Deschatelets defending that delay, and particularly Senator Davey saying that he was "uneasy" about the action of Premier Robarts of Ontario in arranging his proposed "Confederation of Tomorrow Conference." I had difficulty in following his argument that Confederation is a two-way street and at the same time implying that the provincial end of the street should be a dead end.

As I read the history of the federal-provincial conferences of past years, I become more and more convinced that the main stumbling block has been the insistence of the federal Government in announcing hard reservations in advance on a "take it or leave it" basis. The time has long gone, I believe, for this, what is called in Quebec, "federaliste" or "centraliste" attitude to be carried into such conferences as a chip on the shoulder of any party to such a conference. The federal Government is the unquestioned senior of the eleven partners, and therefore is the most likely to appear to be arrogant, and for that reason, if for no other, it should approach these discussions with a completely open mind.

Like Senator Thorvaldson, I am appalled at the delay in domesticating the British North America Act. I believe he used the word "repatriating," but someone has said that the British North America Act was never "patriated" in Canada, and therefore it cannot be repatriated. That may or may not be so.

The mover of the address in reply (Hon. Mr. Desruisseaux) referred to the British North America Act as a pact. I know that many constitutional lawyers disagree, because it was and is an act of the British Parliament; but the fact remains that it was referred to over and over again by its authors in the Confederation debate as a treaty.

The way in which the British North America Act became the law of Canada tends, I think, to support the mover. We know, for example, that the Province of Canada, as it was then—Upper and Lower Canada—practically invited themselves to join the deliberations towards union of the four Atlantic provinces, and that two of them, Prince

Edward Island and Newfoundland, disagreed with the proposed terms of union and withdrew. We know that the British North America Act itself as passed by the British Parliament was really nothing more than the necessary legal instrument of the agreed terms that Canadians had worked out in their conferences in Charlottetown, Quebec, and in London.

I agree with Senator Thorvaldson that there appears to be no valid reason for the long delay in carrying out Part I of the now famous Fulton-Favreau formula of 1964, which provides only for the return of the Constitution. I have heard some objections from Quebec. There was an objection some years ago from Premier Lesage. However, it seems to me that Part I of the Fulton-Favreau formula gives the provinces, and particularly Quebec, far greater constitutional control of any future changes in the fundamentals than they have today because, as has been said here on many occasions by eminent constitutional lawyers, the power exists in effect now in the Parliament of Canada to make any change it wishes in the British North America Act. I realize that only in some aspects can Parliament act directly, and that in others it must act through a joint address. However, the fact remains, as I understand it, that in effect unlimited power is now in the hands of the Canadian Parliament.

Senator Irvine called our attention to another interesting aspect of our Constitution which is often forgotten, namely, the continued colonial status of those Canadians who live in the Northwest Territories. As I listened to her very full and explicit account of the respective constitutional powers of the legislature and the Commissioner, I could not but reflect that they were almost exactly the same as those of the Colonial Administrator and legislature of the small Cayman Islands which I visited recently.

The final aspect of our constitutional growth is the national anthem. Personally, I was very happy when "O Canada" was given its present status in our Centennial year. However, to put it mildly, I think it was a constitutional lapse on the part of my friend Senator Davey to refer, in what I thought were satirical terms, to the fact that at Maple Leaf Gardens in Toronto before the hockey games "God Save the Queen" is not now played. "O Canada" has been substituted. Senator Davey commented that "not only did the roof of Maple Leaf Gardens not cave in, but the Leafs went on to win the Stanley Cup". I am sorry to have to disagree twice in one speech with Senator Davey, but he seldom gives me the opportunity to disagree only once so he will not mind my making the most of this occasion.

Of course I have no objection to that change, but surely it is unwise to set these two anthems off against each other in this competitive way. Both are the official anthems of Canada; each has its special significance and its special place in our national life. The Queen is still the Queen of Canada and head of the Commonwealth, and I for one hope she long remains in that capacity. Be that as it may, I see no useful purpose served by any remark such as that made by Senator Davey which might be considered as disrespectful to the old anthem which has served us so long.

The second major topic which I noticed in the speeches was that of Senate reform. Senator Brooks has suggested, if I may quote his words, "a study of the place of the Senate in our government and the reform of our rules". Senator Thorvaldson suggested that some future nominations to places here might be made by the provincial governments to the Prime Minister. That is certainly a good suggestion, which I think would present no constitutional difficulties because they would merely be nominations and would not require any fundamental change of the British North America Act. Senator Flynn proposed an ad hoc committee of the Senate to consider how the conduct of our business and our contribution to Parliament might be made more effective.

I find myself in general agreement with these suggestions. It is noticeable, of course, that all three came from the Opposition side of the house. However, I shall have listened very badly to the unofficial comments of some of my colleagues if there is not some general support on the Government side for the proposition that the Senate should forthwith consider how it might make itself more effective and useful. I would hope that honourable senators on the other side, if they are so disposed, would give us their views now that the matter has been brought out into the open in a manner more likely to achieve results than at any time since I have been in this chamber. It is a golden opportunity, and I would hope those of my colleagues who have expressed more or less the same sentiment to me would express themselves in this debate before too long.

I will not go so far as Senator Flynn and try to delineate every suggested change. The Leader of the Government here, Senator

Wishart Robertson, early in 1951 proposed a resolution for the formation of such a committee; in speaking to it he went into very great detail, and I think frightened some senators at that time so that there was opposition voiced and the motion did not come to a vote, even though it had been sponsored by the Leader of the Government. I believe that we must make some changes or someone else will make ones that we will not like very much, particularly if the situation arises where there is an examination of the Constitution section by section.

I am convinced that the Senate has an important and essential role to play in Parliament. I am further convinced that the Senate can do a better job than it is doing, and I am even more convinced that the Senate itself is the best instrument for bringing about whatever changes may be necessary in the interests of Parliament and the nation. I therefore fully support the suggestion that there should be a committee of the Senate formed to consider this matter, and I would say to the honourable Leader of the Government that there may be some urgency about it. Perhaps the time is now. Perhaps such a committee might be constituted even before we recess. It might even be wise to meet for a couple of days during the recess so that when we meet again the committee can come back with a report on which some action might be taken.

There were many other topics discussed by honourable senators and I hope it will not be regarded as an imposition on the time and good nature of senators if I make a few short comments on them. Senator Kickham spoke knowingly about the problems of farmers. A farmer himself and a former member of the House of Commons, he made a stirring plea for some assured economic reward for the individual farmer's contribution in both capital and labour to the progress of the economy. It was a plea on which I think action has to be taken. We saw a march of farmers in Ottawa here. I was with a gentleman over the week-end who had something to do with a similar march of farmers on Dublin. We have had marches of farmers on the seats of provincial governments. I think it would be a mistake for any government to ignore the fact that there is deep underlying unrest among the farm population of Canada and of other places. I would include in that the equally moving plea of Senator Gershaw for other Canadians who, through no fault of their own, are not in a position to benefit from the progress of the economy.

I find myself in agreement with the expert knowledge of Senator Laird about the importance, indeed the necessity, of the Board of Broadcast Governors being given both full and flexible power over broadcasting in Canada. As I listened to the honourable senators speak of the fantastic success of Expo, I found myself thinking what a lesson there is in that success for all the programmers of entertainment in Canada, whether they be programmers of radio, TV, theatres, or even publishers of magazines and newspapers. As I see it, the lesson of Expo is that bad taste, vulgarity and deliberate offensiveness are not necessary to attract the interest of the widest possible audience of Canadians.

The charm of Expo is its proof that good taste, esthetic excellence, and high entertainment value can be successfully combined with modern, even avant-garde, values and judgments as to what the public wants. Most impressive of all to me, during the trips I made to Expo, was the fact that in the crowds the young people predominated and their conduct responded magnificently to the opportunity given to them by the intelligent adults who planned that great exposition. The indication is that young people will respond if the adult planners, the adult programmers, will give them an opportunity to do so. What a striking contrast it is to what other presumably intelligent adults in radio, television, publishing, movies and theatres are foisting on them in the name of an ersatz new morality.

In the same sentiment, what a pleasure it was to read Senator Quart's full and fine description of the success of the many projects of the Interfaith Conference both at Expo and elsewhere, and to participate in her enthusiasm for this practical demonstration of the place of the things of the spirit in modern life.

I was particularly interested in what Senator Kinnear had to say about the Niagara Peninsula. It so happens that on Saturday last I conducted the Irish gentleman, whom I mentioned a few moments ago, on a tour of the Niagara Parkway, from Niagara Falls to Niagara-on-the-Lake. As I showed him the historic sites of some of the battles of 1812-14—Ridgeway, Lundy's Lane, Chippewa, Stoney Creek, Queenston Heights—and told him some of the story, he finally said to me: "So that is why Canadians have made so much of their country; they had to fight for it." I thought to myself that there may be in that observation a lesson for us today.

A theme which has run all through the debate so far is that we should not despair of a solution of our current problems, for the good reason that over these 100 years we have overcome so many others that seemed at times insurmountable.

Senator McCutcheon also reminded us that all our current problems are not constitutional. He drew special attention to the growing problem of big government. I am far less competent than he to talk about that, but I agree with his warning about the danger in Canada of bureaucratic expertise taking over the functions of our elected representatives.

The author of Parkinson's Law about job empire-building has, in another of his famous books, told us that the growth of an overweening bureaucracy leads inevitably to the loss of many of the freedoms which Parliament is, above all else, designed to protect.

Somewhere there must be a limit to the number of citizens which any country can afford to employ in its public service. In the private sector there are such limits—the productivity and profitability of each employee—but there seems to be no such measure in the public service.

Surely the time has come to call a halt to the proliferation of jobs in the public service, which Senator McCutcheon has documented, until we have better information than we have now as to whether we can afford them.

The danger is a very real one. Every civilization which perished in the past did so when the weight of its growing theocracy or bureaucracy became greater than the productive capacity of the nation could bear. Egypt is an example of the former, China of the latter—and after thousands of years, both of those countries are still suffering from the habit and the effects of what was at one time merely a development of too many people in the public service and not enough people engaged productively to support them. It might well be a worthwhile subject of a reference by the Government to the Economic Council of Canada.

Finally, may I comment on the speech made by Senator Fergusson, who immediately preceded me in this debate. In her very informative report on the last Interparliamentary Union Conference in Iran, she stressed the importance of continuing and even more frequent personal contacts between the elected members of the parliaments of the nations.

The case she made for that proposition is incontrovertible. It is in this area of nation-to-nation dialogue that I believe we will eventually find the formula for universal peace. This is of course the basic concept of the United Nations and the reason why, despite some qualifications which have to be considered, I would support the inclusion of Red China in that body.

Even so, the United Nations is mainly a meeting of diplomats rather than of parliamentarians, of governments rather than of parliaments. It operates in the harsh spotlight of international publicity. Its representatives are obviously given to public posturing from which they find it difficult to withdraw in private.

How different it is, as Senator Fergusson told us, in these parliamentary conferences which, I am glad to say, are steadily increasing in scope and frequency. At these we commit our nations to no hard positions. In fact, we do not commit them at all. Most of our contacts are private rather than public. We travel together, tour together and talk together. As Senator Fergusson has said, we find that we have similar problems at home and mutual interests abroad. I am not persuaded that the diplomats of the world are ever going to find the answers to world peace. But I do believe that the parliamentarians of the nations—if they meet each other often enough in each other's countries—can and will in the Good Lord's good time bring about that meeting of the minds of the ordinary people of the world, in the proposition that, 2,000 years after we were first given the message, the time has come for universal peace on earth and mutual goodwill among mankind.

Hon. Chesley W. Carter: Honourable senators, my first remarks must be to say how much I appreciate the honour of having been appointed to the Senate of Canada and how deeply grateful I am to our Government leader, Senator John Connolly, for his kind references to my wife and myself on the occasion when I was presented to this body and took my seat in this chamber.

Honourable senators, I should like to record also my sincere thanks for all the kindness and assistance I have received since coming here, both from my Senate colleagues and from the Senate staff.

Next, I should like to congratulate a former colleague in the other place, the Right Honourable Roland Michener, on his appointment as our Governor General, and to extend to him and to his gracious lady, our very best wishes for a very happy tenure of office and every success in the arduous duties and responsibilities which they have assumed.

Before coming to the substance of my remarks, I should like to associate myself with all those who have congratulated the mover and seconder of the address in reply to the Speech from the Throne on the excellence of their presentations and on the fine manner in which they discharged their assignment.

The Speech from the Throne must have been one of the longest in Canada's parliamentary history. It contains some 62 paragraphs and takes up some nine printed pages in the Senate Proceedings of May 8. Among the many items listed are four which are of particular importance to the Atlantic provinces and especially to my own Province of Newfoundland.

I am happy to learn that the Government intends to broaden the scope of the Area Development Program and to continue giving encouragement to the Atlantic Development Board as stated in paragraph 19.

I welcome also the Rural Economic Development program mentioned in paragraph 24 and the reference to long term loans to agricultural and fishery associations, described in paragraph 46.

As a Newfoundlander who for 17 years had the great honour of sitting in the other place, representing a rural riding which at the same time was the largest year-round fishing area in my province, I know you will understand what I mean when I say that I feel it to be almost an obligation to address myself to these four items. The fact that I am taking this opportunity to talk about something else is a measure of the concern which I feel about the matter which I am about to draw to your attention. That subject, honourable senators, is the Senate itself, this honourable institution to which we all belong, its present operations and its prospects for the future.

This to me, honourable senators, is a matter of vital importance because it is bound up with the survival of Canada's parliamentary system upon which depend the individual liberty and freedom of all Canadians. On coming here from the House of Commons one cannot help being impressed by the tremendous wealth and variety of talent represented in this chamber. Neither can one help being struck by the small fraction of this huge potential which is actually being utilized in the service of Canada.

On the other hand, as a newcomer, one cannot escape the feeling that much of what we do in this chamber is done in a sort of routine manner which gives the appearance of going through the motions. This in turn creates the impression of artificiality, which I believe detracts from its meaning, and unless something is done I believe there is a very great danger that the Senate will not continue to survive as a part of Canada's parliamentary system.

I have two reasons for making that statement. We are living in an age when the moral and spiritual foundations of our democratic society are being questioned. This is noticeable particularly in the younger generation, but it is by no means confined to them. This attitude can be expected to increase as future generations become better educated and more sophisticated and less influenced by custom and tradition. If a survey were to be made today, I believe we would be astonished at how few Canadians regard the Senate as an essential part of our parliamentary system. Indeed we might well be surprised at how few give any thought at all to, or even know of, its existence.

In view of present trends it is clear that institutions that lose their meaning will be discarded. I believe we can accept that as a fact. For that reason I feel it would be wise for us to start thinking about this problem in time so that we can take steps to utilize more fully the great potential for service that resides in the Senate, and thus make this institution more meaningful to all Canadians.

My second reason for feeling that the Senate might not continue to survive is because there are forces at work in Canada whose expressed purpose is to destroy our democratic way of life. They seek to do this by undermining our democratic leaders and institutions, and by holding them up to ridicule so as to destroy the people's faith in them. While three or four Senate committees, such as the Divorce Committee, the Committee on Consumer Credit, the committees on Aging and Land Use, have received a fair amount of publicity, the Senate as a body seldom receives any publicity at all, and most of what it does receive is designed to promote the idea that the Senate is maintained at public expense to the tune of some $3 million per year for the useless purpose of providing a club where, to use a familiar quotation, party hacks and broken-down politicians can be put out to pasture. We have all seen senators themselves held up to ridicule in cartoons, in printed articles, and even in editorials, by being portrayed as decrepit old people with ear trumpets and being moved around in wheel chairs, receiving their re-

ward for faithful service—service, honourable senators, not to the nation, but to the party.

This brings up the question of what can or should be done about it. In this connection I should like to make a few suggestions. In my opinion the first and most important step is to find some way of getting more considerate treatment from the Government and from the other place. On more than one occasion the Government has sent important legislation to the Senate and arranged to have royal assent the very same day. This happened during the last session. On March 21 the other place passed Bill C-222 and Bill C-223 after weeks of debate on second reading, and further weeks of study in the standing committee and in the Committee of the Whole. On March 22 these two bills, with a total of 293 clauses and 190 printed pages, were received by the Senate, were given first and second reading sent to committee, reported back from the committee, given third reading and received royal assent, all on the same day.

Honourable senators, how can we honestly expect such an operation to be really meaningful to anyone, particularly when, as is pointed out on page 1736 of Senate *Hansard*, such haste was not necessary since the Senate was due to reassemble on April 3, after the Easter recess, and the old Bank Act did not expire until April 12? The Government may not realize that by treating us in this way it is in effect telling the public that the Senate is an inferior institution, that it serves no useful function except to rubber-stamp legislation sent over from the other place, and to accommodate the political convenience of the governing party. I know it is not intended to convey this impression, but when all is said and done that is what it boils down to.

The Government itself should realize that when it shows disregard and discourtesy to this institution it is in fact undermining Parliament as a whole and hurting the cause of democracy everywhere. When established democratic processes are repeatedly subordinated to government expediency and convenience, one cannot escape the conclusion that there is no real belief in democratic principles at all. It is futile to talk about democracy. The important thing is to practise it, and when our actions belie our words all our expressions of devotion to the democratic way of life merely amount to lip service.

This, I believe, will not be lost on the younger generation, nor on the still uncommitted nations which are even now making comparisons between democratic government and the totalitarian state.

We all know that there is no deliberate intention or wish on the part of anyone in the Government or in the other place to subject the Senate to public insult and humiliation, but unfortunately that is the result and the effect remains the same, regardless of how it comes about.

I know from my own experience in the other place—and other senators who have sat there will bear me out—that the pressures are much greater than they are here. Every day brings new problems, new pressures, new deadlines, and in trying to cope with them it is easy to become so engrossed that time passes without one realizing it. But when this happens, unfortunately this chamber is suddenly confronted with a decision, either to behave like "Nice Nellies" and accept a most embarrassing situation gracefully, or to insist that the rights of this institution be recognized and thereby upset the Government's program and schedule.

Honourable senators, such happenings can easily be avoided, however, because all that is required is some sort of device or signal to remind the Government and the other place before time has run out that this house has equal status with the other place and that its rights should be treated with equal respect and courtesy.

Such a device could very easily be embodied in a rule or standing order stating that the Senate must be given adequate time to consider legislation before royal assent can be requested; and to ensure adequate time, the rule or order could specify that major bills be sent to the Senate not less than five sitting days before Christmas Eve, Good Friday or any other recess or adjournment.

I realize that we in the Senate could invent a rule of our own that would have the same effect, but I suggest that the remedy more properly belongs in the other place, because it is obvious that the unfavourable public image of the Senate cannot be changed until the Government and the other place recognize and respect our rights.

Towards the end of the Throne Speech, in paragraph 58, reference is made to the Commons Committee on the Rules of the House, which was set up by the other place during the last session. I realize that this paragraph is directed specifically to the other place, but it contains a hint on which, I believe, we ourselves might usefully act. I am glad therefore to support the suggestion made by Senator Brooks and supported by others, that the Senate set up its own committee to exam-

ine the Senate Rules and Proceedings and to bring in whatever recommendations are necessary to bring them up to date.

I should like to quote the last two sentence of paragraph 58, which read as follows:

> In this session you will be asked to continue and expand that committee's work.

That refers to the committee in the other place, of course.

> Canada, in embarking upon its second century of federal government, must provide its Parliament with every facility to ensure that efficiency and thoroughness of deliberation which, in the consideration of every item of public business, is alone the sure protection of the liberty and well-being of our people.

It is interesting to note that this is the only time that the word "liberty" appears in the Throne Speech, and it is used in the context of "thoroughness of deliberation" by Parliament—not just by the other place, but by Parliament, which includes the Senate.

In the light of past experience, perhaps one may be forgiven for wondering whether the word "Parliament," as used in paragraph 58, is not being employed as a synonym for "the other place," and therefore it follows that we should not take it seriously. Personally, I believe we should accept it in good faith, because our democratic processes break down once we begin to impute motives. The Government's interpretation and its sincerity will be indicated by how soon and in what manner paragraph 58 is implemented.

Since the proceedings of our two houses of Parliament are related, I believe this fact of life should be reflected in the rules and standing orders of both institutions. The maximum liaison between the rules committees of both houses is absolutely essential in order to achieve the greatest possible harmony between the workings of Canada's two national assemblies. If and when the Senate does set up such a committee, I hope we will make arrangements to exchange observers with the other place, because some such advice is necessary to ensure that one house does not embarrass or encroach on the preserves and prerogatives of the other. If Canada's two highest assemblies cannot eliminate such simple reasons for friction, how futile it is to think that we can give leadership in the development of that unity which our nation so badly needs.

So much for the first step which involves improving the relationship between this house and the other place.

The next step is closer to home, because it involves getting rid of what appears to be a sort of inferiority complex which, to my mind, pervades this whole institution.

This complex is illustrated by our docile acquiescence to the treatment we receive, which I have already described. It is illustrated by our acceptance of the use of the word "Parliament" as a synonym for "the other place," which implies that this institution does not exist.

It is reflected in other ways as well. I think it desirable that we re-examine our present method of keeping attendance records. I can remember when a suggestion was made in the other place that the Senate method of keeping attendance records be adopted, but this suggestion was rejected because it was not considered to be in keeping with the prestige and status of members of Parliament. Since the B.N.A. Act gives equal status to both houses, this raises the question as to whether senators also should not be equally sensitive to reflections upon their prestige and integrity.

Another example is the facilities and services that are placed at our disposal—typing equipment, secretarial services and working space. Paragraph 58 uses very involved language, but when we cut out all the excess verbiage it simply says that, "Canada...must provide...Parliament with every facility to ensure...efficiency...". In the other place the members are supplied with dictating equipment, and their secretaries with electric typewriters. The Senate secretaries have to make do with ordinary typewriters, many of them of very ancient vintage, and they do not have even sufficient space in which to work.

There is still another example in our postal service. During recess senators are denied mail and mailing facilities on weekends when the Commons side of the post office is open. Since the service to both houses can be provided by the same staff, which has to be on duty anyway, this is absolutely unnecessary. If it is logical to provide dining room and restaurant service on a parliamentary basis then surely it is equally logical that postal services should be provided on the same basis.

I am not advocating waste or useless expenditure. What is needed is an upgrading of services and equipment. By accepting these conditions, honourable senators, we are ac-

cepting an implication that the Senate is a second-class institution and that the senators themselves are second-class parliamentarians. This is not only contrary to the British North America Act, but this kind of mentality is sensed by the public at large, and it creates the impression that one should be expected almost to apologize for the Senate as an institution, or for being a member of it. In this way we play directly into the hands of the enemies of democracy by contributing to the destruction of the idea that the Senate is a vital part of the Canadian Parliamentary system.

The third step, honourable senators, in my opinion, is to enlarge the Senate's role, and to increase its usefulness so as to make it an even more vital element in our democratic system. The historic role of the Senate has been to safeguard the rights of minorities, particularly the rights of the provinces, and to give sober second thought to legislation passed by the other place. Sometimes perhaps our thoughts have been a little too sober and perhaps a little too quiet.

Democracy has many imperfections, but we must remember that it is still in a state of evolution, and that despite its many deficiencies it has one overriding virtue, namely, that when all is said and done it still remains the best device known to man whereby individual liberty and freedom can be preserved.

Freedom is never free, and since this is Veterans' Week this may be an opportune time for me to emphasize this fact. Our freedom was dearly bought by our forefathers, and we to whom the torch has been thrown must never let the Canadian people forget the terrible human sacrifice that had to be paid in two wars in order to preserve it for us. That is one of the reasons why I feel so strongly about the matter I am placing before you today.

To ensure freedom and liberty of the individual, even in a democracy, requires a system of checks and balances. In a multiparty system, such as ours, the balance of power often rests with small splinter parties. This gives them a political power out of all proportion to their numbers or their national support. The Senate is a very essential check on the abuses of power by small political groups. It is a check also on one-party rule, because the fact that a party is elected is no guarantee that it will not become tyrannical.

I realize that there are some who think that democracy begins and ends with the election process, and that being elected somehow conveys some sort of superior status. To those I would point out that in a multiparty system such as ours many members are elected with a plurality, and therefore cannot claim to have majority support. This applies to governments as well as to elected representatives. On the other hand, there may be many senators who although appointed may command as great a consensus of support in a province or in the nation as a whole as those who happen to be elected.

The Senate then is a vital safeguard of individual liberty and freedom which is the very essence of democracy. Checks and balances do not exist in a uni-chamber parliament, and this role of the Senate deserves to be emphasized much more than it is.

But, there are other roles that the Senate can perform to a much greater extent than it does. One of Canada's greatest needs today is a sound public opinion on the great national issues of our day, and on those issues which Canadians will have to face in the foreseeable future.

A Commons of minorities cannot provide this. It is not in a position to do so. But, the Senate has the time and the talent, and it is not hampered by minorities. In my opinion, the Senate could and should fill this need by functioning as Canada's great national forum.

This role could be facilitated if some changes were incorporated into our present House Rules and Standing Orders. In particular, I should like to see some changes that would enable senators to put notices of motion and resolutions on the Order Paper, as is done in the other place, instead of debating notices of inquiries as at present. I should like to see changes made to enable senators to put questions on the Order Paper and receive written answers, as is done in the other place, and to have answers printed in our *Hansard*. I should like also to see rules that would enable debates on notices of motion and resolutions to be organized so as to provide continuity and make it possible to arrive at conclusions.

Finally, I should like to see, if possible, some changes that would make more provision for the airing of public and individual grievances that are brought to our attention. Perhaps this could be done more in our supply debates than has been done in the past.

Another role that the Senate might perform to a much greater extent than at present is that of being the guardian of individual rights, and particularly the rights of federal

employees or all those employees which come under federal jurisdiction. During what has been referred to as the "Coyne affair" the Senate caught the public's imagination because it fulfilled this function. There are many federal employees—little men—who are treated very unjustly by their federal employer. I could name several now from personal experience. I should like to see the Senate set up a committee that would act as a sort of ombudsman for these people, by investigating their complaints, either directly or through the Civil Service Commission.

This institution, the Senate, is composed in such a way as to provide representation of regions rather than of individual ridings. I think it would be a good thing if some way could be found to establish a more direct contact between the Senate and the Canadian people. Senate committees can keep track of economic trends, anticipate developments, and accumulate and make public a body of information as a foundation for sound public opinion, on which remedial policies could be based. In performing this service, perhaps Senate committees should move around among the poeple more than has been done in the past.

Honourable senators, it may seem presumptuous on my part as a newcomer to speak in this manner after such a brief time in this chamber. I have done so only for the following reasons. As Senator Grosart pointed out a few moments ago, I too am convinced that the Senate is a vital and essential part of Canada's parliamentary system. I am convinced that the Senate can provide opportunities for service equal to and perhaps even greater than the other place. If I did not believe that, I should never have accepted my appointment to come here. I am equally convinced, however, that there is a great danger that the Senate may disappear during Canada's second century, possibly during the next 20 years, unless some positive steps are taken to prevent it.

The Senate cannot disappear or become a second-class institution unless we permit it to happen. We therefore have a responsibility in this matter, regardless of whatever action may be taken by the other place or by other individuals. I feel I would be failing in my duty to the Senate and to the Canadian people if I did not share with you my concern about this problem and my thoughts about possible solutions. I do hope therefore that my remarks will be received in the spirit in which they are presented and that some positive action will result.

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

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Wednesday, June 14, 1967

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

Prayers.

DOCUMENT TABLED

Hon. John J. Connolly tabled:

Capital Budget of the Farm Credit Corporation for the fiscal year ending March 31, 1968, 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. 1967-1114, dated June 1, 1967, approving same. (English and French texts).

VISITING HEADS OF STATE

ROYAL SALUTE—PRIVILEGE

Hon. David Walker: Honourable senators, may I rise on a question of privilege?

The 21-gun salute is a traditional honour which under normal circumstances, I am sure we all agree, is appropriate to honour visiting heads of state. I am certain none of us take exception to it, and we should adopt any way we can to honour and recognize distinguished visitors. However, in order to afford this honour, is it necessary that as a result of that salute we should be subjected to a blast such as caused the Senate to be adjourned for a few minutes yesterday? Perhaps that was appropriate, but not in the middle of my distinguished colleague Senator Grosart's remarks. It might have come more appropriately during my remarks later on!

Honourable senators, should these blasts be of such magnitude as to shake the foundations and certain parts of this building? As the former Minister of Public Works responsible for the construction of the tunnel connecting the centre block with the west block, I can say that we were at that time forced to endure heavy explosions because the tunnel had to go through hard rock. A 21-gun salute has nothing to do with tunnelling through hard rock, so I ask if it is appropriate that it be carried out with such resounding explosions as almost to scare to death some of the distinguished ladies in these delegations.

I am sure that there is some reason for the loudness of the blast. It may be that the unified command is responsible. Perhaps the chain of command is such that a message has not yet reached the salute battery which, I may say, was formerly on Nepean Point and now has been moved a quarter of a mile closer to the Parliament Buildings, near the site of the Artillery Memorial. It may be that the Air Force should be in charge of this. In any event, honourable senators, perhaps the gunpowder charge has not been reduced to allow for the battery being a quarter of a mile closer to these buildings.

In this Centennial Year it is appropriate to recall that Sir John A. Macdonald once propounded a riddle by asking a very important colonel—this was before unification—"Colonel, can you tell me how much gunpowder I would be required to put under a bull's tail to blow off his horns?" No one has yet determined how much gunpowder is necessary to have a quiet, dignified, and gentle boom in the distance to welcome our distinguished visitors. Surely, honourable senators, the warmth of our welcome to these distinguished visitors is not to be measured by the extent of the noise we make.

May I therefore on behalf of you all, with the greatest of sincerity, supplicate the Leader of the Government in the Senate, whom, along with the Leader of the Opposition, we all admire so much, that he speak to the powers that be—not necessarily the whole Cabinet, but those members who would control this important matter—and perhaps arrange that this condition be ameliorated so that in the future we shall be able to please even the most fastidious of our visitors and at the same time pass muster with that very severe man, the master of protocol.

Hon. Mr. Connolly (Ottawa West): Honourable senators, I shall certainly be very pleased to bring the remarks of our good and learned friend, the honourable Senator Walker, to the attention of the appropriate authorities, but on the one condition that when we know in advance he is going to make a speech we arrange for a 21-gun salute with less powder to be fired before he starts.

Hon. Senators: Oh, oh.

PRIVATE BILLS

WESTERN FARMERS MUTUAL INSURANCE COMPANY—REPORT OF COMMITTEE

Hon. T. D'Arcy Leonard, for 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-12, intttuled: "An Act to incorporate Western Farmers Mutual Insurance Company", has in obedience to the order of reference of June 8, 1967, 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. Leonard: I move, with leave of the Senate, that the report be adopted now.

Hon. Mr. Kinley: On division.

Report adopted, on division.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Walker: Honourable senators, in view of the proposed adjournment, I move, with leave of the Senate, that the bill be read the third time now.

Motion agreed to and bill read third time and passed.

FARMERS CENTRAL MUTUAL INSURANCE COMPANY—REPORT OF COMMITTEE

Hon. T. D'Arcy Leonard, for 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-13, intituled: "An Act to incorporate Farmers Central Mutual Insurance Company", has in obedience to the order of reference of June 8, 1967, 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. Leonard: I move, with leave of the Senate, that the report be adopted now.

Hon. Mr. Kinley: On division.

Report adopted, on division.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Walker: In view of the proposed adjournment, I move, with leave of the Senate, that this bill be read the third time now.

Motion agreed to and bill read third time and passed.

ADJOURNMENT

Hon. John J. Connolly: Honourable senators, I move, with leave of the Senate, that when the Senate adjourns today, it do stand adjourned until Tuesday, June 27, at 8 p.m.

Before the motion is carried, Senator Roebuck will make a few remarks, but I think I owe it to the Senate to say that I have chosen June 27 for two reasons. The first is that we have completed all the work on our program, with the exception of the Speech from the Throne, and there is no need to keep the members of the Senate here specifically to deal with that item.

A bill having to do with the Cape Breton coal situation will be placed on the Order Paper in the other house today or tomorrow, and I hope it will have been debated and disposed of by that house some time next week. If we get it by Tuesday, June 27, we can debate it that evening and on Wednesday and Thursday, taking whatever time we require.

Honourable senators are also aware of the hope that the 1967-68 Estimates will be completed in the other place by the end of June and we may very well be presented with the final appropriation bill. This of course will be subject to the production of supplementary Estimates, as happens every year. No one can be sure whether that bill will be ready by the end of that week or not. It could be that the Senate would work through Tuesday, Wednesday and Thursday and perhaps have no business before it on Friday, June 30. I am sure all honourable senators would want to be here for the ceremonies in connection with the Queen's visit on Saturday, July 1, but it is possible that we will have very little, if anything, to do on June 30.

In the circumstances, I still think that it desirable to adjourn until the date proposed, and I hope it carries the unanimous approval of all members.

Hon. Arthur W. Roebuck: Honourable senators, if I may, I should like to say a few words.

I would like it understood by the chamber and as a matter of record that the recess which has just been announced by the honourable Leader of the Government applies only in small part to the members of the Special Joint Committee on Divorce. That committee will meet next Tuesday, June 20, and I have the assurance of all those who were present at the last meeting that irrespective of any recess or adjournment which we decide upon, they will be present at that meeting.

On Tuesday we hope to debate the question raised by the proposed report, and I hope by Wednesday at least to have completed our consideration of the subject. If that is carried out and we meet again on Tuesday, June 27, I hope that we will have the copies ready for presentation the following day.

My reason for speaking at the moment is to make clear that the chamber recesses do not apply to committees such as the Special Joint Committee on Divorce and others. Honourable senators will remember other joint committees whose members attended day after day while the chamber itself was in recess. That is the case now so far as the Special Joint Committee on Divorce is concerned. I am quite sure about the attendance of those who were at the last meeting because they assured me they would be there. I would hope that assurance applies also to all other Senate members of the committee who for some reason were not present on the last occasion. I hope they will all attend if possible next Tuesday.

Motion agreed to.

PRIVATE BILL

PRINCIPAL LIFE INSURANCE COMPANY OF CANADA—SECOND READING

Leave having been given to proceed with Order No. 3:

Hon. Donald Cameron moved the second reading of Bill S-11, respecting Principal Life Insurance Company of Canada.

He said: Honourable senators, may I express my appreciation for your courtesy in extending me the privilege of speaking at this time. I shall be brief.

It may be recalled that on May 18, 1965, I introduced Bill S-9, an act to incorporate the Principal Life Insurance Company of Canada. At that time I indicated that the capital stock of the company was to be $1 million, made up of shares of $100 each and with provision that the capital stock might be increased to $4 million. The bill also provided that the amount to be subscribed before the general meeting for the election of directors was called was to be $500,000, with an additional $500,000 to be contributed as a capital surplus.

At that time I also indicated that the group of young executives who were behind the Principal Life Insurance Company were known as the Collective Group, an organization which had at that time 10 years' experience in selling savings certificates and whose growth record represented an increase in assets of 2400 per cent between 1956 and 1965. The company at that time had 38 offices in Canada and two in the United States and employed over 400 people. In short, this company known as the Collective Group had achieved one of the most spectacular growth records of any company in western Canada. This company has now become known as the Principal Group Limited with their head office in the Financial Building in Edmonton, Alberta.

The Principal Group now controls the following subsidiary companies: First Investors Corporation Ltd., Associated Investors of Canada Ltd., Principal Savings and Trust Company, Athabasca Holdings Ltd., Athabasca Mortgage Corporation Ltd., Principal Mortgage Corp. Ltd., Imperial Real Estate Ltd., and Mercer & Williams Agency Ltd., and affiliated companies, Principal Investors Corporation, Principal Certificate Series Inc., and Collective Mutual Funds Ltd.

May I interject that this company was started one night by a group of young men on their way to an Edmonton-Winnipeg football game. It has had spectacular success since then.

The Principal Group is a diversified financial complex offering the public a complete package of investment and savings services. The group's history of growth is attributable in part to an efficient organizational structure which allows each of the operating companies in the group to make use of the highly specialized pools of talent available at head office. In other words, this is a fully integrated company. Sales, administration and investment are each handled by a specialized arm of the head office group. The sales force distributes the varied financial services of all the operating companies. In this way the Principal Group is able to offer the widest possible range of financial savings and investment services. These services include instalment savings certificates with optional advance deposits, single deposit investments, completion insurance, term annuities, mutual funds,

registered retirement plans, savings deposit accounts with free chequing privileges, estate planning and administration, group and executive pension plans, guaranteed investment certificates, mortgage brokerage, real estate brokerage, real estate development and insurance brokerage.

The assets under the administration of the Principal Group Limited totalled $68,692,815 as at December 31, 1966.

As I indicated earlier, on May 12, 1965 I introduced Bill S-9, an act to incorporate the Principal Life Insurance Company of Canada. That bill received royal assent sometime later that year, with the understanding it would not commence any business of insurance until at least $500,000 of its capital stock had been subscribed and at least that amount paid in advance, together with a contribution to surplus of $500,000.

It will be recalled that since that time there have been a number of developments in the financial world which have caused all governments to tighten up and raise their requirements of financial backing before permitting companies to go into business. This tightening up of regulations stemmed from such misadventures as the collapse of the Atlantic Acceptance Corporation, and others, which justifiably raised the concern of governments. In the result, capital requirements have been very substantially increased, with the consequence that all financial institutions dealing with the public's money are now on a much sounder basis than previously.

The effect of the tightening up of these regulations, as far as Principal Life Insurance Company is concerned, can be graphically explained by the following illustrations. For example, one of the member companies of the Principal group is Principal Savings and Trust Company, incorporated with $250,000 of paid-up unimpaired capital. In the spring of 1966, amendments to the governing legislation by the Province of Alberta raised this requirement to $500,000. The requirement has been further increased, by mid-1967, to $750,000.

Two other member companies of the Principal group are, Associated Investors of Canada Limited and First Investors Corporation Limited, both being investment contract companies dealing in a type of savings certificate similar to Investors Syndicate Limited. The Province of Saskatchewan, where these companies are licensed and carry on substantial business, made certain changes to existing legislation in mid-1965, increasing the minimum required net worth to approximately one-twentieth of the statutory reserves of the company. This is the value of the qualified assets, according to The Canadian & British Insurance Companies Act, less the statutory reserves and other liabilities. In order to qualify under the new standards, Associated Investors of Canada Limited will require an additional $388,000, and First Investors will require an additional $112,000, making a total additional requirement of $500,000 additional capital. These three changes mean $750,000 more is required if the three companies are to remain in business in those jurisdictions.

The third factor has been a change in the capital test under The Trustees Act of Alberta. In order to be an approved corporation under the amended act the unimpaired paid-up permanent capital must be increased from $500,000 to $1 million.

As can readily be understood, these very justifiable changes were more than sufficient to disrupt the capital schedule of the Principal group. Consequently, the group needs more time to raise the additional capital required and is therefore asking that the charter, which expires on June 30, 1967, be extended and kept alive for another two years. That, in essence, is the purpose of this bill, simply to give this very successful and very conservatively managed company more time to raise the capital funds required.

In fairness, I should say that the company could have proceeded to finance the Principal Life Insurance Company even under the present circumstances of greatly increased capital requirements, but they have felt they must first ensure that all their subsidiary companies are in a position of first-class soundness, and, rather than spread their funds too thinly, the directors decided to apply for an extension of the Principal Life charter.

In the event that this bill receives second reading, my intention is to ask that it be referred to the Banking and Commerce Committee, at which time the principal officers of the company will be available to answer any questions senators may have to ask.

I commend this bill to your sympathetic consideration.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Cameron, bill referred to the Standing Committee on Banking and Commerce.

COMMONWEALTH PARLIAMENTARY ASSOCIATION

CAYMAN ISLANDS REGIONAL CONFERENCE

Hon. Allister Grosart rose pursuant to notice:

> That he will call the attention of the Senate to the Caribbean Regional Conference of the Commonwealth Parliamentary Association held in the Cayman Islands, 7th to 14th May, 1967, 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 apologize for inflicting my views on you for the second time in two days.

Hon. Mr. Connolly (Ottawa West): You are not getting the royal salute today!

Hon. Mr. Grosart: As the honourable Leader of the Government knows, I had suggested that the agony might be postponed until honourable senators had had an opportunity to recuperate from my rather long speech yesterday, but the Whips decided otherwise.

As the Notice of Inquiry indicates, it is my duty to report on the Regional Conference of the Commonwealth Parliamentary Association, held in the Cayman Islands in the second week of May.

The countries represented by delegates were: the Bahamas, Barbados, Bermuda, Grenada, Guyana, British Honduras—shortly to be called Belize—Jamaica, Montserrat, St. Lucia, St. Vincent, Trinidad and Tobago, and the British Virgin Islands. Represented by observers only were: The United Kingdom, Canada, and the Turks and Caicos Islands.

There were 28 delegates and five observers present at the conference, Canada's being Mr. Richard Cashin, M.P., Parliamentary Assistant to the Minister of Fisheries, and myself, representing the Commonwealth Parliamentary Association of the House of Commons and Senate. I need hardly add, especially for the benefit of those who know Mr. Cashin, that he proved himself to be an excellent travelling companion and made excellent speeches and good friends for Canada.

The locale of the conference was Georgetown, the capital of Grand Cayman Island, one of the three small islands which constitute the group lying about 180 miles northwest of Jamaica. Together they constitute the group known as the Caymans, consisting of Grand Cayman, Little Cayman and Cayman Brac. The total population of the islands is only about 8,000, so the Caymans are probably the smallest country having a branch of the Commonwealth Parliamentary Association.

However, I am glad to report that this is one part of the Caribbean which is extremely prosperous, possibly the most prosperous single area in the Caribbean. The main source of income of the islanders is the high wages earned by the seafaring men from the islands and the tourist industry. Caymanians are reputed to be among the world's finest seamen and are in great demand among the shipping lines of the world. There is no unemployment in the islands, wages are high by Caribbean standards, and there is substantial development going on.

The one major problem of Grand Cayman is mosquitoes, but I hasten to say that the mosquitoes behave very well because they do not come out until the tourist season is over. However, they have one of the greatest mosquito control projects in the world under way. A brilliant international team is carrying out the project on a large scale to eliminate the effect of the mosquito problem, hoping to set a pattern that will be useful in Africa and elsewhere. One member of the team is a young Canadian scientist who is operating under the auspices of our External Aid Program. The project requires far more equipment than it has, and Mr. Cashin and I will be discussing the possibility of further aid from Canada under our External Aid Program.

I must say that the arrangements for the carrying out of what proved to be a very successful conference were excellent. I am sure they surpassed what any of us expected from such a small and new branch of the association. The accommodation we had was up to the standard of any of the famous resort areas of the Caribbean. Certainly, the members of the local branch—the chairman, Mr. Spurgeon Ebanks, and the very talented secretary, Mrs. Sibil McLaughlin—deserve the greatest credit for carrying out such a successful conference with the limited resources of people and equipment at their disposal.

They were assisted by Mr. Louis Marriott of the headquarters staff of the C.P.A. in London, and by Mr. Michael Lawrence, a Deputy Principal Clerk of the House of Commons at Westminster.

It is one of the interesting and very important features of these regional conferences

that small branches, such as that of the Cayman Islands, are able to call on the help of other branches. I am told that later on Canada will be assisting in these conferences.

The chairman, Mr. Spurgeon Ebanks, as usual, proved to be a very congenial host, and I say the same of the administrator, Mr. John Cumber, C.M.G., M.B.E.

The agenda, of which I shall give you only an outline in order not to take up too much time, was roughly as follows: A discussion of regional co-operation in the economic development of the Caribbean was broken down into Industrial Development, Agricultural Development, and Tourism, and then under the subheading of External Aid we dealt with the United Nations organizations, Canada, the United Kingdom, the O.A.S., and others; the Role of the Ombudsman in Caribbean countries; Nation Building in the Plural Societies, which included discussions of the problems of population, and immigration and emigration in the Caribbean; and the Future of the Caribbean, which included constitutional developments, the future of the smaller islands, and the future of the independent islands.

Honourable senators, I have spoken before about what I consider to be the usefulness of these conferences. As many of you are aware, and as was pointed out by Senator John Connolly, the regional conferences take place between the main Commonwealth Parliamentary Association conferences. They are increasing in number and, for those who have taken part in them, I think it is fair to say that they are increasing in importance. It is perhaps significant that my report today is the fourth to be presented to the Senate in this session, short as it has been, of an interparliamentary meeting. The first was a report on the Canada-United States Interparliamentary Group which was presented here on May 8, and included in the record of our proceedings. The second was Senator Fergusson's report on the Interparliamentary Union Conference in Iran. The third was the report Senator Connolly made last Monday night on the C.P.A.'s General Council Working Party Conference in Malta.

Honourable senators, as I said, the Cayman Islands conference was not of the importance of the others in size; it was a regional conference. The primary subject of discussion was on those matters that are of mutual interest to the peoples of the Caribbean. It is there that new nations are emerging every year, and sometimes more frequently. I need hardly emphasize Canada's intense interest in the exciting things that are happening in that area. In this decade already four new sovereign nations have emerged, namely, Jamaica, Trinidad and Tobago, Guyana, and Barbados. Others are certainly well on the way towards independence.

Five countries, as I indicated yesterday, have acquired what is known as associate status. That is, they are Associate States with the United Kingdom, which is a status which accords them full self-government in their domestic affairs, and the right to declare themselves independent at will. These countries are: Antigua, Grenada, St. Lucia, St. Kitts-Nevis-Anguilla, and Dominica, and after some constitutional problems are settled, St. Vincent will shortly assume associate status.

This leaves five of the territories of the Caribbean still under the administration of the Colonial Office of the United Kingdom, but each one has its own legislature. The Cayman Islands, with only 8,000 people, and Montserrat, the British Virgin Islands, British Honduras, and the Bahamas, all have a legislature and an administrator appointed by London.

I remember a couple of years ago that some of us who had been interested in the Caribbean for a long time were beginning to think that Canada had missed the boat. There appeared to us to be at that time something less than the full degree of official involvement in the problems of these, the closest of our Commonwealth neighbours. I will not go into all the reasons for that, except to say that it was probably because all of these islands and territories, until very recently, were the official constitutional responsibility of the United Kingdom, and there was a hesitation on the part of our statesmen and officials in the Department of External Affairs to move in, in a colonial kind of way, while another sovereign nation had the major responsibility. The situation, however, has changed and is changing at a very rapid rate.

These new nations are taking their place in our sunny south. I say "our sunny south" because Canadian business has been operating in almost all of the islands and territories there for many years and has made itself welcome. Recently individual Canadians have been flocking into the Caribbean, and in many cases are providing the main source of income. Except for some particular primary resources in, perhaps, Jamaica and Trinidad, by and large the great and the only really important resources of many of these new

nations are the sun, the sea, the sand, the climate and the beaches.

Honourable senators, in a very real sense these are our neighbours, and I think they would like me to report to you that they like us Canadians very much. They are already beginning to call Montserrat "little Montreal".

The hotel in which we stayed on the Cayman Islands was owned by Canadians from Vancouver who every season fly down eight P.W.A. flights, each carrying about 85 passengers. The British Virgins, next door as they are to Puerto Rico and the American Virgin Islands, are praying—and I do not think the word is too strong—that their next tourist invasion will be Canadian rather than American.

In the last year or so I am glad to say that the Canadian Government has begun to take a real neighbourly attitude towards, and interest in, the Caribbean. The Caribbean Conference held in Ottawa last year, which was attended by all of the Chief Ministers, is still the subject of very favourable comment in the Caribbean, and they are certainly looking forward to some results from the implementation of the undertakings the Canadian Government gave at that time.

There was recently a Canadian-Caribbean Trade Conference held in St. Lucia, and in Georgetown in the Cayman Islands we heard favourable comments on the attitude taken by Canada.

Even so, honourable senators, there is much still to be done by Canada as a nation to show more interest than it has in the warm welcome that awaits Canadian initiative there. I hope that I may be allowed to say that "Canadian initiative," without giving offence to anyone, will be more welcome there than the initiative of any other nation, large or small.

I was glad to read in the Speech from the Throne that:

> Steps will be taken further to develop Canada's special relations with the Commonwealth countries of the Caribbean.

And:

> The Government also intends to play an active part in the forthcoming meeting of the United Nations Conference on Trade and Development, as it attaches great importance to the trade problems of less-developed countries.

It is unfortunate that some Canadian reservations taken at the last United Nations Conference on Development were misunderstood. We took an attitude that was interpreted as indicating that we were not in favour of extending product preferences to some of those countries, but there is an explanation, and I am sure it will be cleared up at the forthcoming conference.

It is a further good omen that the assisted immigration project of our Department of Manpower and Immigration is now for the first time being extended to the Caribbean. Our friends there understand the problems in that connection just as well as we do, and I am sure they will co-operate to see that it works out wisely and well.

Honourable senators, I close my remarks by saying that it was a highly successful conference, and I think it was important that Canada be represented there. Our neighbours are certainly to be congratulated on the very high calibre of the background, education and statesmanship, and above all the dedication to parliamentary democracy of those who are leading those countries into full membership in the world community of nations.

They have tremendous problems, and they are looking to us for help which in terms of our affluence is negligible, but in terms of their future may well be the deciding factor between failure or success of nationhood. They have ideals for the future of their own wonderful people in which, apart altogether from any self interest, it will be an everlasting honour for Canada to be a generous and willing helpmate.

Hon. John J. Connolly: Honourable senators, first of all, we are indebted to Senator Grosart and Mr. Cashin for attending this regional conference in the Caribbean. Secondly, we are indebted to Senator Grosart for making this comprehensive report, because the opportunity of doing so in the other place is not as readily available as it is here.

I should like to put on record again that, as a former President of the Commonwealth Parliamentary Association, I attach the highest importance to these regional conferences, even though our parliamentarians attend only as observers. Senator Grosart has come back fully informed to give a report to the Members of Parliament on the conditions, the aspirations and the desires of the peoples of these areas.

There are parts of the Commonwealth where if this kind of knowledge had been available in other days, perhaps different political results could have been achieved. I think therefore we can obtain a great deal of

benefit not only for ourselves but for the Commonwealth at large and for the country affected, if we continue to send people who are as interested in these regional conferences as were Senator Grosart and Mr. Cashin. The Commonwealth Parliamentary Association can only meet once a year, and we cannot repeat the same delegates each time because we have to give opportunities for more and more members to go. So, very often the result is that our touch or feel for the problems of a far distant country is completely unreal. This can be cured in large measure by the relatively inexpensive exercise involved in sending observers to regional conferences. They can help us and also help the general idea behind the Commonwealth Parliamentary Association. Again, I thank Senator Grosart.

HON. JOHN J. CONNOLLY, P.C.

TRIBUTE TO HIS WORK AS LEADER OF THE GOVERNMENT IN THE SENATE

On the Orders of the Day:

Hon. J. W. de B. Farris: Honourable senators, I ask the indulgence of the house for not more then five minutes. I have my transportation, and I shall be returning to Vancouver tomorrow morning. Before I depart, not knowing when I shall return, I want to be on record as saying something that I believe to be the unanimous view of this house, that is, how fortunate we are in the leader we have on this side of the house (Hon. Mr. Connolly, Ottawa West). That is no derogation of my honourable friend, the leader on the other side (Hon. Mr. Brooks), who left for New Brunswick a few minutes ago, and whom I also greatly admire.

I have before me the report made by Senator Connolly on June 12 in connection with his attendance at the meeting held recently in Malta. In listening to it I knew that sooner or later I must give expression, as I now do, to my admiration for him and his wonderful capacity for work.

CANADIAN WHEAT BOARD ACT

BILL TO AMEND—THIRD READING

Hon. Earl A. Hastings moved the third reading of Bill C-106, to amend the Canadian Wheat Board Act.

Hon. Arthur M. Pearson: Honourable senators, now that the Canadian Wheat Board has become a permanent institution in Canada, I feel that I should point out a few of the historical beginnings of the board itself.

I have before me a book entitled *The Canadian Grain Trade* by Duncan Alexander MacGibbon, M.A., Ph.D., who was a member of the Royal Grain Inquiry Commission in 1923-24, a member of the Board of Grain Commissioners for Canada, and for some time Professor of Political Economy at the University of Alberta. At page 57 he states:

> A Commission on Wheat Supplies was set up in London, England.

This was during 1917.

> The British government then created the Wheat Export Company, a grain purchasing agency under the control of this Commission. The Canadian government came into contact with these bodies while acting as intermediary for the Canadian farmers.

On the succeeding page:

> On June 11, 1917, this step was taken by the Dominion Government, which appointed a Board of Grain Supervisors upon which appeared representatives of the various grain interests, with wide powers of control over the disposition of grain.

Yesterday in my remarks I said "Canadian Wheat Board" when I should have said "Board of Grain Supervisors".

Then on page 61:

> When hostilities ceased there was a relaxation of government control over the purchase and distribution of food supplies. A few months after the armistice the arrangements which had existed among the allies and certain neutral nations for the purpose of buying wheat and other supplies, automatically disappeared. In Canada the federal Government was obviously reluctant to continue the Board of Grain Supervisors.

And on page 62:

> The Dominion government called conferences in June and towards the end of July. As a result it decided to create the Canadian Wheat Board to handle the wheat crop of 1919 and such other wheat of previous crops as remained undelivered on August 15, 1919, for after that date the Board of Grain Supervisors would cease to accept grain.

And on page 63:

> The Canadian Wheat Board ceased to accept wheat on August 15, 1920, but by an act of parliament had been given a

lease of power for 18 months, dating from November 10, 1919, in order properly to wind up its business.

And on page 64:

> When free trading re-opened on the Winnipeg Grain Exchange in the middle of August, 1920, the range in prices for the first week for No. 1 Northern wheat was between $2.69 and $2.74 per bushel. Prices continued to advance until the second week in September, when the high level of $2.85 5/8 per bushel was recorded. Thereafter a decline set in, at first slowly, but gathering force in October until by the end of the year the average price had fallen to below $2.00 per bushel. The downward trend continued. The crop of 1922, having regard to the general level of prices, was marketed at quite unprofitable values.

After the First World War the price of wheat was considerably above what it was prior to that war; and apparently the farmers were quite satisfied with the conditions, when allowing the wheat supervisors and the Wheat Board to operate.

Due to circumstances in 1921, 1922 and 1923, prices began to drop and crop conditions in western Canada were getting poorer in some areas. That brought on a more restive feeling among farmers, that they must have the Wheat Board back again to adjust matters.

Hon. Mr. Burchill: Did the honourable senator say that the Wheat Board was really a creation out of the First World War?

Hon. Mr. Pearson: Yes, in 1919.

Motion agreed to and bill read third time and passed.

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE ADJOURNED

The Senate resumed from yesterday consideration of His Excellency the Governor General's speech at the opening of the session, and the motion of Hon. Mr. Desruisseaux, seconded by Hon. Mr. Nichol, for an address in reply thereto.

Hon. J. Campbell Haig: Honourable senators, many of my remarks today are made from notes which were written some few weeks ago. Owing to the exigencies of this Parliament, I was not permitted to proceed then, but I am happy to do so now.

I wish to pay tribute to the mover of the motion for an address, Senator Desruisseaux. I enjoyed his speech. I did not quite follow it as he delivered it, but I read it with interest. I pay tribute also to Senator Nichol, who made a different type of approach. When I left the chamber that afternoon I was rather worried because of the number of deaths which it was forecast would occur in Canada over the following 24-hour period.

Honourable senators, it is impressed upon us every day that this year is Canada's Centennial Year. In Winnipeg, where I come from, in January we had the world hockey tournament, which was most successful both from the standpoint of hockey and of the spectators.

The centennial train came to Manitoba. It was officially welcomed at Brandon on a cold bitter day and then it moved on to other areas of Manitoba. It was in Winnipeg for a week, and over 10,000 people went through the train while it was at the C.N.R. station on Main Street.

Our next item of centennial celebrations was the Military Tattoo, which took place at the arena in May. Only half of the national tattoo, it was a two-hour and fifteen minute show; it started one minute late and ended one minute after it was supposed to end. The tattoo is a wonderful tribute to the three services, who contributed to the spectacle. It was a spectacular historical show, was well done and gave exceedingly great pleasure to those who had the opportunity to attend. I hope that honourable senators will not miss any opportunity they have to visit the tattoo when it is in their area.

Another event to take place this year—in addition to Expo and the Progressive-Conservative leadership convention in Toronto in September—is the Pan-American Games, which will come to Winnipeg from July 27 to August 7.

I have spoken about this before, but the plans are now reaching the final stages. We expect some 3,300 to 3,400 athletes, plus trainers and officials. At the present moment we know that this is the largest Pan-American Games ever held and also the largest sporting event in the North American continent. One can readily appreciate that this two-week period will be a most important period for the City of Winnipeg.

At the end of the show, Winnipeg will receive an Olympic-size swimming pool, the only one in Canada; and we will receive a

Velodrome which, to the uninitiated, is a cycling track. The interior of that track will be used for high school football games.

Honourable senators, there were approximately 29 articles in the Speech from the Throne but only about four of them were new. One of those four is a proposal to enforce certain safety standards. That, however, has not been spelled out in the Speech from the Throne, so we must wait to see whether it will apply only to automobiles, boats and other vehicles.

Senator Kinnear, as reported at page 76 of Senate *Hansard*, gave us a clear exposition of the dangers of water and air pollution. Fortunately, in my province that has not been a serious problem as yet. I can understand the difficulties people have who are affected, especially by water pollution.

In the past, there has been a grey area in the criminal law, on the question of capital punishment. There was a free vote last year in the House of Commons, and the proposal to abolish capital punishment was not sustained. Evidently the Government intends to introduce another proposal for the abolition of capital punishment.

There is also to be a report from the Joint Committee of the Senate and House of Commons on Divorce. I have had the opportunity to read that report and discuss it with the co-chairman, Senator Roebuck. Without divulging the confidential contents of that document, I would say that practically all the briefs that we received and discussed with witnesses indicate there should be some relaxation or broadening of the present grounds. The committee's report will not be unanimous in its present form, changes will be made in it, but that will not be through any fault of our chairman Senator Roebuck. He did a tremendous job in organizing the committee meetings, in seeing they were kept going, and in the monumental task, with his assistants, of preparing this report. When members receive it, as they will shortly, they will find it a document which will take its place among those things the Senate does well.

Hon. Senators: Hear, hear.

Hon. Mr. Haig: A favourite topic amongst members of this chamber and outsiders is the question of the retention, abolition or reform of the Senate. I have spoken about this before. During the last session I raised a question of sitting hours, suggesting that we meet at 2.30 in the afternoon. The Leader of the Government indicated that would require rule changes which could be taken up at the new session. I hope that a study of rule changes will be proceeded with, or at least referred to a committee.

I think that the potential capabilities of the members of this house, coming as they do from all parts of Canada, from different professions and businesses, is not being made use of to the fullest extent. It is absolutely wasteful that we should have leaders in business and the professions coming down here on Tuesday, Wednesday and Thursday till about 4 o'clock. I think it is a waste of talent and ability. If, as Senator Carter said yesterday, senators are under the gun, if you want to call it that, the proper and full use of this chamber can be taken care of in several ways. I think there should be a better organization and an increase in the committee work. Last session there were several occasions when two or more committees were meeting at the same time. Why do we have to start in normal sessions on the Tuesday night at 8 o'clock, sit Wednesday and Thursday and have the committees meet on Wednesday morning and Thursday morning? It is all very well for those who can get a train or an airplane out of here and get home in an hour or two, but the far eastern and far western members are not in that position. I therefore throw out as a suggestion to the leaders that we might sit for three weeks and adjourn for a full week, because there have not been many times when this house was so rushed that we had to meet a deadline.

There is another factor that I do not like at all. It happened last session. We passed a supplementary estimate for Expo of some $21 million, gave it Royal Assent, and then had a committee meeting on it the next day. We were told by Mr. Shaw, the Deputy Commissioner, that he had notified the Government two weeks before we met that he could not meet his payroll without assistance. I think that is bad management, and it should not happen again.

There is something further I would like to say. I do not take the pessimistic attitude that Senator Carter has taken of this place. You do have a certain sense of frustration because of the fact that you are down here, you have had some experience in certain areas and it has not been made use of. I believe that a solution, or a partial solution, would be to have the chairmen of the standing committees meet and decide what time of the week they would hold their meetings. I think it is a disgrace for visitors to this chamber to see the lack of attention that is being paid to public

business. Some time ago I raised the question of conversations having taken place between members. It happened again this afternoon. I spoke to His Honour the Speaker about it and he did stop it the next time it occurred, but it is still going on.

As Senator Carter said, this is not a place for burned-out politicians, party hacks. It is for people who have accepted a summons to this place, who feel that they can provide some help in governing our country. We are facing a difficult time in the world today. The point is that we must recognize that this Parliament is only one of three arms of the legislative capacity who have the power to tax. There is the federal, the provincial and the municipal authorities. All three authorities are trying to say, "Let the other fellow do it." The municipalities and cities say, "Let us build something; we will get it from the province." Then the provinces say, "Let us get it from the federal." But the money is coming out of the same pocket whether it is spent federally, provincially or municipally. I therefore think all governments should take a closer look to see that our expenditures do not exceed our ability to pay.

I also think that when you start all these grandiose schemes of social welfare, adding payents here and payments there, somebody has to meet it, and the sooner we step in and face up to our responsibility as legislators the better it will be for Canada.

I have one other comment in connection with Expo. When we first heard about Expo some three or four years ago the cost to our minds was staggering, and yet it went ahead. I have visited it several times and think it is the most imaginative, well thought out and well conducted exposition that has ever been held. I believe it will be of lasting benefit to Canada. It should draw together the different groups in our country. True, certain mistakes are being made, or have been made, but they will be corrected. Every person I have spoken to who has been there has strongly recommended his or her friends to attend. It gives a wonderful opportunity to all sections of Canada to visit "La Belle Province". I think it will create a greater sense of unity, or at least it should—if it does not, it will not be the fault of Expo 67.

I cannot close without paying tribute, as many others have done, to the honourable Leader of the Government. Senator Connolly is under great strain to get legislation through this house. As Senator Carter indicated yesterday, it is not our fault that the other place does not get the legislation over, but I certainly do not like to see the Senate endorse supplementary Estimates just 15 to 20 minutes before the Deputy Governor is due to come here to give Royal Assent. I therefore suggest that this place has an opportunity to correct and abolish any faults that we may think we have, or that other people think are here.

Hon. L. M. Gouin: Honourable senators, first of all I wish to congratulate Senator Haig on his remarks. I would add that I share his enthusiasm for Expo. I am convinced it will do much to promote Canadian unity. It is not only a national enterprise but also an international undertaking, and at the present time the eyes of the whole world are turned towards Expo, Montreal.

I also listened with great interest to the remarks of Senator Haig concerning what I would call the reform of the Senate or its procedures. Personally, I am absolutely in favour of having a committee to study that matter as soon as possible. First of all we would have to try to work out a program so that our deliberations would produce the good results we are all anxious to obtain.

I particularly congratulate, though he is not present just now, Senator Desruisseaux, who moved the motion now before us, and Senator Nichol who seconded it. Among the excellent addresses to which we have listened, I wish to mention especially that of the Acting Leader (Hon. Mr. Deschatelets), and also that of the Leader of the Opposition (Hon. Mr. Brooks). The acting leader did exceedingly well, but we are very glad to see the leader with us again.

The sources of inspiration for my modest contribution to this great debate are found in the remarks of Senator Desruisseaux to some extent, and for the rest in the Speech from the Throne.

[*Translation*]

Honourable senators, the period from 1867 to 1967 is a century of history; during those hundred years, the feeble colonies which united in 1867 have become a prosperous and dynamic country. This astonishing progress was achieved through the patient efforts and energy of those who have preceded us. The progress has been maintained by our contemporaries, for they have remained faithful to the lessons of their forefathers and even more so to their example.

We are today the heirs of the political masterpiece undertaken 100 years ago. Undoubtedly, our Constitution is not perfect but

this 100-year old charter has enabled us to survive, to progress and to grow which is undoubtedly what matters. Only a federal union could ensure Canadian unity while respecting in our various ethnic groups the diversity of our origins, of our languages, of our beliefs, of our traditions, of our way of life.

To the four original provinces were added, with time, six other provinces as well as the Yukon and the territories of the far north. In 1867, there were about 3 and a half million people in Canada, and today, we are at least 20 millions inhabiting this vast land, one of the largest in the world.

In the last 100 years, as mentioned in the Speech from the Throne, the world has gone through such an evolution that those who laid the foundations of Confederation would no longer recognize it. Up to now, our constitutional framework has withstood the attacks of time and all kinds of difficulties.

[*English*]

And, honourable senators, this first century of our experiment with federalism has proved that it was basically sound for the period that has just been completed. We must now show our willingness to adapt the application of our Constitution to changing needs and changing conditions. As remarked in the Speech from the Throne:

> It is in this spirit that the government has in recent years actively promoted the reform of detailed federal-provincial arrangements which, with the fundamental law, compose the constitutional structure of our country.

In other words, without changing the B.N.A. Act on some points, as Senator Thorvaldson remarked, it is possible to develop and to improve procedures for consultation and co-ordination between Ottawa and the governments of our ten provinces. Such a reform, such a system of intergovernmental co-operation, becomes with time more and more necessary for the effective operation of our federal system.

It seems clear, for instance, that the Quebec Government wants to take charge completely of social security in our province. From this, it must not be concluded that Ottawa trespassed on provincial rights when it inaugurated a system of social security. Such legislation on social security was not an encroachment on the prerogatives of the province. For one reason or another, Quebec at that time could not or would not initiate its own system in a great part of social legislation. That field was unoccupied and Ottawa stepped in to fill that vacuum. Amendments to our Constitution were obtained for Unemployment Insurance and for Old Age Security. Federal contributions were accepted for promoting vocational training, for family allowances, for hospitals, etc. Quebec now wants to recover its unused jurisdiction. I hope sincerely that this result can be achieved in a reasonable way, provided federal-provincial negotiations are carried on in good faith and with a sincere intention to render justice to all parties concerned.

It would be premature, honourable senators, to take steps to amend our Constitution when we do not know yet what changes the majority of our population wants to be introduced in the B.N.A. Act or on what principles a new Constitution should be based.

The Speech from the Throne refers to an orderly reform "which may well be the best way of preserving and strengthening our heritage," but evidently "the most careful consideration must be given to what we do." In this matter, there must be room for a sober second thought.

Constitutional studies, which I have not had the opportunity to read, have recently been tabled in the Ontario Legislative Assembly. The Quebec Legislature appointed a few years ago a special committee to study our Constitution and to report on the changes which it would deem advisable. Personally, I am very anxious to take communication, as soon as possible, at least of a preliminary report from the Quebec committee on the Constitution. From that moment we would know at least to some extent what problems may be studied in what I would call a concrete manner and not purely in the matter of theories or doctrines. I hope that the recommendations which will be made to our provincial authorities will show wisdom and good judgment and a sense of realism. I trust that the changes to be contemplated will, after full discussion, be of such a nature that they can be implemented in a practical way and without destroying—that is the vital point, without destroying—our country as we know it. We have not yet reached the stage where a legal draft may be made to embody such fundamental amendments. Instead of speaking in general terms and of proclaiming vague principles which may be interpreted as meaning many different things, according to the various mentalities of those who use such phraseology, it is high time to define clearly what is really wanted.

A politician in Quebec once said that he was in favour of an associate state. He added "I don't know what it is, but I am in favour of it." Well, I am sorry, but this shows a complete lack of responsibility, because this is a very serious matter and I do not think that the proof of the validity of the benefits of an associate state have yet been shown anywhere in the world. It was tried at the end of the colonial period of what I would call the French Empire for the countries of North Africa, and the result was purely and simply the end of the colonial empire.

Two of my good friends, an excellent Conservative notary, Marcel Faribault, and a good Liberal lawyer, Robert M. Fowler, remain the only ones of our prominent businessmen who have submitted in black and white their suggestions in a book intituled *Ten to One*. It is the only tentative draft which just now we can possibly have before us, and I submit that it can be studied with great interest even in the matter of the reform of the Senate.

I do not accept the point of view of those two authors with regard to everything, but it is the only way in which we can know with what part of their work we agree and with what part we disagree; it is the only way to try to proceed in a reasonable and practical fashion, to have a text, I repeat, in black and white. I am sorry there are only two prominent businessmen who have taken the trouble to present us with such an excellent essay.

The Speech from the Throne states that studies to obtain the best advice on constitutional reforms are now under way, with a view to subsequent consideration of the whole problem by Parliament. Recently, an eminent Montreal lawyer, Carl Goldenberg, Q.C., and a distinguished professor, Professor Head from western Canada, have been appointed Counsel and Assistant Counsel to serve on the team now working here in Ottawa on constitutional matters. It gave me great satisfaction to be made aware of those developments.

Personally, I am convinced that the Government is following the right course in this important matter, because it is necessary to gather as quickly as possible the documentation required for the deliberations of a constitutional conference. Such a conference cannot be called unless the papers required for its deliberations have first been prepared and classified. Otherwise, I believe it would simply result in confusion. There is no clear public opinion on those questions and, in a certain sense, we would not know with what part of the reforms we should begin.

The necessity for amendments to our Constitution is, to a large extent, the consequence of the evolution of our concept of the state. The interventions of the state 100 years ago were of a purely negative character. The state had more or less the role of the glorified policeman. It was there to prevent breaches of the peace; it was there to repress crime. It was the era of individualism, of "laissez faire, laissez aller," and the state was supposed to interfere as little as possible with the liberty of the individual. Unlimited competition, or the law of the jungle, was the rule, and the result was the survival of the fittest. Poorhouses existed for those who had failed, but the community had not yet devised any scheme to give to all its citizens, at the start, an equal opportunity to secure by their own efforts sufficient means to provide for the mass of the people a decent standard of living, not only during the active part of their life, but also during their old age.

The Speech from the Throne states very clearly that what must be "the central concern of Canadian society" is:

> the well-being of each individual, so that, regardless of his place or station at birth, he will have an equal chance to realize his full potential in the economic, social, political and cultural sense.

By way of conclusion of that doctrine of equal opportunity, the Speech from the Throne proclaims:

> A country is a home—

I think this sentence is really full of meaning; it is in itself a whole philosophy.

> A country is a home; it must be built and furnished for the good life of its people.

Let me now apply this doctrine to the particular case of the Canadians of French origin. Speaking for myself, I declare without any hesitation that I feel at home anywhere in Canada, from the Atlantic to the Pacific and from our border to the south to our Arctic regions. However, we should try to find ways to have all Quebeckers and all Canadians of French origin feel at home wherever they are in Canada. I want us to show to all our fellow Canadians that we are earnestly carrying on our struggle "against social injustice, against cultural mediocrity, against spiritual stagnation and against all forms of intolerance." Again, those words are to be found in the Speech from the Throne.

Surely, this is a great ideal. In its pursuit, we are inspired by the glorious example of our forefathers whose mission it was to occupy and develop this northern half of the New World. For their heroic display of physical effort, for their sacrifices in pursuing this gigantic task and in surmounting obstacles which seemed impossible to conquer, let us pay a tribute of admiration to those who have preceded us and who have left us that splendid heritage.

By way of conclusion, I wish to refer to a booklet I received at the beginning of the month from the Ambassador of the United States to Canada. It is an interesting publication entitled, *The Great Ring of Canada.* On the first page there is a foreword signed by no less a person than President Johnson. The first citizen of our good neighbour notes that:

> For a century Canadians have fought to fashion a strong nation stretching across a hard and untamed continent. They have succeeded beyond the dreams of the pioneers of 100 years ago.

The President adds:

> Today Canada is a prosperous land of free people deeply committed to the cause of liberty.

The President of the United States is quite right when he states that we live in a democratic society. I would add that our Canadian society is inspired by an ideal of social justice, that it believes ardently in social justice, that it wants also to be a "good society"—to use an expression so often found in the speeches made in the great republic—a society in which it is good to live, whether we be young or old. Yes, we trust that it will be possible to give to every Canadian a guaranteed minimum income. Yes, we want, with all our hearts, to succeed in our war against poverty. We are thankful to President Johnson for having extended to us, on behalf of all Americans, their warmest congratulations on our great achievements of the past century, and for having expressed to us their best wishes for a successful and prosperous future.

Honourable senators, we are proud of our past and our ancestors. We are anxious to imitate them, to preserve and to continue to develop our sacred heritage, this wonderful land of ours.

For our future, "In God we trust". May our success and our prosperity continue to flourish. If we really want such a blessed era not to cease—and I quote once more from the Speech from the Throne—we "must be aware that as our success and promise of today rest on the actions of the past, so what we have tomorrow will depend on what we do today." For the succeeding generations, the present is the continuation of the past, as tomorrow will be the continuation of today.

May God continue to guide us.

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

ST-JEAN-BAPTISTE DAY

TELEVISION COVERAGE OF PARADE IN MONTREAL

Hon. John J. Connolly: Honourable senators, I rise on a question of privilege.

Since we will not be sitting again until June 27, and since the day of the patron saint of French Canadians is Saturday, June 24, I should like to draw the attention of the Senate to something that occurred last year, which I thought was of particular national significance. It was the celebration of the Feast of St-Jean-Baptiste by a great parade in Montreal. The parade was carried over the French TV network. I watched it because I happened to be alone in the country, and I had my television set tuned to the French channel. I was most impressed with the program, and I thought it was a great pity that there were no English commentators, and that this great event was not broadcast to all parts of Canada. It is one of the great demonstrations that takes place spontaneously in this country.

I am mentioning it at this time in the hope that it will be reported in the press. I am personally going to get in touch with the C.B.C. to see if it can be broadcast on the English network, in the same way as it is on the French network.

I draw it to the attention of the Senate because it is a matter of national significance and importance.

The Senate adjourned until Tuesday, June 27, at 8 p.m.

THE SENATE

Tuesday, June 27, 1967

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

Prayers.

DOCUMENTS TABLED

Hon. John J. Connolly: Honourable senators—perhaps I should address you as My Lords, because the seating arrangement in the chamber tonight is similar to that of the House of Lords. Their Lordships sit on benches like these, instead of on chairs behind desks.

I now table the following documents:

Report of the National Research Council, including the Report of the Medical Research Council, for the fiscal year ended March 31, 1967, pursuant to section 16(3) of the Research Council Act, chapter 239, R.S.C., 1952, and also the Report of the Canadian Patents and Development Limited for the same period, 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).

Order in Council P.C. 1967-1130, dated June 6, 1967, 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 rails and track accessories by Ferrocarriles Nacionales De Mexico from Dominion Steel and Coal Corporation, Limited, 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, June 14, 1967, pursuant to section 7 of the Regulations Act, chapter 235, R.S.C., 1952. (English and French texts).

Report of the Postmaster General for the fiscal year ended March 31, 1966, pursuant to section 77 of the Post Office Act, chapter 212, R.S.C., 1952. (English and French texts).

Copy of Treaty on Principles governing the Activities of States in the Exploration and use of Outer Space, including the Moon and other Celestial Bodies. Done at London, Moscow and Washington January 27, 1967. (English and French texts).

Report of the Agricultural Stabilization Board for the fiscal year ended March 31, 1967, 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, 1967, pursuant to section 7 of the Agricultural Products Board Act, chapter 4, R.S.C., 1952. (English and French texts).

Report on the Administration of the Canada Labour (Standards) Code for the fiscal year ended March 31, 1967, pursuant to section 49 of the said Code, chapter 38, Statutes of Canada, 1964-65. (English and French texts).

Report on the Operations 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, 1967, pursuant to section 20 of the Municipal Development and Loan Act, chapter 13, Statutes of Canada, 1963. (English and French texts).

Report of the Atomic Energy Control Board of Canada for the fiscal year ended March 31, 1967, pursuant to section 21(1) of the Atomic Energy Control Act, chapter 11, R.S.C., 1952. (English and French texts).

Report of the number and amount of Loans to Immigrants made under section 69(1) of the Immigration Act for the fiscal year ended March 31, 1967, pursuant to section 69(6) of the said Act, chapter 235, R.S.C., 1952 (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, 1967, pursuant to section 321 of the said Act, chapter 29, R.S.C., 1952. (English and French texts).

OUTER SPACE TREATY—URGENCY TO RATIFY

Hon. Mr. Connolly (Ottawa West): Honourable senators, perhaps I should take this opportunity to make a short statement about the ratification by Canada of what is now known as the Outer Space Treaty. The intention is that Canada should ratify the treaty touching the principles governing activities of states in the exploration and use of

outer space, including the moon and other celestial bodies. An order in council authorizing such ratification will shortly be passed.

I should first say something about the reason why ratification by Canada is a matter of some urgency. It is because the three depositary countries—the United Kingdom, the United States and the Soviet Union—are themselves in the process of ratifying this treaty in accordance with their respective constitutional procedures. The three governments will soon agree on the date upon which each will deposit its instrument of ratification with the other two, as prescribed in the treaty, thereby bringing it into force. Once this has happened other countries will be able to deposit their instruments of ratification and thus bring the treaty into effect for themselves.

Canada played an active part in the negotiations which culminated in the adoption of the text of the treaty. Since Canada was one of the first countries to sign the treaty on January 27, this year, it is thought that we should be among the first to ratify it. The treaty, a copy of which I have already tabled, is intended to ensure that outer space, the moon and other celestial bodies, will be explored and used only for peaceful purposes and that there can be no national appropriation of any such body.

The parties to the treaty undertake not to place in orbit around the earth any body carrying nuclear weapons or any other weapons of mass destruction, or install such weapons in or on celestial bodies or station such weapons in outer space. The establishment of military bases, installations and fortifications on celestial bodies, and the testing of any type of weapons there are also forbidden.

These terms incorporate the main ideas expressed in the 1963 United Nations resolution on outer space.

The treaty emphasizes freedom of scientific investigation on celestial bodies. It also stresses co-operation among states, both in avoiding the contamination of outer space and in the dissemination of information on conditions which might cause harm to the health or affect the safety of astronauts. States which are party to the treaty are to consider, on the basis of equality, requests from other parties to build tracking facilities on their territory for observing the flight of space objects.

The treaty does not, by its terms, require any legislative action on the part of those countries which become parties to it.

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It would be particularly appropriate for Canada, by ratification, to be among the first countries formally to accept the principles which the treaty enshrines.

Hon. Mr. Brooks: May I ask the honourable leader if this is the treaty which was drawn up by the International Legal Committee of the United Nations?

Hon. Mr. Connolly (Ottawa West): The treaty follows the lines of the resolution which was passed at the United Nations in 1963.

PUBLICATION OF STATUTES ACT

BILL TO AMEND—FIRST READING

Hon. John J. Connolly presented Bill S-18, to amend the Publication of Statutes Act.

Bill read first time.

Hon. Mr. Connolly (Ottawa West) 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.

BRITISH COLUMBIA—YUKON—NORTHWEST TERRITORIES BOUNDARY BILL, 1967

FIRST READING

Hon. John J. Connolly presented Bill S-19, respecting the boundary between the Province of British Columbia and the Yukon and Northwest Territories.

Bill read first time.

Hon. Mr. Connolly (Ottawa West) 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.

DIVORCE

REPORTS OF COMMITTEE ADOPTED

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, presented the committee's reports Nos. 129 to 230, inclusive.

The Hon. the Speaker: When shall these reports be taken into consideration?

Hon. Mr. Roebuck: I move, with leave, that these reports be considered now.

Motion agreed to and reports adopted.

RESOLUTIONS ADOPTED

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 123, for the relief of Thelma Williams Huggins.

Resolution 124, for the relief of Gail Patricia Sheel Waugh.

Resolution 125, for the relief of Joan Mary Claridge Scanlan.

Resolution 126, for the relief of John Denys Sykes.

Resolution 127, for the relief of Diane Francena De Boo Bradeen.

Resolution 128, for the relief of Neeltje Pijl Sluyter.

Resolution 129, for the relief of Blandine Jeannine Cyr Grimard.

Resolution 130, for the relief of Barbara Ann Marks Reimann.

Resolution 131, for the relief of Jean Paul Giroux.

Resolution 132, for the relief of Maria Concetta (Constanza) D'Amato Montpetit.

Resolution 133, for the relief of Eva Von Gencsy (Kromer) Murray, otherwise known as Eva Von Gencsy (Kromer) Muray.

Resolution 134, for the relief of Andre Jacques Paul Heurtaux.

Resolution 135, for the relief of Anita Looff Friedrich Erk.

Resolution 136, for the relief of Joseph Rene Jean Demers.

Resolution 137, for the relief of Jean Jacques Seinet.

Resolution 138, for the relief of Gerard Lalande.

Resolution 139, for the relief of Linda Vira Jorgensen Hamblin.

Resolution 140, for the relief of Mary Patricia Almida Lavoie Nelson.

Resolution 141, for the relief of Peter Arthur Lariviere.

Resolution 142, for the relief of Sarah Sadie May Orifice Ferguson.

Resolution 143, for the relief of Albert Marcel Biolley.

Resolution 144, for the relief of Jacques Thivierge.

Resolution 145, for the relief of William MacKenzie Bissell.

Resolution 146, for the relief of Joseph Georges Malone.

Resolution 147, for the relief of Monique Daigneault Coletta.

Resolution 148, for the relief of Brenda Botner Bobrow.

Resolution 149, for the relief of Annie Ellis Campbell Jack Brockett.

Resolution 150, for the relief of Ernest William Nyberg.

Resolution 151, for the relief of Florence Stella Maxwell Vatsis.

Resolution 152, for the relief of Pauline Ellen Potter McAinsh.

Resolution 153, for the relief of Clara Belle Covey Bradford.

Resolution 154, for the relief of Helena Remmerswaal Mitchell.

Resolution 155, for the relief of Rose Marie Weissman Goldsmith.

Resolution 156, for the relief of Micheline Charette Lefebvre.

Resolution 157, for the relief of Roger Durocher.

Resolution 158, for the relief of Robert Samuel Dimo.

Resolution 159, for the relief of Colette La Riviere Charbonneau.

Resolution 160, for the relief of Patrick Lawson Craig.

Resolution 161, for the relief of Veda Yvonne Vincent Narwani.

Resolution 162, for the relief of Gary Clinton Hopps.

Resolution 163, for the relief of Frederick George Field.

Resolution 164, for the relief of Joyce Patricia Johnson Hall.

Resolution 165, for the relief of Frances Anne Montgomery Hastie.

Resolution 166, for the relief of Renato Paolo Gladich, otherwise known as Renato Paolo Gladio.

Resolution 167, for the relief of Jeannine Goedike Denis.

Resolution 168, for the relief of Rita Amor Bell Mallal.

Resolution 169, for the relief of Jean Guy Talbot.

Resolution 170, for the relief of Jacqueline Cormier Donnelly.

Resolution 171, for the relief of Lolita Di Murro Di Raddo.

Resolution 172, for the relief of Joan Hazel Beverly McKinnon Pelletier.

Resolution 173, for the relief of Catherine Patricia Butler Cox.

Resolution 174, for the relief of Maurice Bonneville.

Resolution 175, for the relief of Caroline Susan Clark Cooper.

Resolution 176, for the relief of Marcelle Tremblay St. Amant.

Resolution 177, for the relief of Leslie Earl Davidson.

Resolution 178, for the relief of Merlene Petronella Pitts Sealy.

Resolution 179, for the relief of Clifford Henry Hale.

Resolution 180, for the relief of Ladislav Venecek.

Resolution 181, for the relief of David William Keefe.

Resolution 182, for the relief of Aline Langlois Nadon.

Resolution 183, for the relief of Jean Guy Sylvestre.

Resolution 184, for the relief of Eleanor Belkin Kuhnreich.

Resolution 185, for the relief of Corinne Ruby Richter Harrison.

Resolution 186, for the relief of Isabella Ledgerwood Phillips Clowes.

Resolution 187, for the relief of Jacques Jobin.

Resolution 188, for the relief of Katherine Bertha Bloom Wakeling.

Resolution 189, for the relief of Edwin James Learning.

Resolution 190, for the relief of William Ward Dunsmore.

Resolution 191, for the relief of Julia (Julie) Schneider Symington.

Resolution 192, for the relief of Judith Marilyn Fredericks Symonds.

Resolution 193, for the relief of Louise Lafrance Coutu.

Resolution 194, for the relief of Joseph Elie Leo Lavallee.

Resolution 195, for the relief of Frank Burgess.

Resolution 196, for the relief of Carol Marilyn Victoria Corp Garbarz.

Resolution 197, for the relief of John Peter Donald.

Resolution 198, for the relief of Issie Blant, otherwise known as Issie Bland.

Resolution 199, for the relief of Louise Larocque Coutu.

Resolution 200, for the relief of Laura Woollett Sclater MacGregor.

Resolution 201, for the relief of Douglas Archibald McAllister.

Resolution 202, for the relief of Estelle Blanchette Morel.

Resolution 203, for the relief of Joseph Antoine Adrien Legault dit Deslauriers.

Resolution 204, for the relief of Christina Law Patterson Scott Ramsay Lachapelle.

Resolution 205, for the relief of Bogna Halina Andersson Suzuki.

Resolution 206, for the relief of Erwin Gauf.

Resolution 207, for the relief of Lucy Mary Cahill McManaman.

Resolution 208, for the relief of Jean Lawrence Mills L'Esperance.

Resolution 209, for the relief of William Harold Maxwell.

Resolution 210, for the relief of Marie Martha Laura Reumont Holland.

Resolution 211, for the relief of Alice Maria Heyno Dunkers Hollander.

Resolution 212, for the relief of Patrice Verna De Riggs Wilkinson.

Resolution 213, for the relief of Joseph Aime Raymond Lagarde.

Resolution 214, for the relief of Louis Lachapelle.

Resolution 215, for the relief of Regina (Regine) Miller Zylberberg.

Resolution 216, for the relief of Phyllis Joyce Crooks Broomfield.

Resolution 217, for the relief of Marie Cecile Rejeanne Poissant dit Boileau Dansereau.

Resolution 218, for the relief of Denise Lalonde Ianuzzi, otherwise known as Denise Lalonde Iannuzzi.

Resolution 219, for the relief of Marie Agnes Oppenheim Konig.

Resolution 220, for the relief of Claude Plouffe.

Resolution 221, for the relief of Marie Lise Paquette Lalonde.

Resolution 222, for the relief of Rita Gasparo Brilotti, otherwise known as Rita Gasparro Brillotti.

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

Hon. Mr. Roebuck: With leave, I move that they be adopted now.

Motion agreed to.

FINAL REPORT OF SPECIAL JOINT COMMITTEE PRESENTED

Hon. Arthur W. Roebuck, Joint Chairman of the Special Joint Committee of the Senate and House of Commons on Divorce, presented the committee's second and final report.

He said: Honourable senators, I have a document in my hand that has taken me, along with the rest of the committee, a very long time to complete and to put into this form. I have the honour to present the second and final report of the Special Joint Committee of the Senate and House of Commons on Divorce.

The Clerk Assistant (reading): The Special Joint Committee of the Senate and House of Commons on Divorce makes its second and final report as follows—

Hon. Senators: Dispense.

Hon. Mr. Roebuck: May I have the privilege of addressing the Senate for a few minutes?

Hon. Senators: Agreed.

Hon. Mr. Roebuck: I hope that honourable senators will bear with me for at least a little while. I realize that this subject has been a special duty and responsibility of the Senate for 100 years, and that no consequential amendments to the laws regarding divorce have been before us in all that time, with four minor exceptions.

Honourable senators will remember, of course, the Dissolution and Annulment of Marriages Act which was passed. That was one of the amendments and a fairly important one. Then there was the change, as you will also remember, in 1930, when we made a partial correction of the ancient rule with regard to the domicile of wives deserted by their husbands. Then there was the empowering of the courts of the Province of Ontario to hear divorce petitions and to adjudicate thereon, and there was the trifling matter in British Columbia of transferring the right of appeal in divorce matters from the courts of first instance to the Court of Appeal of that province. That is everything that has occurred with regard to the substance and procedures in the law of divorce that has occurred in Canada in the last hundred years. Thus a very great task was undertaken by the committee which I have the honour to represent at the moment. This committee entered into a virgin field, with a very great deal of material and very much to alter and consider. For that reason I wish to give some assistance to my fellow members when they come to read the report which will be in their hands, I have been promised, tomorrow.

Before doing so there is an explanation which I think I owe to this house. This chamber is entitled to know the contents of a report to Parliament prior to the information being published. Yet, honourable senators will remember that on Wednesday last, June 21, the members of the house heard, or most of them did at least, on the air and read later in the press what purported to be the particulars of this report of the Special Joint Committee on Divorce. This report was not in existence when you heard those reports made on the air and read them in the press. This report has not been made public until this moment when I have presented it to this house, and I wish to assure my fellow members in this chamber that that information was not divulged by the committee, or on its instructions, or by the joint chairmen or by either of them. The information was pirated from the committee while in private session, meeting *in camera,* for the purpose of considering and preparing this report. The information contained comes in large part from a memorandum prepared as the basis for discussion by the committee in private, and the report, as I said, was not then in existence. Those who published the report well knew at that time that it was the private proceedings of a parliamentary committee meeting in secret, in private, *in camera.*

Now, what I would like to point out is that the publication of information of a private meeting of a parliamentary committee is a breach of the privileges of Parliament. It is not only that: it is action in contempt of Parliament.

Some Hon. Senators: Hear, hear.

Hon. Mr. Roebuck: I might point out that committees of Parliament are regarded in parliamentary law, traditionally, and at the present moment, as part of Parliament itself and of the house that constitutes the committee in question.

Item 203 of the Third Edition of Beauchesne says this:

> It is declared to be a breach of privilege for a member, or any other person, to publish the evidence taken before a Select Committee, until it has been reported to the House.

I am speaking strongly, not that I have any feeling particularly in the matter, but because there will be many such parliamentary com-

mittees in the future, from time to time, which will surely be entitled to their privacy when meeting *in camera* to consider their advice to Parliament. To spy on a committee of that kind is very much like eavesdropping on a jury when it is considering its verdict. Further, I point this out, that were the privacy of members of Parliament not respected when sitting in a committee behind closed doors, it would be impossible for our committees to function properly. I want it clearly understood that no matter who gives the information away, that institution which publishes information obtained as a result of a violation of a confidence entrusted to someone, is doing so in contempt of Parliament, in breach of the privileges of Parliament, and is making the carrying on of the work of Parliament almost impossible.

Hon. Mr. Walker: As many of us had not realized that this had happened, would the honourable senator be good enough to tell us the newspaper involved?

Hon. Mr. Roebuck: No, I will not.

Hon. Mr. Walker: That is not important?

Hon. Mr. Roebuck: I do not know who gave the information out, and I am not interested in that. I am interested only in those newspapers, and radio or television stations which took advantage of a breach of confidence and published a report contrary to the privileges of Parliament. It is the institution I consider, not the individuals. I would rather not go into detail as to just who was responsible. I do not know who was responsible.

Honourable senators, I felt duty bound to make that statement. May I turn now to something more pleasant, I hope, and that is the report of the committee itself.

Hon. Mr. O'Leary (Carleton): Before the honourable senator proceeds, may I ask if he has considered the fact that some member of his committee leaked this information to the newspapers he is talking about?

Hon. Mr. Roebuck: Are you asking if it was a member of the committee?

Hon. Mr. O'Leary (Carleton): Yes.

Hon. Mr. Roebuck: I have no means of knowing, but I can do my guessing.

Hon. Mr. O'Leary (Carleton): Unless the report is entirely untrue, surely somebody must have leaked the information to them, and that somebody could only be a member of your committee. You are denouncing the press as a whole. I should like to ask the honourable senator if he has discussed this with members of his committee.

Hon. Mr. Roebuck: I am not a detective, and I am not interested in accusing any honourable senator or any honourable member of the House of Commons of violating a confidence. All I know is that some news media that should be responsible transferred that confidence to the public.

Hon. Mr. O'Leary (Carleton): But, sir, you must know the news media that published the information. You are indicting the whole institution of the press—why would you do this? You know where you read this information.

Hon. Mr. Roebuck: I heard it on the air.

Hon. Mr. O'Leary (Carleton): If the Toronto *Daily Star* first published the information, then why not say so?

Hon. Mr. Roebuck: I heard it on the air. That is all I know.

Hon. Mr. Thorvaldson: Was it the C.B.C. that broadcast it?

Hon. Mr. Roebuck: Yes, I heard it over the air.

Hon. Mr. McCutcheon: And did you read it in the Toronto *Daily Star*?

Hon. Mr. Roebuck: That is as far as I am going.

Hon. Mr. Walker: Did my honourable friend not read it in a newspaper?

Hon. Mr. Roebuck: I am not going to be cross-examined.

Hon. Mr. Walker: Why not?

Hon. Mr. Roebuck: You read the newspapers.

Hon. Mr. O'Leary (Carleton): I would ask the honourable senator to be frank with us.

Hon. Mr. Roebuck: I have told honourable senators that I heard it first in a C.B.C. broadcast. Once it has been made public I cannot see how other newspapers could avoid making reference to it.

Hon. Mr. Walker: You are accusing the Toronto *Daily Star*, are you not?

Hon. Mr. O'Leary (Carleton): Exactly.

Hon. Mr. Roebuck: No, I am not.

Hon. Mr. Thorvaldson: May I ask the honourable senator, was it more than one newspaper that published this report originally, or only one?

Hon. Mr. Roebuck: I have not read them all.

Hon. Mr. O'Leary (Carleton): But you read some?

Hon. Mr. Roebuck: Yes, and so did you. You can get up and say where you read it, if you wish.

Hon. Mr. O'Leary (Carleton): I know nothing about it, but if I were making an accusation against the press I would specify the newspaper or newspapers in which I read the report.

Hon. Mr. Roebuck: I will leave that to honourable senators. I have put the facts before my colleagues, and I give warning that publication of private information of that kind of a parliamentary committee is a breach of the privileges of Parliament. That is as far as I am going. If you want to accuse some newspaper of it, go ahead and do it.

Hon. Mr. Grosart: Will the honourable senator permit a question? Does he think it fair to single out one TV network and name it, and then, having said he read a report in the press, to refuse to name the newspaper? The honourable senator has named the C.B.C. I ask him, in all fairness, to name the newspaper in which he says he saw this report.

Hon. Mr. Roebuck: No, I will not do that.

Hon. Mr. Walker: Why not?

Hon. Mr. O'Leary (Carleton): You are indicting the whole press. You will not name the one newspaper in which you saw it.

Hon. Mr. Roebuck: I am not indicting the press at all. I told you that I heard it first on the C.B.C. That is as far as my knowledge goes. You have read the newspapers, and you know just as much about this matter as I do.

Hon. Mr. O'Leary (Carleton): I never saw it in the press at all, but you did, and yet you refuse to name the paper in which you saw it.

Hon. Mr. Roebuck: I have made all the answer I am going to make. If I may, I shall return to what I hope is a more pleasant subject, namely, the report.

Honourable senators, the report is divided into five parts, the first of which contains the recommendations which are themselves divided into four divisions.

The first division contains descriptions of marital offences which have been considered grounds for divorce, and others that the committee considers should be made grounds for divorce. In the second division honourable senators will find incorporated the idea of the marriage breakdown as the result of certain actions on the part of one or other of the partners to the marriage which may not be marital offences, and which are certainly not offences of which one can be accused in court. The third division deals with separation. When the parties to a marriage have separated and the marriage has become a dead letter, and where the marriage partners have not been living together, the committee feels that one or other of them should be allowed to have the marriage dissolved.

In Part II will be found a very clear and somewhat comprehensive statement of the law of Canada and the various provinces. Our law and its history is stated there, as well as that of England, Scotland, Australia, New Zealand, and the States to the south of us, particularly the State of New York which for a long time allowed divorce on the ground of adultery only, very much as we have in Canada, but which more recently has widened the grounds for divorce very materially.

Let me come back to the first division. Adultery has been the ground for divorce, as all honourable senators know, for a long time. It was the ground for divorce because it was adopted as such in England in 1858, and the English law was made applicable in a number of our provinces as it existed on July 5, 1870.

Hon. Mr. Choquette: July 5 or July 15?

Hon. Mr. Roebuck: It was as of July 5, 1870.

Adultery, and in addition rape, sodomy and bestiality, have been grounds for divorce, according to the law of Canada, or most of its provinces, for a very long time. This report advocates that we make no change in that law as it stands today. In fact, no suggestion was made to the committee in its many hearings that that law should be changed, but only that it be extended.

It will be noticed that the next matter on which the committee advises is with respect to cruelty. Cruelty is a ground for divorce in England, Australia, New Zealand, and in some of the states of the United States. It has also been a ground for judicial separation in all the provinces of Canada except one, On-

tario, and that is because the courts of that province up to this date have not had the power to grant judicial separation. Cruelty is something that completely upsets the marital relationship and for a very long time it has been a ground for ending the marriage by judicial separation, without the right of remarriage, in all but one of the provinces of Canada.

The next matter is that of desertion. Where the wife or the husband has been deserted by the other spouse for a period of three years, during which there has been no cohabitation and where there is no reasonable expectation of a resumption of cohabitation within a reasonable period, then the committee recommends that that be a ground for divorce.

The next subject—and I must, of course, cover them quickly if I am not to make an unreasonably long speech—is wilful non-support. Of course, that is very prevalent as you know. The family courts of some of our provinces have made heroic efforts to obtain support for deserted wives. But frequently the husband cannot be found, and if he is found and brought back, often at considerable expense, he can beat the order easily by pleading poverty. Therefore, when the husband wilfully fails to support his family we think it is reasonable that the wife should be able to obtain dissolution of the marriage and perhaps make a better marital arrangement elsewhere.

Bigamy in our law has been considered adultery and has been acted on by our courts on the basis of adultery. It is quite obvious, however, that as the law stands, the applicant must prove not only the second marriage but also that the parties have been living together; that is, the adultery as well as the bigamous marriage must be proved. It does seem to us to be reasonable that if a husband or wife enters into a second marriage bigamously that should give the other party the right to dissolve the marriage.

Finally, in this division, is a wilful non-consummation extending for a period of at least one year. Honourable senators will remember that for a long time the Senate Divorce Committee and the courts of most of the provinces have granted annulments on the ground of non-consummation of marriage, but restricted to non-consummation as a result of some infirmity on the part of one of the spouses. In England, and as well in Australia and New Zealand, but not in Canada, a wilful refusal to consummate is considered ground for divorce. This committee is of the opinion that that should be the law in Canada, namely, that wilful refusal to consummate over a period of at least one year should give to the offended spouse the right to dissolve the marriage.

Those are the offences upon which the committee advises extension of the grounds for divorce.

The next division gives effect to the reasonable portion of the principle of marriage breakdown. We were strongly urged by quite a number of responsible witnesses to abolish all offences as grounds for divorce and to concentrate on one point, that is, marriage breakdown. If there is a breakdown, if cohabitation has ceased and there is no reasonable prospect of a resumption of marriage, irrespective of the actions of either of the parties, either party may apply for divorce. Well, that is quite a big order, is it not? The idea of marriage breakdown became public and widely so, because the Archbishop of Canterbury appointed a small committee to study the question of divorce. That committee brought in the widely-publicized report called *Putting Asunder*, in which it advanced the theory that all offences be abolished as ground for dissolution, and that the ground on which dissolution should be granted is the marriage breakdown, that is, that the marriage in fact no longer exists.

They pointed out that the change would be so great that our present methods of trial would be no longer sufficient and should be replaced by an inquisition, that is, the courts should be armed with social workers, professional persons, and others, and that when an application is made these people should go around and nose into the affairs of the family in question. That sounded all right when it was said, but it did seem to me and to most of the members that it would be highly objectionable to have social workers investigating the private affairs of the family and reporting to the judge behind the backs of the interested parties.

Perhaps I can give an illustration. Supposing my wife—unfortunately, I no longer have one—is suing me for divorce in the court, and the court puts the crews of social investigators on me. They will investigate the family, so I suppose the first person they would interview would be my mother-in-law. I have nothing against mothers-in-law.

Hon. Mr. Connolly (Ottawa West): Draw the line somewhere!

Hon. Mr. Roebuck: I think they are very fine people, but I can tell you that in a row

between a husband and wife the mother-in-law is a partisan of the wife, and quite naturally so.

Hon. Mr. Connolly (Ottawa West): Not always.

Hon. Mr. Roebuck: Pretty nearly always. There would be a good deal of chit-chat at the corner grocery store and elsewhere. Think what would happen when these investigators returned to the judge and informed him confidentially what they had found out. Would you say that would be less objectionable than the ancient methods of trial developed in England, and here for many years, where the accuser came in the open? An accused has a chance to know who is accusing him and what is the accusation and has an opportunity of reply.

Our committee has no intention of advising the abolition of our present methods of trial or of adopting the methods of inquisition of ancient Rome or, for example, present Spain or Germany. We will stay with the present methods.

While we are not prepared to scrap our present methods of trial or to abolish the ancient and well-known grounds for divorce, nevertheless this idea of marriage breakdown as a ground has some merit. When the marriage is, in fact, no longer in existence there is probably little reason for maintaining it at law. We are therefore recommending that when the marriage has broken down for a period of three years, during which there has been no cohabitation between the parties and there is no reasonable prospect of a continuance of cohabitation, and the breakdown is by reason of certain things which are not particularly accusations, then the court shall have the power to dissolve the marriage. The first is marriage breakdown because of illness, either physical or mental, in which the parties have been separated for at least three years and there is no reasonable prospect or likelihood of a resumption of cohabitation.

The next is criminality and imprisonment. The committee would hesitate to dissolve a marriage because of the criminality of the individual, but we would have no hesitation in dissolving the marriage because of the results of his criminality and imprisonment; that is, if the marriage has broken down and is gone, with no chance of its being revived, we would dissolve the empty shell.

Then there is the marriage broken down by reason of criminality and imprisonment, where the man has been serving a sentence of at least three years, or three years in successive sentences in a period of five years. In those circumstances the court in its discretion may declare the marriage dissolved.

The next cause is alcoholism and drug addiction. No one would wish to dissolve a marriage because the husband or wife was drunk, even it it were a continuous habit, but when drunkenness or drug addiction breaks up a marriage and it is gone and no longer exists, when it is just a husk of a marriage, then in three years, the report says, the court may, in the discretion of the judge, order that the marriage be dissolved.

Next, there is disappearance. You know that when a husband or a wife has disappeared for a period of seven years, section 240 of the Criminal Code provides that if the deserted wife or husband marries again, he or she cannot be charged with bigamy, provided that for the previous seven years they had no knowledge of any kind, either from the party or of the party.

I think the presumption is that the man or the woman is dead. However, the only provision in the law is that if the deserted person marries again he or she cannot be prosecuted for bigamy.

Hon. Mr. Thorvaldson: May I ask a question? I understood that in cases of desertion for seven years, it was necessary for the deserted spouse to get an order of the court presuming the death of the other spouse. Is that not necessary at the present time?

Hon. Mr. Roebuck: That is provincial practice. Under those circumstances, when one of the parties applies for a marriage licence, some of the provinces at least require that the party applying have done everything possible to find the other spouse. We provide the same thing in our recommendation. But notice that the law in Canada does not provide that the marriage is dissolved by reason of the disappearance for seven years of one of the spouses. Therefore, if the spouse does turn up, the original marriage still stands, the second marriage is void and the children of that second marriage are illegitimate.

Hon. Mr. Thorvaldson: But, honourable senator, is not that a very reason for requiring an order of the court as to presumption of death of the other spouse, because that locks the door in regard to the marriage you are dealing with now. Is that not the case?

Hon. Mr. Roebuck: No, it does not lock the door. If the original husband or wife turns up, he or she is still the husband or wife. That fact hangs over the heads of many peo-

ple, the horrible thought of a person who was supposed to be dead turning up and claiming rights as the husband or wife. Therefore, this committee recommends that when the party has disappeared and has not been heard of and when every effort has been made to locate him or her for a period of three years, in the discretion of the courts, the marriage may be dissolved. Then the man or woman who has been deserted may marry again without this cloud hanging over their heads.

Honourable senators, I know I am taking too long, but I cannot go more quickly. Briefly stated, those are the grounds we recommend for divorce, with these exceptions.

I have already stated that there is merit in the proposal that marriage breakdown be made a ground. Everyone knows of the thousands of cases where women particularly, and men too, have been deserted but there is no evidence of the desertion. Perhaps the parties have separated because of incompatibility, but the separation has continued for years and neither of them is able to remarry unless one will commit a marital offence and the other sue for divorce.

That is not healthy; it is not kind to those kept in such bondage. The marriage is a mere shell and in fact the marriage has long since disappeared.

Therefore, this committee recommends that separation for a period of three years, in which there has been no cohabitation and in which there is no reasonable prospect or likelihood of their future cohabitation, shall be a ground for divorce, but with a number of protective clauses.

The first clause is that the court shall have the right, if there is any possibility of bringing the parties together, to adjourn the trial for as long as it thinks fit, in order that during that period of adjournment an effort may be made to revive a love which the parties thought they had at one time but which later died an unnatural death. Also, there must be provision, when either spouse is applying on such grounds, for the maintenance of the wife and the children.

There is a further provision to ensure that no public interest is adversely affected. You will realize that some people are on welfare assistance, and the public interest is involved. Finally, such a decree shall not be unduly harsh to either of the parties involved.

Honourable senators, those are the grounds for divorce which this report advises be made the law of this country.

There are certain other matters of great importance which the committee has considered and on which it has made recommendations.

The first I would like to mention is the ancillary rights which the federal Parliament possesses at the time of, or in connection with, a decree of divorce. The committee is relying on the opinion of the then Deputy Minister of Justice, Mr. Driedger, who gave us a splendid opinion. It was that such matters as alimony, maintenance of the children, custody of the children, and access to the children, which follow a decree of divorce, are ancillary to the divorce and are within the jurisdiction of this Parliament.

Hon. Mr. Connolly (Ottawa West): Is that not something revolutionary?

Hon. Mr. Roebuck: No, not at all. I was about to say that in the early days, shortly after Confederation, the Parliament of Canada dealt with these matters as ancillary to divorce in a number of cases, but we have not been doing so in more recent years. One reason is that it was taken care of in the provinces.

We on the Divorce Committee are very conscious, when we give a decree of divorce, that we have not taken into consideration its effect upon the parties. Where a man or a woman applies for, and is granted a divorce, we make no order with regard to the maintenance of the wife and children, custody and access to the children, or anything of that kind.

Hon. Mr. Thorvaldson: Has this ancillary question been a subject which has been referred to a superior court, such as the Supreme Court or the Privy Council? In other words, has it been dealt with in respect of Canadian law, by a court?

Hon. Mr. Roebuck: No, in those words it has not. As I say, we have the considered opinion of the Deputy Minister of Justice, and we have our own thoughts, and most of us on that committee are lawyers. We are satisfied that this is within the Dominion jurisdiction. We are asking that the courts of those provinces having courts authorized to issue the decrees of divorce, together with ourselves here in the Senate, be empowered to deal with such questions as I have mentioned: alimony, custody and so on, with the exception that so far as we are concerned we do not wish our commissioners to deal with the division of marital property. That is not necessary. It is most necessary, however, that

they take care of the custody of the children and the support and maintenance of the wife and children at the time of the issue of the decree.

Hon. Mr. Choquette: Will that not apply only to the divorces which will come before the Senate, owing to the fact that our provincial courts now, as my honourable friend knows, on the grant of a dissolution, will look after questions of alimony and custody of children?

Hon. Mr. Roebuck: Yes.

Hon. Mr. Choquette: Where did those provincial courts get such jurisdiction, if not from the federal authority originally?

Hon. Mr. Roebuck: No, the provincial courts did not get any such jurisdiction from the federal Parliament. They got that jurisdiction in most provinces by laws in force prior to Confederation. We are not interfering with that jurisdiction, because we are recommending that the provincial courts shall have power to revise an order of the court which issues the decree of dissolution.

Hon. Mr. Choquette: Yes.

Hon. Mr. Roebuck: All that we recommend is that the courts of the provinces having power of dissolution and who give judgments as to the division of marital property, alimony and maintenance, may have those judgments revised at a later stage, which is most necessary. A decree of divorce is a solid, definite, lasting thing. That is settled. But questions of alimony, maintenance, custody, access and so on are continuing things.

That is the rule in the courts now. You may get a judgment on those matters today and return to the courts tomorrow, usually on the basis that new grounds have arisen, and you may have a revision of that judgment. And that will be so should our recommendation carry into law.

My colleagues who sit behind me at the moment will, I know, be interested in the next matter upon which we are advising. As I told you earlier, the domicile of the wife, according to the law that was in force in Canada for a very long time, went with the husband. If the wife was deserted in one of the provinces of Canada the wife's domicile went with the husband, the wife perhaps not knowing where. If she did know where and wished to take action against the husband, she had to follow the husband to his domicile and commence action there.

Well, that situation was so outrageously unjust that in 1930 we in this Parliament passed an act allowing the deserted wife who had lived in the province for a period of two years after desertion, to take action in the province where she was deserted.

Well, honourable senators, you will realize that travelling is relatively easy today, and a woman deserted in Halifax with parents living in British Columbia might very well return to her parents; but in such a case her only access to the courts will be in Halifax, Nova Scotia.

Many organizations representing women have complained against that unreasonable law. To meet the objections, therefore, we have advocated that we establish, for matrimonial purposes only, a Canadian domicile which will attach to any man who has a provincial domicile and which will attach to any woman, married or unmarried, as though she were an unmarried woman. That is a complete answer.

Note that we are not to become a "Reno" for divorce in this country. We have therefore provided that to have access to our courts the persons applying must have domicile in Canada; they cannot come here just for six months, as can be done in some States. They must come here to get domicile, that is, with intention of staying here permanently. Then, too, in order that we get rid of the idea of shopping around, as is done in Australia where the person may apply to enter the courts of any of the states of that country, we make this added provision: that the party applying shall have lived for a period of one year in the province of the court to which he applies.

So you have the two provisions: first, the party applying has to come here to live permanently; secondly, the party applying must reside for one year in the province where the action is taken.

There has been a great deal of discussion about condonation, connivance and collusion. We are defining collusion for the first time, so that it shall be perfectly clear in these divorce actions that the man and the woman have a right to confer over reasonable matters such as the division of property if the divorce goes through. There is the custody of the children, access to the children and such matters. That is the only honourable thing for them to do, but because of the confusion which exists in this regard lawyers are advising their clients not to talk to each other—the husband not to talk to the wife nor the wife

to the husband—while the proceedings are in progress, lest the court find that there is collusion and throw the case out.

Now, we are defining collusion and doing it clearly. It must be an evil arrangement such, for instance, that the wife will not oppose the husband in the court; that she will give false evidence; that a witness shall not be called; that the truth shall be covered up, and all that sort of thing. There is the still more virulent matter of the manufacture of evidence or the fabrication of evidence and the giving of false evidence. Agreements such as those are definitely collusive and we should stop them to the extent of our ability.

Condonation, you know, is where the parties have lived together, where there has been cohabitation.

Hon. Mr. Choquette: They have not only lived together, but after adultery has been committed they go on living together. That is condonation.

Hon. Mr. Roebuck: Yes. Now, we have provided that there shall be no revival. Once they have lived together the past is closed. Furthermore, we are providing that, if they go together for a time—and we have limited it to three months—with a main, primary purpose of conciliation, that shall not be considered condonation so as to cure the past, but the get-together must be only for that short period.

Connivance we are making discretionary, instead of a statutory bar as it is now.

The Province of Ontario is the only province in Canada that has not the authority in its courts to grant judicial separation, a form of divorce but without the right of remarriage. The reason for this was, I think, an inadvertent error in that when we passed the act of 1930 we mentioned "the dissolution of marriage" and we overlooked adding "judicial separation". So, the courts of Ontario have held that they have no power to grant judicial separation, which is a useful weapon in the hands of the courts. Therefore we are recommending that the courts of the Province of Ontario be given the power that is enjoyed by the courts of all the other provinces in this matter.

We had before us a very valuable witness in the person of the former Chief Justice of the Province of Ontario, the Honourable James McRuer. He, out of his vast experience, told us, and we know it very well ourselves, that the trial of divorce cases in the superior courts is not satisfactory. It has been the custom in the past when giving power to the courts to choose the superior court, but you will appreciate that the judges of superior courts sit in the county towns only every six months or so. They pass a long list of divorces, usually looking upon them as a positive nuisance. They get rid of them as fast as they can and then go on to something which they think is more important. Worse than that, as soon as they have issued the decree of divorce they go away. They may come back in six months but, likely as not another judge will come instead. Therefore if one wants a revision of a decision—not in divorce, of course, since you cannot revise a decree of divorce—in matters relating to alimony or custody and things of that nature, you have to apply at the Weekly Court in the City of Toronto, or Winnipeg, as the case may be.

Because of the great inconvenience this causes, His Lordship recommended to us, and we have accepted it enthusiastically, that we give concurrent jurisdiction to the county courts so that if one wishes to take action in the County Court, which is in his own county, and at less expense and with less complication than in the superior courts, he may do so. But if either of the parties desires to have the action heard in the Superior Court it can be moved into that court. However, even if they do that, this recommendation will give to the County Court judge the right to revise judgments, even if given by a Superior Court judge, from time to time as the circumstances require.

In my view, honourable senators, this will provide a great service, and will benefit a very great number of people.

Honourable senators, that is about all I have to say with the exception of one matter relating to parliamentary divorce. There have been those who have urged us to recommend that we transfer the jurisdiction which we now possess to the Exchequer Court. We have refused to make any recommendation in that connection for this good reason: for many years, long before Confederation, there has been a large body of people opposed to court trials in divorce matters, and it was for that reason that we have relied upon parliamentary divorce. We have avoided offending these people during this past one hundred years.

We should not now introduce a question of this kind with regard to a mere matter of procedure and which would do no particular good to anyone. The men who are now trying these cases as commissioners are judges of that court, and we should not take the risk of an upset on something that is of no particular

value, and which would give no relief to anyone. For this reason, we have not touched that question at all. However, honourable senators will recollect very well the difficulty we had in the matter of appeal. As you are all aware, when we pass a resolution here dissolving a marriage, and one of the parties files an application for a private bill, our resolution is stayed until the bill has been disposed of. Now, that private bill is of course for divorce, and in the nature of things it is referred to the committee on divorce. But that committee has already passed on that case, inasmuch as it has recommended a resolution. Honourable senators opposite will remember that they objected on the first appeal we have had in three years, and as a result we appointed a special committee. This was unsatisfactory. Therefore, we recommend that the 30 days' delay be after the Commissioner has heard the case and before the committee has recommended a resolution. In contested cases, therefore, anyone who objects to what the Commissioner has found and recommended may come to the committee by way of appeal. The committee then may take such action and may make such report to this house as it finds to be just, and then when this house decides the case, that is it.

Honourable senators, that is the report, summed up very briefly, as you may imagine. I have omitted very much of what I would like to have said, but had I included all we would be here all night. It is a very extensive report, but I think that what I have said will help honourable members in the reading of it. I have no doubt that it will be discussed at great length in this chamber when the time comes. As you know, the Prime Minister has announced that a bill will be introduced next fall, and I hope it will contain the items that we have recommended. We have, of course, no responsibility in that regard; it will be a Government bill. But at that time I think we should enter into a very careful discussion of these recommendations. In the meantime you will have ample time to read the 265 pages of the report which I have just now presented.

Thank you for the time you have permitted me to take for this short, or perhaps I should say concise, survey of what we are proposing.

Hon. John J. Connolly: Honourable senators, it is not my intention to delay the house long. However, I think something should be said about the speech which has just been made by honourable Senator Roebuck.

It would indeed be like gilding the lily to commend him for his devotion over 14 years to the very arduous work of the divorce committee. But now after long and arduous hearings by the joint committee, working with a great many people, hearing almost a countless number of witnesses, because there were organizations as well as individuals who appeared before the committee, and preparing a report of the magnitude of this one, of more than 265 typewritten pages, I feel that Parliament, the Senate, Canada, is indebted to that committee, to its joint chairmen and, perhaps more especially, to Senator Roebuck for this monumental piece of work.

Hon. Senators: Hear, hear.

Hon. Mr. Connolly (Ottawa West): It is indeed a *magnum opus*. It is a review of a very difficult and contentious problem. Senator Roebuck would be the first to concede that a good many of the provisions in this report will not receive the full commendation of every member of the Parliament of Canada. Nonetheless, a great piece of work has been done, and I am sure all honourable senators cannot but believe that Senator Roebuck played a major part in the compiling, editing and presentation of this report.

Personal references are perhaps not too appropriate but, with his permission, there is one thing that I would like to say to him in the presence of all his colleagues. First of all, his performance tonight has been a remarkable feat. He has stood with two small pages of notes and has given us the substance of 260 pages of report. But the remarkable thing is that this has been done by a man who is in his ninetieth year.

Hon. Senators: Hear, hear.

Hon. Mr. Connolly (Ottawa West): There are very few statesmen in the world who could do a job of this kind, preside over a committee the way he has presided with his co-chairman, contribute so much to preparing such a comprehensive report, and come to a deliberative body like this and give this account of what he has done.

I am sure that I voice the sentiments of all honourable senators when I say that we hope that Divine Providence will keep him with us for many years to come.

Hon. Senators: Hear, hear.

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

Hon. Mr. Roebuck: At the next sitting.

Hon. Malcolm Hollett: Honourable senators, may I be permitted to have the honour of saying a few words relative to the chairman of the committee, the honourable Senator Roebuck.

Unfortunately for me, the honourable Senator Connolly (Ottawa West) has taken the words out of my mouth: what he has said about Senator Roebuck was what I was about to say.

It is an honour for us all to be present in this assembly and to witness the performance of this man, the honourable Senator Roebuck. Soon after I was appointed to the Senate in 1962 he asked me to serve on the Divorce Committee, and under his guidance I have served on that committee ever since. I will say this, honourable senators, that I have never done anything under better guidance than that of the honourable Senator Roebuck.

This report is a magnificent achievement, a marvelous piece of work, to have been brought about by a man who, as has just been stated, is in his ninetieth year. Thousands—I am sorry to say, many thousands—of people in this Canada of ours will be full of gratitude for this report which we hope will be translated into legislation. As has been pointed out, we may not all agree with every concept in it, but we unanimously agree on this one thing, that it could not have been done so assiduously, so superbly, under the guidance of any other man I know. I want to congratulate the Senate on having a man of the type of Senator Roebuck as one of its members.

Hon. Gunnar S. Thorvaldson: Honourable senators, I wish to say that I heartily agree with the remarks of the Leader of the Government (Hon. Mr. Connolly, Ottawa West) and the honourable Senator Hollett.

However, I would like to go one step further and suggest that this is a great occasion in the life of the Senate and this Parliament. I think all of us, and particularly we lawyers, watched what happened in the British House of Commons with regard to the question of divorce 25 to 35 years ago. If I remember correctly, it was A. P. Herbert, M.P. who fought in the United Kingdom Parliament for many years for the reform of the divorce laws of that country. He performed his task with great devotion and, finally, the job was done in that country and the divorce laws were greatly improved. Indeed, the divorce laws of that country were at that time amended in most respects along the lines recommended by this report.

I for one, having done some work in the divorce courts in the early days of my practice, simply rebelled against the laws of our country at that time, and I wondered, when, oh when, would the Parliament of Canada exercise the common sense that even then I thought was due this problem, to reform the divorce laws of Canada.

I think that every one, indeed, millions of people in this country, have had feelings similar to mine in this regard: Why, oh why, does not the Parliament of Canada act, and why has it not acted in the last 20 or 30 years?

Honourable senators, I agree entirely with the remarks that have been made about the tremendous dedication that has been shown by the honourable Senator Roebuck in this cause. Indeed, when I entered this house in 1958 I recognized that the honourable senator was dedicated to the proposition that there must be an expansion of the grounds of divorce and a review and reformation of the divorce laws.

It has taken a long time, but I think the reason is obvious to all of us. It is very difficult in a country like Canada to change the law which is so deep-rooted in the social fabric of our country, affecting as it does the various religious groupings, the various social strata, and so on. Consequently, in Canada it has been much more difficult than in the United Kingdom, and it has taken us another 25 to 30 years to achieve what they did this many years ago.

I wanted to make these few remarks because, to my mind, this is a great occasion in the life of the Senate; and I say it will be a great occasion in the life of the Parliament of this country when we finally achieve an amendment to the laws substantially in accord with the report of the committee as it has been detailed to us tonight.

Hon. Allister Grosart: Honourable senators, I concur in the tributes that have been paid to Senator Roebuck. As he knows, I share in a personal way the respect of his colleagues for what he has done in the Senate, for what he has achieved in his career and for what he stands for in principle. For that reason, I regret that I have to disagree with him on one thing. I have to disagree with him on the indignation he showed concerning the premature disclosure of what was apparently on the minds of the members of the committee.

I was hoping that he would name the newspaper to which he was referring—not that I wanted any blame attached to that newspaper. On the contrary, I rise to support what that newspaper did in publishing the report. I assume that the honourable senator was referring to the report that appeared in the Toronto *Daily Star* of June 21 under the by-line of Mr. Walter Gray. I hasten to say that Mr. Walter Gray is a member of the Press Gallery who has the highest respect of his colleagues and of the profession.

The article is date-lined Ottawa, and it reads:

> Parliament will be asked next week to widen the grounds for divorce to include marriage breakdown, voluntary separation and such matrimonial offences as cruelty, sodomy, bestiality, conviction on a charge of rape and desertion.
>
> The recommendations are contained in a report now being drafted by a joint Commons-Senate committee which has been studying Canada's divorce laws for the past year.
>
> At present, adultery is the only grounds for divorce.
>
> The committee is meeting behind closed doors—and so on.

I point out, honourable senators, in spite of what Senator Roebuck has told us about a breach of the privileges of Parliament, that Mr. Gray was not reporting the meeting of the committee. He was not intruding himself into any *in camera* sessions. He was not quoting any memorandum or what was said in the committee. He was merely saying, in effect: There is a committee sitting. It is sitting *in camera*. From information I have received I think they are drafting a report, and this is what they are going to put in it.

Now, honourable senators, that is the normal practice of a newspaperman in the Press Gallery in respect of not only committees of Parliament, but also of caucuses and meetings of cabinet. Of course there are complaints. Of course people who hope to carry on their deliberations in secret, and who are found out by the press and whose deliberations are revealed by the press, are annoyed. I can understand Senator Roebuck's annoyance, but I do not concur in the blanket condemnation he has made of newspapers—and I presume he was referring to this newspaper, and to Mr. Walter Gray.

It may well be that this was a technical breach of the privileges of Parliament. I am not entirely sure, because the quotation from Beauchesne that the honourable senator gave us did not fully cover what happened in this particular case. However, even if it is a breach of the privileges of Parliament, I suggest to honourable senators that to endeavour to maintain that privilege would make us seem ridiculous. We would be saying, in effect, that any committee of parliament any caucus, or any cabinet, can say to the press; "We are meeting in secret. You must not say what we are doing. You must not try to find out what we are doing. If you do, you are in breach of the privileges of Parliament, or even in contempt of Parliament."

Honourable senators, as an ex-newspaperman I cannot believe for one minute that this action by Mr. Walter Gray in finding out what was going on in that committee was a breach of the privileges of Parliament, and it was certainly not in contempt of this institution. If Mr. Walter Gray was called before a court, or indeed called before the Bar of this House, and it was insisted that he disclose the source of his information, he would, I am sure, refuse to do so. He would refuse regardless of any request or demand made by any judge or even by this Parliament, and in doing so he would be acting in one of the finest traditions of the press. The right not to disclose the source of information is a right that has been fought for by the press.

The honourable senator did not know from where the leak came. I suggest to him that it occurred in one of the elevators. I do not know whether honourable senators have noticed—I certainly have, being an old newspaperman —that after any important meeting of caucus, of cabinet, or of a committee such as this, the elevators are filled with newspapermen, and all they have to do is listen to all the chit-chat that is going on. I think we shall have to blame the elevators for this, or perhaps the enthusiasm of the members of this committee for the very good work they have done—they just could not keep it to themselves. However, that is no reason for blaming Mr. Gray for obtaining this information.

The honourable senator said that this was eavesdropping. Of course, it was. Any newspaperman who is not an eavesdropper is not a newspaperman. I sympathize fully with Senator Roebuck. I can understand that he did not want any radio or television station or newspaper to take the cream off an announcement that was to be made, but I do not think any harm has been done. If the report was true, then it would have been harmless. If it was speculative and not entirely true, or even if it was entirely false, no harm would

have been done. I cannot concur in any statement that Mr. Walter Gray or the Toronto *Daily Star* was in breach of the privileges of Parliament, or that the members of the committee and the journalistic profession have been dishonoured.

Hon. Mr. Croll: Honourable senators, may I be permitted to ask the date of that newspaper report?

Hon. Mr. Grosart: It was published in the Toronto *Daily Star* of June 21.

Hon. Mr. Croll: What day of the week was June 21?

Hon. Mr. Grosart: Wednesday.

Hon. Mr. Croll: On the preceding Tuesday evening in the C.B.C. news broadcast the commentator referred to the report of this committee. During the 8 o'clock news the next morning I heard the report again. Whatever Mr. Gray wrote was by that time public knowledge because it had been broadcast over the airwaves the night before. Under no circumstances could Mr. Gray be held responsible, because the information by that time was available to anybody who wanted to print it. It may have appeared in other newspapers, and Mr. Gray did merely what any ordinary newspaperman would have done.

Hon. Mr. Grosart: In spite of what Senator Croll has just said, the story reads to me like a scoop for Mr. Gray, because what could very easily have happened is that Mr. Gray filed his story, the galley of which would have been available to the Canadian Press before the time of the broadcast. That is probably how it happened. I would like to believe that Mr. Gray obtained this outstanding scoop.

Hon. Mr. Argue: You will both be reported tomorrow.

Hon. Mr. Roebuck: Honourable senators, may I have the privilege of thanking my colleagues for the perfectly lovely things they have said about me. Senator Hollett's expression of friendship moved me greatly, and Senator Thorvaldson and others have made remarks so wonderful that one might treasure them for a lifetime. I am simply overwhelmed by what the honourable Leader of the Government (Hon. Mr. Connolly, Ottawa West) has said.

Let me just say thank you to all of you. I have enjoyed the friendships that are formed in this chamber. They cut across party lines. They are charming. They make the work done in this chamber worthwhile and rewarding. Please let me just pass the matter over with a very sincere statement of thanks.

Motion agreed to.

MOTION TO PRINT REPORT AS APPENDIX TO THE DEBATES OF THE SENATE AND TO THE MINUTES OF THE PROCEEDINGS OF THE SENATE

Hon. Mr. Roebuck, with leave of the Senate, moved:

> That the second and final report of the Special Joint Committee of the Senate and the House of Commons on Divorce, 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 date and form part of the permanent records of this House.

He said: Honourable senators, I should point out that I have the assurance of the Printing Bureau that the report which I have tabled will be ready for inclusion in this day's *Hansard* which honourable senators will receive tomorrow, if this resolution is passed.

Hon. Mr. Brooks: May I ask the honourable senator if this report will also be published in the House of Commons *Hansard*? It seems to me that there is far too much publication.

Hon. Mr. Roebuck: The report of the committee was presented simultaneously in both houses and will appear in the House of Commons *Hansard*, as well as in the Senate *Hansard*. The printing department has been setting up the type.

Hon. Mr. Croll: Will the report be printed in the *Votes and Proceedings* of the other place?

Hon. Mr. Roebuck: The House of Commons may include it in its *Votes and Proceedings*. Our custom is to print the report both in *Hansard* and the *Minutes of the Proceedings*. I think that should be done in this instance, because if we run out of one of the publications we shall have access to the other.

Hon. Mr. Brooks: Then I take it that there will be a complete report published separate and apart?

Hon. Mr. Roebuck: There will be a complete report published between good covers just as soon as the printing department can produce it.

Hon. Mr. Brooks: Then it will be a triplication of the committee's report?

Hon. Mr. Roebuck: But it will be printed better and on whiter paper, and will also be bound better between fairly hard covers. It will be sold by the Queen's Printer. I do not know what the price will be but it will be considerable. It will not be produced for quite some time, and that is why it is necessary that we make the report an appendix to the present *Hansard*, so that we shall get it tomorrow.

Motion agreed to.

(*For text of report see Appendix pp. 221 et seq.*)

BUSINESS OF THE SENATE

On the Orders of the Day:

Hon. A. J. Brooks: Honourable senators, before the Orders of the Day are called, can the Leader of the Government give us a brief summary of what business we may expect within the next few days before the summer recess?

Hon. Mr. Connolly (Ottawa West): I shall certainly be pleased to do what I can. Probably all honourable senators are aware that in the *Votes and Proceedings* of the other place an order of the house was made under date of June 26 whereby the debate with reference to the supply bill will be concluded at 9.30 o'clock on the evening of Thursday July 6.

There are two and possibly three pieces of legislation to be dealt with, depending upon how one of them is handled, which we can expect to deal with before the beginning of the summer recess. First, an act with respect to the Cape Breton coal situation. It is possible that that bill may receive third reading in the other place tonight, but if not, probably tomorrow. I had hoped we might receive it tonight.

The other piece of legislation dealing with supply may be in two parts. There will be certain departments which have already been passed by the other place, and I assume that final supply in those departments will be asked for. I understand the agreement in the other place in respect to the departments which have not yet been finally dealt with, is that there will be interim supply of four months. Those are the two important topics with which we shall have to deal.

This evening I introduced two new bills, one respecting the Northern Boundary of British Columbia, the other an act respecting the Publication of Statutes. It is not necessary to proceed with either of these now. However, if the Senate continues to sit, being obliged to wait here we could deal with these two bills, if the other pieces of legislation I have referred to are not before us.

There of course remains the debate in reply to the Speech from the Throne, and a number of honourable senators desire to speak to it before the house adjourns for the summer recess.

I should also point out that this week there will be meetings of the Finance Committee, the Banking and Commerce Committee and the Transport Committee, and that next week the Chairman of the Finance Committee proposes to hold a further meeting. So, I would think that the contents of the supply bill when it reaches us will be known to the members of the Finance Committee. In any event, all of them will know the departments which have finally been dealt with in the other place. If there are any questions dealing with Estimates in respect of those departments, they can be dealt with by the Finance Committee when it meets next week or even this week.

Perhaps I should say something about the actual time of sitting.

Hon. Mr. Brooks: Before the honourable leader continues, it will be impossible for us to know which department the interim supply would cover until the very last minute, after the other place has considered the departments which have not been dealt with.

Hon. Mr. Connolly (Ottawa West): Which have not been finalized?

Hon. Mr. Brooks: We would not know what had been dealt with until practically the last minute.

Hon. Mr. Connolly (Ottawa West): Not quite. I believe honourable senators could easily discover—and if they need any help my staff will certainly get the information—the departments which have already been passed by the other place. If there are departments that are to be dealt with to finality before the supply bill reaches us, I would think those departments would be known in ample time for the Finance Committee to deal with them as they require.

As for departments the estimates for which have not been finally disposed of by the other place, and for those departments only, there will be interim supply of four months. I should not think there would be very many more departments finally dealt with before the time the summer recess begins.

I hope this answers the question asked by the Leader of the Opposition.

Honourable senators, we certainly will be sitting tomorrow. We would like to sit on Thursday and if we have the Cape Breton legislation before us we would wish to make as much progress as we can. Since I believe all honourable senators expect to be here on Saturday, it might even be desirable, and we will work this out towards the end of the week, to sit on Friday morning.

It is not desired to sit on Friday afternoon. In the event of inclement weather on Saturday, which God forbid, the arrangements for Her Majesty's appearance with Parliament will be held in this chamber instead of outdoors. Some things will have to be done here and time will be required on Friday afternoon to make those changes.

I should try to go a little further about next week. If we make good progress with the Cape Breton legislation, perchance before the end of the week we may have had ample time to deal with it to a conclusion. We could not expect the supply bill to come to us until a week from Friday, because they will probably not finish it in the other place until Thursday, July 6, pursuant to their agreement. We may not have to sit more than on Friday, July 7, to deal with supply. If we do not finish the Cape Breton legislation this week, we should sit earlier in the following week to deal with it.

I hope I make myself clear. As the week unfolds, we will be able to see a little more clearly where we are going.

The Senate adjourned until tomorrow at 3 p.m.

APPENDIX

REPORT

of

The Special Joint Committee

of

the Senate

and

House of Commons

on

DIVORCE

JUNE 1967

The Honourable A. W. ROEBUCK, Q.C., and
Mr. A. J. P. CAMERON, Q.C., M.P.
Joint Chairmen

TUESDAY, June 27th, 1967.

The Special Joint Committee of the Senate and House of Commons on Divorce makes its second and final Report as follows:

REPORT ON DIVORCE

This is the Special Joint Committee's final report on the subject of Divorce in Canada.

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MEMBERS OF THE SPECIAL JOINT COMMITTEE OF THE SENATE AND HOUSE OF COMMONS

ON

DIVORCE

(as of May 17, 1967)

For the Senate:

The Honourable A. W. Roebuck, Q.C., *Joint Chairman,* and

The Honourable Senators

Aseltine,
Baird,
Belisle,
Burchill,
Connolly (*Halifax North*),
Croll,
Denis,
Fergusson,
Flynn,
Gershaw,
Haig,
Roebuck.

For the House of Commons:

A. J. P. Cameron, Q.C., M.P., (*High Park*), *Joint Chairman,* and

Messrs.:

Aiken,
Baldwin,
Brewin,
Cameron (*High Park*),
Cantin,
Choquette,
Fairweather,
Forest,
Goyer,
Guay,
Honey,
Laflamme,
Langlois (*Mégantic*),
MacEwan,
Mandziuk,
McCleave,
McQuaid,
Otto,
Peters,
Ryan,
Stanbury,
Tolmie,
Wahn,
Woolliams.

NOTE: See Part 1, pp. 2, 3 and 4 for list of all who served on the Committee during the 1st Session, 27th Parliament, 1966-67.

PART I

INTRODUCTION

Public interest in divorce law and practice has developed markedly in Canada in recent years and the opinion has grown that our divorce law has become inadequate to meet the needs of modern society. Two changes only in the substantive law of divorce have been made in the past one hundred years, one with regard to the so-called "Double Standard" and the other as to the right of action of married women deserted by their husbands.

An indication of the prevailing dissatisfaction is the fact that during the last session of Parliament a number of Members of Parliament in the Commons introduced bills to reform the divorce laws of Canada.

On the 24th day of February 1966, the present Senate Co-Chairman of your Committee introduced such a bill in the Senate and on second reading he asked for the appointment of a Joint Committee of both Houses of Parliament to study the entire subject of divorce in Canada.

The request was promptly granted and on the 23rd day of March 1966, the Senate passed the following Resolution:

> "The Honourable Senator Connolly, P.C., moved, seconded by the Honourable Senator Roebuck:
>
> That the Senate do unite with the House of Commons in the appointment of a Special Joint Committee of both Houses of Parliament to inquire into and report upon divorce in Canada and the social and legal problems relating thereto, and such matters as may be referred to it by either House;
>
> That twelve Members of the Senate to be designated at a later date, act on behalf of the Senate as members of the said Special Joint Committee;
>
> That the Committee have power to engage the services of such technical, clerical and other personnel as may be necessary for the purpose of the inquiry;
>
> That the Committee have the 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 and to sit during sittings and adjournments of the Senate; and
>
> That a Message be sent to the House of Commons to inform that House accordingly."

On March 29th, 1966, the following Senators were named members of the Committee:

> The Honourable Senators Aseltine, Baird, Belisle, Bourget, Burchill, Connolly (*Halifax North*), Croll, Fergusson, Flynn, Gershaw, Haig and Roebuck.
>
> (On becoming Co-Chairman of the Special Joint Committee on Public Service of Canada, Senator Bourget was replaced by Senator Denis.)

The Commons had acted promptly and on March 15th, 1966, the House of Commons passed the following Resolution:

> "On motion of Mr. McIlraith, seconded by Mr. Hellyer, it was resolved—that a Special Joint Committee of the Senate and House of Commons be appointed to inquire into and report upon divorce in Canada and the social and legal problems relating thereto, and such matters as may be referred to it by either House;
>
> That 24 Members of the House of Commons, to be designated by the House at a later date, be members of the Special Joint Committee, and that Standing Order 67(1) of the House of Commons be suspended in relation thereto;
>
> That the Committee have power to engage the services of such technical, clerical and other personnel as may be necessary for the purpose of the inquiry;
>
> That the Committee have the 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, and that Standing Order 66 be suspended in relation thereto; and
>
> That a Message be sent to the Senate requesting Their Honours to unite with this House for the above purpose, and to select, if the Senate deems it so advisable, some of its Members to act on the proposed Special Joint Committee."

On March 22nd, 1966, the following Members were appointed to the Committee:

> Messrs. Aiken, Baldwin, Brewin, Cameron (*High Park*), Cantin, Choquette, Chretien, Fairweather, Forest, Goyer, Honey, Laflamme, Langlois (*Megantic*), MacEwan, Mandziuk, McCleave, McQuaid, Otto, Peters, Ryan, Stanbury, Trudeau, Wahn and Woolliams.

Commencing on the 28th day of June 1966, the Joint Committee has held 24 open meetings in which the views of churches, organizations and individuals have been presented supported by more than 70 briefs. Your Committee is deeply indebted to the many witnesses who have come to Ottawa to give information to Parliament on the subject of divorce and for the many well considered and most informative briefs presented.

The following witnesses have been heard:—

List of Hearings and Witnesses

No. 1, June 28, 1966: Mr. E. Russell Hopkins, Senate Law Clerk and Parliamentary Counsel. Mr. Justice A. A. M. Walsh, Senate Commissioner.

No. 2, July 5, 1966: Dr. P. M. Ollivier, Law Clerk and Parliamentary Counsel, House of Commons.

No. 3, October 18, 1966: Department of Justice: E. A. Driedger, Deputy Minister and Deputy Attorney General. Seventh-Day Adventist Church in Canada: Rev. Darren L. Michael, Barrister, Secretary for public affairs, National Executive Committee.

No. 4, October 25, 1966: Parents Without Partners of Windsor: John P. Walsh, Chairman, The Single Parents Divorce Reform Committee, Parents Without Partners of Windsor.

No. 5, November 1, 1966: The Canadian Bar Association: Perrault Casgrain, Q.C., President; A. Gordon Cooper, Q.C., Dominion Vice-President; Ronald C. Merriam, Q.C., Secretary.

No. 6, November 8, 1966: G. R. B. Whitehead, Barrister and Solicitor, Montreal.

No. 7, November 15, 1966: John H. McDonald, Q.C., Barrister and Solicitor, Ottawa. The Congress of Canadian Women: Mrs. Nora Rodd, Brief Chairman; Mrs. Hilda Murray, National Secretary.

No. 8, November 12, 1966: The United Church of Canada: Rev. J. R. Hord, Secretary of the Board of Evangelism and Social Service; Rev. Frank P. Fidler, Secretary of the Commission on Christian Marriage and Divorce, and of the National Marriage Guidance Council, Associate Secretary of the Board of Christian Education; Rev. R. S. Hosking, Chairman of the Commission on Christian Marriage and Divorce, and Member of the National Marriage Guidance Council; Rev. W. E. Mullen, Director, Pastoral Institute; Mr. Douglas F. Fitch, Barrister, Solicitor and Notary, Member of the Pastoral Institute; Mr. Roy C. Amaron, Advocate, Barrister and Solicitor, Member of the Marriage Guidance Council, Convenor of the Law and Legislation Committee of the Montreal Presbytery and Representative of the Quebec Sherbrooke Presbytery.

No. 9, November 29, 1966: James C. MacDonald and Lee K. Ferrier, Barristers and Solicitors, Toronto. The Canadian Committee on the Status of Women: Mrs. W. H. Gilleland, Chairman; Mrs. J. F. Flaherty, Press Secretary; Mrs. R. S. W. Campbell, Secretary.

No. 10, December 6, 1966: The Catholic Women's League of Canada: Mrs. H. T. Donihee, National President; Miss Catherine Toal, Past National President; Mrs. G. J. Connolley, Diocesan President; Mrs. Roland Taylor, Past Diocesan President; Francis G. Carter, Esq., Solicitor for the League. Canadian Mental Health Association: Gowan T. Guest, Lawyer, National President; John D. Griffin, M.D., General Director.

No. 11, December 13, 1966: The Baptist Federation of Canada: The Reverend Dr. Edgar J. Bailey, President; The Reverend Fred Bullen, General Secretary.

No. 12, January 31, 1967: The Ontario Law Reform Commission: The Honourable James C. McRuer, LL.D., Vice-Chairman. The National Council of Women of Canada: Mrs. F. E. Underhill, Chairman of Laws; Mrs. Margaret E. MacLellan, Vice-President.

No. 13, February 7, 1967: His Honour P. J. T. OHearn, Judge of the County Court, Halifax, N.S. Professor J. J. Gow, Faculty of Law, McGill University, Montreal, Quebec.

No. 14, February 9, 1967: The Presbyterian Church in Canada: Reverend Wayne A. Smith, B.A., B.D.; Reverend A. J. Gowland, M.A.; Reverend W. L. Young, B.A.; Reverend Fred H. Cromey, B.A. The Canadian Psychiatric Association: J. B. Boulanger, M.D., Director; F. C. R. Chalke, M.D., Director.

No. 15, February 14, 1967: His Excellency Sir Kenneth Bailey, C.B.E., Q.C., High Commissioner For Australia. Barristers' Society of New Brunswick: John F. Palmer, Q.C., Benjamin R. Guss, Q.C.

No. 16, February 16, 1967: Douglas A. Hogarth, Barrister at Law, on behalf of Mothers Alone Society, All Lone Parents Society (ALPS), Canadian Single Parents and Parents without Partners.

No. 17, February 21, 1967: The Unitarian Congregation of Don Heights, Scarborough, Ontario; Reverend Kenneth Helms; F. Stewart Fisher, Barrister at Law; Professor Julien D. Payne, Faculty of Law, University of Western Ontario.

No. 18, February 23, 1967: The Anglican Church of Canada: The Right Reverend E. S. Reed, M.A., D.D., Bishop of Ottawa; Reverend Canon M. P. Wilkinson, M.A., L.Th., General Secretary, Department of Christian Social Services; Reverend A. R. Cuyler, Rector of parish of New Liskeard; and Professor H. R. S. Ryan, Q.C., Faculty of Law, Queen's University. Professor C. Gordon Bale, Faculty of Law, Queen's University. Professor Bernard L. Adell, Faculty of Law, Queen's University. Professor H. R. Stuart Ryan, Q.C., Faculty of Law, Queen's University.

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No. 19, February 28, 1967: Howard Hilton Spellman, Attorney and Counsellor at Law, New York, U.S.A.

No. 20, March 2, 1967: Robert McCleave, M.P., Ian Wahn, M.P.

No. 21, March 9, 1967: Professor Stephen J. Skelly, Faculty of Law, University of Manitoba. The Honourable A. W. Roebuck, Q.C., Robert McCleave, M.P.

No. 22, March 14, 1967: Professor Julien D. Payne, Faculty of Law, University of Western Ontario.

No. 23, March 21, 1967: Ron Basford, M.P. Andrew Brewin, M.P. Robert Prittie, M.P. Robert Stanbury, M.P. Arnold Peters, M.P.

No. 24, April 20, 1967: James Byrne, M.P.

The experience possessed by the members of your Committee, supplemented by the knowledge of many witnesses, and our investigations of conditions both within Canada and abroad convinced your Committee that considerable changes are required in the divorce laws of Canada. Canada's Constitution as expressed in the British North America Act confers jurisdiction in the matter of "Marriage and Divorce" exclusively upon the Parliament of Canada. The Act also provides that the laws in force in the several provinces at Confederation should continue until amended or repealed by the governmental authority having jurisdiction. Thus, authority in the matter of divorce is in the Parliament of Canada. While English laws of divorce of over one hundred years ago in the form of pre-Confederation Statutes, are in force in most of the Canadian provinces, the Provincial Legislatures concerned have been unable to abolish or amend them or to enact new or more timely provisions.

There are a number of causes for the dissatisfaction which your Committee finds to exist but the strongest and most universal source of complaint is the grounds to which the courts are restricted for the dissolution of marriages. With the exception of the one Province of Nova Scotia, the principal ground for divorce is adultery. In the Province of Nova Scotia cruelty by one spouse towards the other is an additional ground for the dissolution of marriage.

While adultery furnishes good reason for the termination of the marriage bond, and has been so recognized from time immemorial, there are several other marital offences which drastically interfere with the continuance of the marriage relationship but for which the law of Canada provides no relief. In addition, conditions arise in marriage in which no provable fault or misdemeanor is chargeable against either spouse and yet in which, in the interests of all concerned, including the children and the community, the legal ties should be removed.

This incompleteness of the judicial process has brought disrespect upon the courts where much too frequently the ground pleaded is not the real cause of the marriage breakdown, the charge of adultery being the restricted form of procedure required by law to achieve the desired result.

Because of the inability of the courts to grant relief, except on the one ground, many thousands of Canadian citizens are driven into illicit unions and actually forced into what is popularly known as "Common Law" marriage. Where a party to such an irregular union is subject to a previous undissolved and subsisting marriage, the Common Law gives no legality or status to such a union. The words "Common Law marriage" may have some social significance, but are otherwise misleading. The relationship confers no rights of marriage,

except to the extent of special statutory provisions such, for instance, as are found in certain war veterans legislation. The children of such a union are illegitimate.

These and other undesirable conditions in Canada have been carefully considered by your Joint Committee and are dealt with to the best of its knowledge and judgment in the following Report.

Your Committee as authorized by Parliament, has directed its study to the problem of divorce, but it has been made aware that such an inquiry raises still wider questions of human relations. Representatives of the Churches and of social organizations have urged the need for premarital education, family guidance and conciliation in event of marriage breakdown, and they have raised questions as to the legal minimum age for marriage.

While the provision of educational, social and conciliation services on a nation-wide scale presents extraordinary administrative and constitutional difficulties, the need has been borne in mind by your Committee and should not be lost sight of when consideration is given to the Committee's specific recommendations.

The Report is divided into five parts. Part I deals with the Committee's conclusions, shortly stated, and its recommendations. Parts II, III and IV set forth in more extended form, where necessary, the product of the Committee's thinking and investigations. Part V is a draft bill incorporating the Committee's recommendations in legal form. All five parts should be read for a complete understanding of the Committee's recommendations and of the reason therefor.

With the aid of many witnesses, your Committee has studied the law and practice of divorce in Canada and other countries. Particular attention has been given to the divorce laws of England, upon which the divorce laws of Canada and its provinces are now based, and where notable changes have been made during the past thirty years. The laws of Australia and New Zealand are especially worthy of attention, for like Canada, these countries of the Commonwealth have followed English precedents and have made notable advances in recent years. The law of divorce in the State of New York has in the past been similar to that of Canada in that adultery has been the sole recognized ground for the dissolution of mariage. Recently, however, New York State has altered drastically its former divorce practice, so that its experience is of special interest in Canada. Something has also been learned of the divorce laws of Scandinavian and other European countries.

A study of this experience from abroad together with a knowledge of divorce conditions in Canada and her provinces, and aided by the information and advice of a considerable number of public spirited and well informed witnesses, has enabled your Committee to reach the several definite conclusions set forth in the first Part of this Report. All Parts are respectfully submitted.

Your Committee closes its introduction to the First Part of its Report with an expression of its gratitude to all those who have assisted it as witnesses in personal appearances and in written briefs, at no inconsiderable cost to themselves in time, thought and outlay. These witnesses have made a major contribution to the national well-being and their assistance to your Committee is gratefully acknowledged.

Your Committee is also indebted to its Special Assistant, Dr. Peter King, Professor of History at Carleton University, who has made an outstanding contribution to the production of this Report.

The services of Mr. Patrick Savoie, of the Committees Branch of the Senate, have been most efficient and most valuable. He has acted throughout as the Committee's Secretary. The excellence of his work is the more remarkable as it is his first experience in such an office.

To all officers and members of the Senate and Commons and of the public who have assisted, your Committee expresses its thanks.

A. J. P. CAMERON (*High Park*)
Joint Chairman

ADULTERY

It has been urged upon your Committee by a number of responsible witnesses that the entire theory of marital offences as grounds for divorce be abandoned and that there be substituted therefor the fact of marriage breakdown. The practicability of adopting marriage breakdown as the exclusive ground for divorce is discussed elsewhere in this Report.

From time immemorial, adultery on the part of one of the spouses has been deemed a violation of the basic obligations of the marriage relationship entitling the wronged and innocent partner to an immediate dissolution. The marriage need not necessarily break down should the infidelity be forgiven but should the offended spouse consider otherwise, he or she should be entitled to a release from the marital ties without delay. In our monogamous society a woman is allowed but one husband and a husband but one wife.

There is obviously no need for a statutory definition of adultery. It was not defined in the Imperial Statute of 1857 or subsequently, nor has it been defined in any of the Canadian provinces whose law is based upon that statute or in the pre-Confederation law of any of the other provinces. What adultery is in law has been made plain in the decided cases and no difficulty has been experienced in the courts, not even when the law was amended for the abolition of the double standard.

RECOMMENDATION

Your Committee recommends that the marital offence of adultery be retained as a ground for the dissolution of marriage on the petition of the offended spouse, subject of course to the legal defences.

RAPE, SODOMY AND BESTIALITY

The unnatural offences of rape, sodomy and bestiality are violations of the marriage relationship akin to adultery and in some instances are included in that definition. They were made grounds for divorce in the English Act of 1857 and thus became grounds in Canada in those provinces which adopted the law of England as of the 15th of July, 1870. They should be retained as separate grounds for the dissolution of marriage.

A statutory definition is unnecessary and undesirable.

RECOMMENDATION

Your Committee recommends that rape, sodomy and bestiality be retained in Canadian law as grounds for divorce.

CRUELTY

Cruelty by one spouse towards another is a violation of the marriage undertaking. Cruel conduct on the part of one spouse may create intolerable conditions in the home that are highly detrimental to the children and dangerous to the life and health of the victim spouse.

Cruelty is so abhorrent in the matrimonial relationship that it has been made a ground for the dissolution of marriage in most civilized countries, including England, Australia and the States to our south.

Cruel conduct in order to constitute grounds for divorce should of course be of substantial character, and, for the determination of this, reliance may be placed upon the wisdom and good sense of Canadian judges, guided as they are by decisions made in our own country in actions for judicial separation and for both judicial separation and divorce in Nova Scotia, and elsewhere in the divorce practice of the United Kingdom, and Australia. Some witnesses before the committee expressed concern lest trivial actions be included as cruelty, but the jurisprudence developed in the experienced tribunals mentioned would be considered by the Canadian Bench as authoritative and would be followed, without the need of a detailed definition of the offence. In fact, a comprehensive and satisfactory definition of marital cruelty is not possible, nor is it desirable for the good reason that acceptable conduct within the home differs from time to time and from place to place and among differing classes in society. On the other hand, a competent judge has no difficulty in recognizing cruelty for what it is when the circumstances are before him.

RECOMMENDATION

Your Committee, therefore, recommends that cruelty be made a ground for the dissolution of marriage, and that for the present at least, this ground should be undefined and its administration be left to the learning, good sense, responsibility and wisdom of Canadian judges, guided as they are by the jurisprudence of our own courts and those of England.

DESERTION

Desertion is a marital offence which is much too common in Canada and when the husband is the deserter it is usually a cruel disaster to the wife and family and, as well, an injustice to the community. Marriage creates a duality of responsibility. The husband is normally the breadwinner while the wife takes care of the children and the home, and acting together they supply the essentials of fatherly guidance and motherly love, the essential elements of a home.

When a wife deserts, the husband is left without the comforts and supports of married life and the children are forsaken. Desertion by the husband can be even more cruel for it leaves the home without the guidance and discipline which a father can supply and often without the financial support essential to the household.

In Canada, many thousands of wives have been left by their husbands in lonely neglect to bear the burden of their own support and that of the children, and many deserted wives are struggling heroically to maintain as well as to care for their family households and to feed, clothe and educate their children.

Family Courts in some of the provinces make a real effort to enforce maintenance orders, but deserting husbands are frequently difficult to locate

and even when at considerable public expense they are brought to book, the effort is frustrated by the wrongdoer by a plea of poverty.

Irregular unions are the inevitable result of the unnecessary restrictiveness of our laws of divorce. Faced with this impossible situation many deserted wives and husbands have been driven into what is known as "Common Law" marriage. There are said to be thousands of couples living in what is legally adultery and whose children are according to law illegitimate. This is highly undesirable for the couples themselves and for the community.

In the interests of deserted spouses, of the children of marriages broken by desertion and of the community, desertion for some considerable period of time without reasonable prospect of resumption of cohabitation should be made a ground for divorce.

RECOMMENDATION

Your Committee, therefore, recommends that desertion for a period of three years, on the petition of the deserted spouse, where there is no reasonable prospect of a resumption of cohabitation within a reasonable period of time, be made a ground for the dissolution of marriage. Provided that a period of cohabitation of not more than three months for the primary purpose of reconciliation be excluded from the count of the said three years. Your Committee is of the opinion that the definition of desertion other than as above, should be left to the courts, guided by the jurisprudence developed in Canada in relation to judicial separation and in the courts of the United Kingdom in respect of both divorce and separation.

WILFUL NON-SUPPORT

Traditionally the duties of homemaking are divided between the marriage partners, the wife caring for the house, the children and her husband's comfort and the husband supplying the essential financial support. The husband is the breadwinner, and when he fails to discharge his share of the duty the home is disrupted. Distress and privation result; the children are neglected, the wife is frustrated. Happiness is no longer possible and the marriage breaks down.

When such disastrous conditions are brought about by involuntary unemployment or illness on the part of the natural provider, most people are genuinely sympathetic and the public purse is available without much hesitation to avoid actual tragedy, but when these conditions are brought about by the wilful neglect, bad faith and selfishness of the head of the house, his conduct is reprehensible and a violation of the expressed or implied marital undertakings.

Such conduct on the part of the husband places the wife in a most difficult position and if persisted in should make it possible for the court to free her from the marital ties. Both she and the children may be better off without the incubus of a deliberately negectful husband and father.

Wilful non-support on the part of the husband is a serious marital offence, but each such case must be judged on all the circumstances, with due regard to the degree of culpability on the part of the husband and the effect of his neglect on the wife and family. The court should accordingly be allowed the fullest discretion and, in its own good judgment should have power to decree judicial separation or to dissolve the marriage.

RECOMMENDATION

Your Committee recommends that wilful refusal or neglect without lawful excuse on the part of the husband to provide support for his wife and family for a period of one year be made a ground for dissolution of marriage, subject, however, to the fullest discretion on the part of the court.

BIGAMY

In the past in Canada, bigamy has been adjudicated upon on the basis of adultery; this is satisfactory, except that proof is required that the parties to the second marriage have cohabited. The deserted spouse is under the necessity of proving three essentials, the first marriage, the second bigamous marriage and the adultery. Cohabitation usually follows a bigamous marriage, but not necessarily so.

Proving the adultery together with the bigamy may be difficult, at times impossible, and almost always, expensive.

The present ground of adultery in the event of bigamy must logically be retained, but your Committee is of opinion that bigamy of itself should be sufficient to justify dissolution of the legal marriage, thus freeing the innocent spouse. When it is shown that the respondent spouse has remarried bigamously, the legal marriage should surely be capable of being dissolved.

RECOMMENDATION

Your Committee recommends that a bigamous marriage by the respondent spouse be made a ground for the dissolution of the first or legal marriage.

NON-CONSUMMATION OF MARRIAGE

Wilful refusal by one of the spouses to consummate a marriage is ground for annulment in England, but not in Canada. (Power, *On Divorce*, p. 194) In those Provinces of Canada where the law of England as it was on the 15th of July 1870 is in force, non-consummation because of some physical or mental defect on the part of one of the spouses renders the marriage voidable at the suit of the other partner. Some of these defects are possible of correction, but the consent and co-operation of the party having the defect is required.

When non-consummation of the marriage is due to the wilful refusal of one of the spouses, the law at present affords no right of action to the other marital partner. No relief is available when the purpose of marriage is thus frustrated by the abnormal conduct of one of the spouses.

RECOMMENDATION

Your Committee recommends that the present law as to the non-consummation of marriage due to the physical or mental defect of one of the spouses be retained and that wilful refusal to consummate by one of the spouses for a period of one year or more be made a ground for dissolution of the marriage at the instance of the other spouse.

MARRIAGE BREAKDOWN

It has been impressed upon your Committee by a number of prominent and responsible witnesses that the presently existing adversary system of trial in divorce cases on the ground of alleged matrimonial offence be abandoned and that there be substituted therefor an inquisitorial procedure of trial on the ground that for some or any reason the marriage has broken down. It was argued that the present court procedure, based on an alleged misdemeanour by one of the spouses, promotes antagonisms between the parties and decreases the likelihood of reconciliation.

Whether an "inquest" by public officials into family conditions at the instance of one of the spouses would be less objectionable is open to argument, and the whole subject of marriage breakdown is considered by your Committee at length in Part III of this Report.

It is sufficient at the moment to make clear that your Committee is opposed to the abandonment of the traditional British system of court trial conducted by an independent judge presiding, while opposing interests if any, present their evidence and arguments.

Moreover, such a change would be impracticable. Aside from the excessive cost of such proceedings, the necessary trained social workers are not available and the comparative few who do exist are engaged in other important activities.

While the adoption of Marriage Breakdown as the sole cause of action in divorce proceedings is neither practical nor desirable, at least not at present, the idea is not without merit. Nor is it something new. That a marriage in fact is no longer subsisting, that the parties are separated in antagonism and that a resumption of cohabitation is impossible, are circumstances which a judge must necessarily bear in mind in any matrimonial proceeding, and particularly so when both plaintiff and defendant are at fault.

Should Parliament see fit to widen the grounds of divorce sufficiently to relieve the thousands of Canadians caught in the bonds of dead marriages, marriage breakdown is the natural criterion when the marital relationship has failed without reasonable prospect of revival and without culpable and triable fault or matrimonial offence on the part of either spouse.

Many marriages fail through no fault of either partner. The parties to the marriage may be just fundamentally incompatible. Often such partners try repeatedly to revive the affection that they once had for each other or believed they had. Sometimes such couples separate because the tensions within the home have an adverse effect upon both the partners and their children. The marriage is simply dead, or, in other words, has broken down.

Such conditions of dead marriages do exist in Canada in large numbers with disastrous results in the lives of many Canadians. The misfortune of innocent spouses caught in the merely legal ties of dead marriages cries out for relief. The remedy is considered by your Committee in the following paragraphs.

There are a number of conditions destructive of marriage which do not involve a marital offence such as mentioned earlier on the part of either spouse, but which terminate cohabitation effectively. Among these are the disappearance over a long period of time of one of the parties, gross and habitual drunkenness, drug addiction, persistent criminality resulting in long terms in penitentiary and lengthy illness, mental or physical.

ILLNESS

An illness such as insanity may create conditions which effectively destroy the substance and purpose of marriage. While the regrettable marriage failure may not be due to any conscious fault on the part of the incapacitated partner, the resulting condition frequently involves a disastrous hardship to the other spouse.

Recognizing the need for relief under such circumstances, many jurisdictions have adopted insanity as a ground for divorce. Great Britian introduced it in 1937 and witnesses before your Committee have strongly urged its inclusion in Canadian law.

A lapse into mental illness is not a marital offence, but if of long duration without prospect of cure in the foreseeable future, it effectively terminates the marriage relationship. It is thus not the illness that constitutes ground for the dissolution of the marriage but rather the consequences which flow from the illness, the termination of cohabitation and of the marriage state.

Witnesses have spoken to your Committee of "chronic" or "incurable" unsoundness of mind, but the representatives of the Canadian Mental Health Association and of the Canadian Psychiatric Association have testified that the words "unsoundness of mind" covers the whole field of mental illness. The Canadian Bar Association stipulated that for mental illness to be actionable in divorce, the patient must have been confined in a mental institution for some long period of time. Such confinement was said to be the best evidence available of the permanence of the illness, and in addition would of itself destroy the marriage.

As to the word "incurable", medical men are conscious of the advances in medical science and refrain from testifying that an insane person is incurable.

The Canadian Mental Health Association witnesses objected to mental health being considered differently from other illness. To single out mental illness for special provisions with regard to marital relations would, they said, intensify the stigma which has traditionally been attached to mental illness. Other chronic disabling illness may affect marital relations severely.

RECOMMENDATION

Your Committee therefor recommends that Marriage Breakdown and separation for a period of three years by reason of mental or physical illness be constituted a separate ground for divorce, provided that no reasonable prospect exists of a resumption of cohabitation and that there is no satisfactory evidence of a reasonable expectation of recovery and of a resumption of cohabitation in the foreseeable future, and further that the dissolution of the marriage will not be unduly harsh or unjust to the disabled spouse and that reasonable arrangements have been made for the maintenance, care and custody of the affected spouse and the children.

The granting of a divorce on this ground should be within the discretion of the presiding judge, subject to appeal.

CRIMINALITY AND IMPRISONMENT

Several witnesses have urged that persistent or habitual criminality and imprisonment be included as a ground for divorce. This would be in keeping with the practice of several other jurisdictions. There seem to be two issues here: firstly, the criminal behaviour itself, and secondly, the consequences of it which may include imprisonment. The first aspect seems to be that criminal behaviour by one spouse is itself an offence against the marriage partner. A spouse may be desirous of ending a legal tie to someone who has demonstrated anti-social tendencies and bad character. A spouse might be well rid of such a partner and the children also might be better off. To make criminal behaviour *per se* a marital offence would involve difficult problems of definition. What criminal offences would be included and how many offences would constitute the persistent or habitual?

However, the incarceration of one partner for an extended period of time terminates matrimonial cohabitation as effectively as if the imprisoned partner had deserted. The economic effects can be as serious and the need to re-establish a stable family environment for the partner and children as imperative. Long or repeated imprisonment makes impossible the fulfilment of the role of husband, wife and parent.

The objection that has been raised to granting divorce on the ground of long imprisonment is that the husband or wife of the criminal may play a part in his

or her rehabilitation. The restoration of the prisoner to a family environment may well improve his likelihood of again becoming a useful citizen. However, any spouse who seeks a divorce on this ground is not one to patiently await the prodigal's return or who would be of very much help in his rehabilitation. Those who would be of use in the rehabilitation of criminals would not seek divorce. The defining of persistent or habitual criminality or the length of sentence is difficult, but separation having taken place, the court in exercise of its discretion could consider the likelihood of resumption of cohabitation. It could determine whether there is any substance of marriage left in the circumstances.

The Marriage Breakdown caused by imprisonment should therefore be ground for divorce, subject to the discretion of the court.

Serving a term of imprisonment for a period of at least three years should provide ground for the dissolution of marriage.

RECOMMENDATION

Your Committee therefore recommends that the breakdown of marriage consequent upon the serving of a term of imprisonment by the spouse of not less than three years, or for successive terms totalling three years within the five years preceding the institution of proceedings, be grounds for divorce, provided that there is no reasonable possibility of a resumption of cohabitation, and subject to the discretion of the court.

ALCOHOLISM AND DRUG ADDICTION

Alcoholism and Drug Addiction have been made the grounds for divorce in numerous jurisdictions, Australia for example. Their adoption in Canada has been urged by several witnesses before the Committee, including the Seventh Day Adventists, and it was proposed in one of the Bills introduced in the Commons and referred to the Committee. Like insanity and imprisonment, alcoholism and drug addiction may involve marriage breakdown. Alcoholism and drug addiction are conditions more akin to illness than to wilful or culpable conduct and their effects can ruin a marriage and produce misery for the other spouse and the children. The Baptist Federation suggested that they be classed as a form of insanity. When these conditions lead to a commital to an institution for a protracted length of time they amount to marriage breakdown and not infrequently to cruelty.

To be a ground for divorce the condition must have extended over a considerable period of time, show little prospect of cure and be such as to have made the normal marital consortium impossible. It must have caused an irretrievable breakdown of marriage. It is not so much the actual condition that gives rise to a ground for the dissolution of marriage as it is the results of the condition upon the marriage and the family that are abhorrent.

RECOMMENDATION

Your Committee therefore recommends that the breakdown of marriage by reason of gross and protracted addiction to alcohol or drugs be made a ground for divorce, subject to the discretion of the court and to the absence of substantial prospect of cure, or a resumption of cohabitation within a reasonable period of time.

DISAPPEARANCE

Section 240 of the Canadian Criminal Code provides that no person commits bigamy by going through a form of marriage if the spouse of that person has been continuously absent from him for seven years immediately preceding the

time when he goes through the form of marriage, unless he knew that his spouse was alive at any time during those seven years.

If the remarrying spouse did not hear directly or indirectly from the missing partner for the full seven years, he or she cannot be convicted of bigamy but this exemption from the prosecution does not affect the validity of the first marriage.

Should the missing spouse reappear the first marriage is still valid. The second marriage is a nullity and the children of that marriage are illegitimate. Such an eventuality is terrifying and the very possibility hangs like the Sword of Damocles over the spouses of the second marriage and their family perhaps for years. If desertion for the three years is sufficient to afford ground for divorce, disappearance for a similar period, whatever the cause, or for unknown cause, should be sufficient to release the remaining spouse from its sterile bonds. If the missing spouse is in fact alive he or she should realize that failure to communicate may end the marriage. Three years absence should be a sufficient length of neglect in this age of world-wide communication and widely scattered and diversified facilities.

RECOMMENDATION

Your Committee recommends that absence of either the wife or husband without knowledge by the other spouse of or from the missing partner for a period of three years be made a ground for the dissolution of the marriage, thus enabling the deserted spouse to remarry in legal security.

THE SEPARATION GROUND

The introduction of the ground of separation for a specified period would be the most practical way to solve the problems of simple marriage breakdown. There can be no better evidence that a marriage has failed than the termination of cohabitation and the failure to resume it after a substantial period of time. If there is no likelihood of reconciliation there is little point in retaining the empty legal shell of the marriage.

There is little doubt that the concept of marriage breakdown envisaged in the separation ground seems to have won wide acceptance. The majority of witnesses appearing before the Committee have advocated it in one form or another, usually in the form of a separation ground. It has been introduced into numerous jurisdictions whose legal and social structure are not dissimilar to our own, Australia and New Zealand, and various American states—and it has existed for a long time in most European countries, notably Scandinavia. Undoubtedly, as practical legislation in all of these countries, it does work.

Certain safeguards would need to be introduced along with the separation ground:

(i) the court should have the power to adjourn for a specified period if there seems to be a possibility of reconciliation;

(ii) provision should be made for the financially weaker party, usually the wife, before a decree is granted;

(iii) no decree should be issued until satisfactory arrangements have been made for the care and custody of the children;

(iv) the court should have discretion to refuse the decree on the ground of public interest.

Your Committee is consequently of the opinion that a period of separation of three years immediately prior to the institution of proceedings would be suffi-

cient to establish the breakdown of marriage and should be introduced as a ground for divorce with the safeguards discussed above.

RECOMMENDATION

Your Committee recommends that Marriage Breakdown as evidenced by at least three years of separation immediately preceding the institution of proceedings in which the parties have not cohabited and in which there appears no reasonable expectation of a resumption of cohabitation within a reasonable period of time, be made a ground for divorce, provided that:

(1) the Court may adjourn the proceedings for such time as it deems desirable should there seem to it to be reasonable possibility of a reconciliation;

(2) due provision has been made for the future maintenance of the wife, and under special circumstances of the husband, and for the custody, access, maintenance, care and education of the children as may be necessary; and

(3) the Court may refuse the decree if it considers in its discretion any public interest may be adversely affected or that such a decree would be unduly harsh to the respondent or the dependent children.

ALIMONY AND RIGHTS ANCILLARY TO DIVORCE

Alimony for the wife, maintenance for the children and their custody and the division of marital property are all matters ancillary to divorce and are thus within the jurisdiction of Parliament. For this your Committee has the authority of the then Deputy Minister of Justice, Mr. E. A. Driedger, as follows:

> "...jurisdiction to make laws in relation to divorce is in essence jurisdiction to make laws for the lateration of the legal status created by the marriage; the jurisdiction therefore extends to the abolition of the rights and obligations created by the marriage and the restoration of pre-existing rights. As I have already indicated, I think it must follow that these rights and obligations can be terminated in whole or in part.
>
> "It is the husband's duty to maintain the wife. If the marriage is dissolved, that obligation normally ceases because the relationship of husband and wife no longer exists. For the reasons I have indicated, I think that Parliament is competent to define the extent to which a dissolution of marriage alters the rights and obligations inherent in the marriage and therefore could provide for a continuation of the obligation to support....
>
> "The same reasoning would apply to maintenance and custody of children. During marriage the husband is under a duty to maintain and provide for the education of the children of the marriage, and the husband and wife have joint custody. These are rights and obligations that arise out of the marriage relationship. A divorce, which terminates the marriage relationship, obviously interferes with these rights and obligations, and in my opinion Parliament's jurisdiction in relation to divorce would include jurisdiction to prescribe the extent to which these rights and obligations are to be abrogated or continued...
>
> "The Division of property between divorced persons (apart from the question of support or maintenance), as well as such matters as marriage settlements, dower, homestead rights, the right of married women to own property and sue in their own names, etc., may well stand on a different

footing. These matters do involve rights and obligations between husband and wife, but they seem to me to relate more to the property and civil rights of the parties to the marriage than to their legal status as married persons. They could vary from time to time and from jurisdiction to jurisdiction and a particular rule is not necessary or essential to constitute a marriage."

The Parliament of Canada has at one time exercised this Constitutional Authority.

According to Dr. P. M. Ollivier, Parliamentary Counsel and Law Clerk of the House of Commons, in the early years of Confederation, a number of Acts were passed by Parliament dissolving marriages and providing maintenance for the wife and children. Parliament has not exercised this jurisdiction in recent years and divorced women are left to the provincial courts for relief. In Ontario, maintenance is frequently granted together with a decree of divorce by the courts of that province, but in Quebec, a wife has no legal claim for maintenance against her former husband following the dissolution of her marriage.

Your Committee is of opinion that a wife's right to maintenance after divorce is a question for the courts to decide in each individual case and the decision should be made by the judge who decrees the divorce, when the facts are freshly before him. He should also deal with the division of marital property and the custody, access to and maintenance of children. These matters are connected with and arise out of the divorce decree, or in legal language are ancillary to divorce. The courts should, of course, be possessed of a continuing power to modify the court order as changing conditions require and so as not to interfere with provincial laws enacted under Property and Civil Rights provision of the British North America Act. It is, in your Committee's opinion, essential in the interests of justice, irrespective of the province in which the parties reside, that the court which hears the evidence in first instance and issues the divorce decree have power to complete its judgment with respect to the ancillary matters above-mentioned, and your Committee so recommends.

The courts of the provinces should be given power to issue orders coincident with decrees of divorce and ancillary thereto with respect to the division of property between the parties, the future maintenance of the wife and under special circumstances of the husband, and the future custody, maintenance, care and education of the children of the household affected and with power to modify or repeal such orders from time to time, all as required in the circumstances and the Senate should be given similar powers with the exception of the division of property between the parties.

RECOMMENDATION

Your Committee recommends that the courts of those provinces having jurisdiction in divorce be given power to issue orders coincident with decrees of divorce and ancillary thereto with respect to the division of marital assets between the parties, the future maintenance of the wife and children, and under special circumstances of the husband, and the future custody, care and education of the children to whom either of the parties stands *in loco parentis*, and access to such children, and with power to modify or repeal such orders from time to time as required in the circumstances, and that the Senate by virtue of the *Dissolution and Annulment of Marriages Act* be given similar power, with the exception of the division of marital property between the parties.

DOMICILE

As the law stands, a court may exercise jurisdiction in divorce proceedings only if the parties are domiciled in the province in which the proceedings are commenced. In effect, this means the province in which the husband is domiciled. A married woman automatically acquires the domicile of her husband on marriage and retains it so long as the marriage subsists. This unity of domicile derives from the common law doctrine that the husband and wife are one person. While this requirement presents little difficulty to the husband, who takes his domicile with him, and who can, therefore, institute divorce proceedings wherever he is domiciled, it often causes great hardship to the wife.

Before 1930, if a wife was deserted by her husband and the husband departed to live in another province or country, the wife could seek a divorce only in that province or country, not where she herself resided. The *Divorce Jurisdiction Act* of 1930 alleviated this situation by permitting a wife deserted for a period of two years by her husband to petition for divorce in the province where the couple were domiciled at the time of desertion.

While the Act of 1930 did help the situation to a considerable degree, it has by no means solved the problems that arise from the rule of domicile. Society today is highly mobile. People move freely from province to province and from country to country, and the right to commence divorce proceedings in the province of desertion may be most inconvenient. It may not be practical for a wife to remain in the province in which she was deserted, or return there later. In any case, the 1930 Act requires that the wife prove desertion as well as actual ground for the divorce, and it does not cover those cases of separation where no actual purposeful desertion took place.

The present law of domicile discriminates against the wife, who lacks access to the courts similar to that enjoyed by her husband. Women's groups appearing before the Committee have urged that married women be given the right to their own domicile.

There have been two major solutions proposed to the Committee. One would be to abandon the concept of domicile and permit either spouse to petition for divorce in the province in which he or she resides. This has been suggested by the Manitoba Bar Association, the Law Society of British Columbia, the Canadian Committee on the Status of Women, Mr. Justice McRuer and Professor Stephen Skelly. The other suggestion is to abandon the concept of provincial domicile in favour of that of national domicile. This is premised on the fact that Canada is one country and should be regarded for divorce purposes as such. This would be to follow the precedent set by Australia which introduced the law of Australian domicile in matrimonial proceedings to overcome the difficulties encountered in that country due to separate state domicile. This suggestion has been made by the Barristers Society of New Brunswick, the Canadian Congress of Women and Professor Julien Payne.

To rely on residence alone for the institution of matrimonial proceedings might present complications in internal law and lead to difficulties in the recognition abroad of Canadian divorce.

The requirement of domicile would restrict the use of Canadian courts to those of residence in this country who intended to remain permanently and the one year residence requirement would prevent "shopping" from province to province or the choice of a Province on the basis of its inconvenience to the respondent or co-respondent.

RECOMMENDATION

Your Committee recommends:—

(i) A husband or wife domiciled in Canada may institute proceedings praying for the dissolution or annulment of the marriage, and for ancillary relief, in any province with a court having jurisdiction to provide such relief, if the petitioner or the respondent has resided continuously in that province for a period of at least one year immediately preceding the presentation of the petition.

(ii) For this purpose "Canadian Domicile" is defined as follows:

(a) a husband has Canadian domicile if he is domiciled, in accordance with the existing rules of private international law, in any province of Canada; and

(b) a wife has Canadian domicile if she would, if unmarried, be domiciled, in accordance with the existing rules of private international law, in any province of Canada.

BARS TO DIVORCE

1. *Collusion*

Collusion in divorce cases is illegal at common law and is prohibited by statute in the Law of England as it existed on the 15th of July 1870 and the prohibition was thus introduced into certain of the Provinces of Canada. It should be included in any Act of the Parliament of Canada consequent upon this Report, but not so as to discourage or prevent negotiation between the parties or their solicitors or agents with a view to the reconciliation of spouses or the making of *bona fide* and proper arrangements with regard to the custody of and access to children, the maintenance of the wife or division of assets. It is not desirable that the man and wife be kept at arm's length by a rule of law and prevented from doing what is right and honourable under the circumstances or which may lead to reconciliation.

Collusion has not been defined by statute either in England or Canada, and confusion and misunderstanding exists in the public mind and even among solicitors as to what it means and as to what its prohibition actually prohibits. This is not in the public interest and should be corrected.

A dictionary meaning of collusion is "a secret agreement for an unlawful or evil purpose." It is the evil purpose of the agreement that renders it collusive.

> "It is very important that the ignorance about what collusion is or may be should be dispelled...collusion means a corrupt bargain...to bribe the party bringing the petition, or, it may be to suppress a defence or to falsify the facts." (Lord Merriman, Debate in House of Lords, *Hansard*, Vol. 199, col. 133, Power, *On Divorce*, p. 78).

There must be a corrupt agreement or conspiracy to which the petitioner is a party to obtain a divorce by some fraud or deceit practiced on the court, to pervert the course of justice or by bribing the respondent or co-respondent to deprive the court of the opportunity of hearing what may be the truth.

RECOMMENDATION

Your Committee recommends that collusion be prohibited in somewhat the following terms:

> Collusion shall be a bar to divorce, being a corrupt agreement or conspiracy to which the petitioner or respondent is a party, to effect some illegal, wrongful or improper purpose such as the bribery of a respondent

or co-respondent not to defend the action or to appear as a witness or to perform an illegal or improper act in order to furnish evidence, or to pretend to do so, to give false evidence thus deceiving the court or depriving it of an opportunity to learn the truth and an agreement for the reasonable support and maintenance of a husband or wife or children shall not be deemed to be collusive.

2. *Condonation*

Like collusion, condonation is also a statutory bar to divorce and, like collusion, it has never been given statutory definition. The bar prevents a spouse who agrees to resume cohabitation with a partner who has committed a matrimonial offence from holding that offence over the other partner's head for ever after. The condoned offence is, however, subject to revival if the forgiven spouse should commit another matrimonial offence.

The existence of condonation as an absolute bar, however, actively discourages attempts at reconciliation. One spouse may condone an act of adultery to try to save the marriage and prevent the destruction of the family. If, however, the gesture proves futile and the marriage is not saved, the ground for a divorce action is lost. Thus the law at present encourages couples not to seek reconciliation because by attempting reconciliation and failing, they would put the eventual dissolution of their marriage in jeopardy.

For this reason, your Committee has been urged to make condonation a discretionary bar so that the courts could take all the factors in the situation into account when deciding to reject or grant the petition. Such a solution, however, might still leave doubt as to when and how the courts will exercise their discretion and may still, therefore, tend to discourage reconciliation attempts. The parties preferring to "play safe" and keep at arm's length.

One of the provisions introduced into English law by the Matrimonial Causes Act of 1963 provides a solution to this problem. By that Act, a period of cohabitation for not more than three months, which has reconciliation as its primary purpose, is not deemed to have condoned the offence. Although in English law condonation remains an absolute bar.

Furthermore, your Committee recommends that the doctrine of revival be abolished. If attempted reconciliation is not considered condonation, the doctrine of revival is unnecessary. If the reconciliation attempt fails, a divorce may still be granted. If, however, the reconciliation succeeds, it is better that the couple put the past completely behind them, so that the marriage may make a fresh start with nothing, in the legal sense at least, hanging over it.

RECOMMENDATION

Your Committee recommends that the statutory bar to divorce of condonation be retained in the law of Canada subject to the discretion of the Court provided that a resumption of cohabitation by the spouses for a period of not more than three months which has reconciliation as its primary purpose shall not be deemed condonation, and further provided that a marital offence which has been condoned shall not be capable of being revived.

3. *Connivance*

Connivance is where the petitioner spouse encourages, assents to or aids in the commission of the matrimonial offence, thus becoming accessory to the

offence. The aid or encouragement may under certain circumstances be by silent as well as spoken action, or implied consent, or by so arranging conditions as to assist its commission. Such action on the part of the petitioner should of course, deprive the petitioner of the aid of the court as against the respondent and co-respondent.

It is unnecessary to attempt a definition of connivance as it has been a bar to divorce for many years and is made known in numerous decisions of the courts both in England and Canada.

RECOMMENDATION

Your Committee recommends that connivance remain a bar to divorce within the discretion of the court in each individual case.

JUDICIAL SEPARATION

Judicial separation is on occasions a useful power to be possessed by the Court. Prior to the United Kingdom Act of 1857, it was known in England as divorce *a mensa et thoro* and its meaning is separation from bed and board without the right of remarriage. Its usefulness is when the Court wishes to give legal status to a separation which usually has already taken place and frequently in association with orders involving maintenance and the custody of children. Such a legal arrangement, while having legal validity which the police will enforce as between man and wife, does not preclude the possibility of eventual reconciliation.

For some reason authority to order judicial separation was omitted from the Dominion Act of 1930 which conferred on the Supreme Court of Ontario power to decree dissolution and annulment of marriage. That Act should be amended to correct what was likely an inadvertent omission.

Most, if not all, of the other provincial courts have had the power as a result of pre-Confederation law which remained in force by virtue of Section 129 of the British North America Act. As such, the provinces are unable to amend or abolish the pre-Confederation law, so the time has come for the Parliament of Canada to accept its responsibility which it has possessed for the past one hundred years and has continually avoided.

RECOMMENDATION

Your Committee recommends that the Divorce Act (Ontario), of 1930 be amended to conform and that the prospective Divorce Act of Canada contain a provision granting to the courts of all the Provinces of Canada and to the Senate by virtue of the *Dissolution and Annulment of Marriages Act,* a uniform authority to decree Judicial Separation.

COURT JURISDICTION

In the Ontario Divorce Jurisdiction Act, which conferred authority to decree dissolution of marriage, and in the pre-Confederation statutes in the provinces other than Quebec and Newfoundland, it was uniformly the Supreme or Superior Court which was selected to administer the law of divorce. In the experience in Ontario of almost forty years and in the other provinces of the past one hundred years, the Supreme Courts have proven in some respects inadequate for the task. The Judges of the Supreme Courts visit the county towns, other than the cities, usually twice a year, so that long lists of divorce cases await the Assizes and are dealt with perfunctorily. They are run through

rapidly as something of a nuisance in order that the more interesting and financially important actions may be heard.

Moreover, such matrimonial and family proceedings are continuing matters. While the marriage itself may be permanently and decisively disposed of, matters such as the division of marital property, alimony and the custody and maintenance of the children remain to be dealt with from time to time. To reach the judge who made the original order involves a trip to the provincial capital or a wait for a maximum of six months for the next Assizes, when unfortunately a different judge may be sitting.

To meet this obvious difficulty, the former Chief Justice of Ontario, the Honourable James McRuer, advised that the County Courts be given concurrent jurisdiction with the Supreme Court in matters of divorce. The County Court Judges are resident in the county towns and their local offices and officials are available at all times. The judges are present when required to explain or vary an Order or to make additional provisions.

Chief Justice McRuer spoke from his own long experience of the Supreme Court when speaking of the obvious advantage of having matrimonial matters dealt with by local judges. He would not interfere with the present authority of the Supreme Court Bench. Divorce litigants should have access to the Supreme Court if they wished a High Court trial, as they are now in cases beyond the jurisdiction of the County Courts, but neither should the great advantage of the County Courts be denied them. Your Committee has had recommendations that Matrimonial Causes be sent to family courts. This is a matter that could be left to conferences between the Minister of Justice and Provincial Attorneys General because of the lack of uniformity in such courts at present.

RECOMMENDATION

Your Committee recommends that the County Courts of all provinces having jurisdiction to dissolve marriage be given jurisdiction in divorce equally and concurrently with the Supreme Courts of the respective provinces.

PARLIAMENTARY DIVORCE

The Parliament of England has for centuries possessed power to dissolve marriages and when the British North America Act gave to Canada a Constitution "similar in principle to that of the United Kingdom", the Parliament of Canada obtained a similar jurisdiction, and has exercised that authority as it has been necessary to the present time. The Courts of Quebec have not at any time possessed jurisdiction in divorce, nor had those of Ontario until the passing of the Divorce (Ontario) Act of 1930. When Newfoundland entered Confederation in 1949 her Courts also had no such jurisdiction. Those seeking divorce in Ontario and Quebec therefore petitioned Parliament, until Ontario obtained her own courts. Thereafter, Quebec was alone in this respect until joined by Newfoundland. Since then divorce for persons domiciled in these two provinces has been by way of Private Bill and by Act of Parliament. The jurisdiction still remains but in 1963 Parliament conferred power on the Senate to dissolve marriages by resolution by passing the Dissolution and Annulment of Marriages Act. This enactment constituted a supplementary procedure, which in practice has

been a marked success. Professional jurists hear the evidence respecting each petition and report thereon with recommendations, and the Senate by passing a resolution enacts the dissolution or annulment or rejection of the petition as it sees fit, on Report of the Standing Committee on Divorce.

The number of divorces granted since Confederation have grown with the passing years. Dr. Ollivier told your Committee that in the first twelve years following Confederation Parliament when acting for both Ontario and Quebec enacted eight divorces. In the year 1966, the Senate passed over one thousand divorce resolutions.

A consideration of this procedure may not be within your Committee's terms of reference, but, in any event, the system created by the Act of 1963 is working satisfactorily; your Committee has not examined it critically and makes no recommendations at this time with respect to it. Should a considerable increase in the number of divorce petitions result from the additional grounds which the Committee is recommending, the problem can be readily solved by an increase in staff.

Your Committee is of opinion that the changes in the substantive law of divorce which it is recommending should be of Canada-wide application. The purpose of the changes proposed is to give relief as required to Canadian citizens and to improve the administration of justice to the benefit of the individual. The recommendations are not regional in character and Parliament's relevant jurisdiction and responsibility is to the nation as a whole.

RECOMMENDATION

Your Committee recommends that the Dissolution and Annulment of Marriages Act be amended as required to make the provisions of the prospective Canadian Divorce Act herein recommended applicable to divorce by Senate Resolution as well as to divorce by decree of the Courts.

APPEALS IN PARLIAMENTARY DIVORCE

In one particular the Dissolution and Annulment of Marriages Act has proven in practice to be unsatisfactory. This is as respects so-called appeals against a resolution of the Senate passed on the authority of a report by the Standing Committee on Divorce and almost always in accordance with a recommendation by the Senate Commissioner. The resolution does not take effect so as to dissolve the marriage and thus permit the parties to remarry until thirty days after its passage, and during these thirty days, an aggrieved party may file a petition for a private bill, the effect of which is to stay the operation of the Senate resolution until the bill has been disposed of.

Only one such petition has been filed since the Act was passed in 1963, so that the procedure of appeal has not been accepted as satisfactory by those affected, and it has proved to be unsatisfactory in practice.

The period of delay after the passing of the resolution until the thirty days have elapsed or the bill is disposed of is undesirable, and the consideration of the bill by a Senate Committee presents problems. If the bill is considered by the Standing Committee on Divorce, objection is taken that the so-called appeal is to

the judicial body which has already acted in the matter by approving the divorce in the first place and then presenting the resolution to the Senate. This objection is made though the individuals on the Committee did not sit when the Resolution was under consideration and were unfamiliar with the facts of the case.

If a committee were chosen to hear the appeal whose members were not on the Standing Committee, the members would be inexperienced in Parliamentary divorce under the *Dissolution and Annulment of Marriages Act*. In addition the highly undesirable situation would be created of one committee of the Senate overruling or revising another committee in a judicial proceeding, and particularly so since the evidence submitted to the second committee is not restricted to that heard by the first committee, and in practically all instances would differ substantially.

It is, therefore, recommended that when the Commissioner makes his decision on the evidence heard by him, he notify the parties accordingly and that a thirty day delay take place thereafter before the Commissioner's decision be considered by the Standing Committee, during which time the parties may appeal to the Standing Committee on the evidence already presented.

If no appeal is taken the Standing Committee may move the resolution on the authority of the Commissioner's decision. If an appeal is taken, the Standing Committee's duty would be to review the evidence and hear such argument as the parties might present on the evidence, and recommend to the Senate such action as the Committee might deem just. The Senate itself would then act with finality.

This change would shorten and speed the procedure. The Commissioner would be relieved of reporting at length on the facts of each case as now, except when an appeal is taken, and the aggrieved party could appeal to an experienced body which would come fresh to the hearing.

RECOMMENDATION

Your Committee recommends that the *Dissolution and Annulment of Marriages Act* be amended by the repeal of Section 2 and 3 thereof and the substitution therefor of the following:

2. (1) The Senate of Canada may, on the petition of either party to a marriage, by resolution declare that the marriage is dissolved or annulled, as the case may be, and immediately on the adoption of the resolution the marriage is dissolved or annulled, as the case may be, and shall be null and void, and thereafter either party may marry any person whom he or she might lawfully marry if the said marriage had not been solemnized.

(2) *Officer's Recommendation.*

The Senate shall adopt a resolution for the dissolution or annulment of a marriage only upon referring the petition therefor to an officer of the Senate, designated by the Speaker of the Senate, who shall hear evidence, and report thereon, but such officer shall not recommend that a marriage be dissolved or annulled, except on a ground on which a marriage could be dissolved or annulled, as the case may be, under the laws of England as they existed on the 15th day of July, 1870, or under the Marriage and Divorce Act, Chapter 176 of the Revised Statutes of Canada, 1952, or on any ground added by the *Divorce (Extension of Grounds) Act*, 1967.

(3) *Report of Commissioner.*

In any uncontested case, the Commissioner shall report his recommendations to the Senate's Standing Committee on Divorce, together with such facts and finding as may be required in each instance by the Committee or the Chairman thereof and the Committee may recommend the passage of a Resolution in accordance with the Commissioner's recommendation and on the authority thereof, or may take such other action as to it seems just.

(4) *Notification of Parties.*

Following the hearing of each contested case the Commissioner shall deliver personally or by registered mail to the parties or their respective legal representatives of record a copy of his report and recommendation and on the expiration of thirty days thereafter such report and recommendation may be taken into consideration by the Standing Committee of the Senate on Divorce.

Provision for Appeal in Parliamentary Divorce

3. (1) During the said thirty days, any of the parties to such contested case may give notice of appeal against the recommendation of the Commissioner to the Standing Committee of the Senate on Divorce, which shall hear the appeal on the evidence already submitted, together with arguments and representations of the parties or their legal representatives.

(2) If no such appeal is lodged within the said thirty days, the said Standing Committee may recommend the passage of a resolution in accordance with the Commissioner's recommendation and on the authority thereof, or may take such other action as to it seems just.

(3) If an appeal is lodged with the said Standing Committee within the said thirty days, the Committee shall hear the appeal on the evidence already presented, together with the arguments and representations of the parties or their legal representatives, and may approve the Commissioner's recommendation or may vary and amend it as to the Committee seems just and may recommend to the Senate accordingly.

CONCLUSION

In the foregoing pages is set forth what your Committee believes to be a comprehensive reform of the divorce laws of Canada. The acceptance of the Committee's recommendations would broaden the grounds upon which marriages may be dissolved, in order to meet the needs of modern society. It would give to the courts of the provinces and to the Senate on resolution, authority to dissolve marriages on proof of such marital offences as adultery, cruelty and desertion, and to dispose of the legal ties in cases where the marriage is irretrievably broken down because of the incapacitating illness of one of the spouses, whether mental or physical, or of criminality and long-term imprisonment, alcoholism, drug addiction or non-consummation, or of the disappearance of one of the marriage partners, and in addition where the marriage has broken down although there is no triable fault alleged or incapacity but in which there is no reasonable prospect of a resumption of cohabitation.

The exercise of these powers by the courts and the Senate, in accordance with the safeguards provided, will bring relief to many thousands of Canadian citizens, a relief which is sorely needed, and will contribute to the well-being of society and to the happiness of many.

In addition to broadening the grounds for divorce, married women deserted by their husbands will be given access to the courts on equality with men. Decrees as to alimony or maintenance, the division of marital property and the custody of and access to children will become possible, coincident with decrees of divorce as ancillary to divorce. Decrees of judicial separation will be uniform within the jurisdiction of the courts in all Provinces. The law with respect to collusion and condonation will be clarified, and access to the assistance of the courts will be more readily available when the County Courts are given concurrent jurisdiction with the Supreme or Superior Courts in matrimonial causes and matters.

It has been the effort of your Committee to make the law of divorce and related matters more in accordance with the needs of the people, more humane and at the same time more practical.

While this first part of your Committee's Report contains its recommendations concisely stated, a reading of the following parts is respectfully urged upon those who would understand your Committee's thinking and reasons therefor.

PART II

CANADIAN DIVORCE LAW AND THE LAW OF OTHER COUNTRIES

I CANADA

1. *The Evolution of Canadian Divorce Law*

Although the Parliament of Canada enjoys exclusive jurisdiction over marriage and divorce by virtue of section 91, head 21 of the British North America Act of 1867, expressed in the words "Marriage and Divorce," the essence of Canadian divorce law is to be found in an intermingling of English and pre-Confederation colonial statutes that have undergone only limited amendment by the federal Parliament. The courts of eight of the provinces (British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, New Brunswick, Nova Scotia and Prince Edward Island) have the power to grant divorces *a vinculo matrimonii* (from the bonds of marriage), while those of Quebec and Newfoundland have not. In the Yukon and Northwest Territories, the courts also have authority to grant divorces. Parliamentary divorces are provided for persons domiciled in Quebec and Newfoundland, or whose domicile is uncertain. With the exception of the three Atlantic provinces, which have divorce law of their own enactment antedating Confederation, the divorce law administered by the courts of the provinces, other than Quebec and Newfoundland, is basically the same as the English divorce law as it was on July 15, 1870. The English law of that date was set out in *The Divorce and Matrimonial Causes Act* of 1857.

This complicated pattern and the predominance therein of nineteenth century English law has resulted from the piecemeal growth of Canada and the introduction of English law into the various colonies before they joined Confederation. In colonies of settlement, such as Nova Scotia, the common law of England and the then current existing English statute law became the law of the colony, while in colonies acquired by cession, such as Quebec, the existing laws of the territory, if there were any, continued in force until or unless expressly altered or repealed by the Crown.

In colonies of settlement, it was established by the eighteenth century that laws could be made only with the assent of an assembly in which the people were present either in person or by their representatives. Once a colony possessed its own legislature and made its own laws, statutes passed in England no longer automatically applied to the colony unless specifically stated to do so. While the Imperial Parliament could, and often did, legislate for the Empire as a whole and for certain specific colonies on particular occasions, Imperial legislation became applicable *prima facie* to the United Kingdom only and not the colonies. Any colony could, of course, adopt English law in whole or in part by legislative action and any law so instituted could be changed by the colonial legislature.

At the time of Confederation, section 129 of the British North America Act provided that the law then in force in the provinces of Upper and Lower Canada, Nova Scotia and New Brunswick should continue in force until and unless

repealed, abolished or altered by the Parliament of Canada or the provincial legislatures according to their respective legislative authority as set out in the Act. Similar provision was made for the continuance of the existing law of the other provinces and territories when they joined the Canadian federation.

The three provinces of Nova Scotia, New Brunswick and Prince Edward Island were all originally part of Nova Scotia which was a British colony of settlement and subject to the law of England. Nova Scotia was granted a Legislative Assembly, the first meeting of which was held on October 3, 1758. Nova Scotia law, therefore, was the English law as of that date, and thereafter subject to change by the colonial legislature, or by Imperial legislation that by express terms or necessary implication applied to Nova Scotia. Since England had no Divorce law at that time other than judicial separations granted by the ecclesiastical courts, there was no divorce court in Nova Scotia empowered to grant divorces *a vinculo matrimonii.*

Prince Edward Island, acquired in 1763, became a separate province in 1769 and its first Assembly met in 1773, while New Brunswick became a separate province with its own legislature in 1784. These provinces thus acquired the law of England as of October 3, 1758, and later Nova Scotia law as of 1773 and 1784 respectively. Thereafter these provinces made their own law. But since there were no civil divorce courts in England in 1758, there were none in Prince Edward Island or New Brunswick. Nova Scotia, however, lost no time in enacting its own civil divorce law. An Act of 1758 (17 Geo. II, c. 17) gave the Governor with the members of his Council authority to hear and determine matters relating to prohibited marriage and divorce. The Nova Scotia legislature provided that marriages should be declared null and void only on grounds of impotence and consanguinity within the degree prohibited by the English Statute 32 Henry VIII, c. 38 and that divorce could be granted for adultery, and desertion without necessary maintenance for three years. In 1761 a further Act (I Geo. III, c. 7) removed desertion as a ground for divorce but added cruelty. Nova Scotia is still the only province in Canada in which cruelty is a ground for divorce. The composition of Nova Scotia courts was somewhat altered in 1841, and in 1866 a "Court for Divorce and Matrimonial Causes" was established. This court retained not only the pre-existing authority but it was also given the same powers in respect of, and incidental to, divorce and matrimonial causes and the custody, maintenance and education of children which were possessed by the divorce courts of England at that time. By virtue of section 129 of the *British North America Act*, these laws continued in force after Confederation and form the basis of divorce law in Nova Scotia, except as modified by the Dominion Statutes of 1925 and 1930.

New Brunswick also entered Confederation with a divorce law of its own enactment. The first Act was passed in 1787 but later revised in 1791 (31 Geo. III, c. 5). This established a Divorce Court and provided as grounds for divorce frigidity, impotence, adultery and consanguinity within the prohibited degrees. While the number of reported cases from New Brunswick is small, it seems that the effective ground for divorce in that province is adultery.

Theoretically, Prince Edward Island acquired the divorce law of Nova Scotia when it was constituted a separate province in 1769, but this law remained in practice a dead letter until the province established its own divorce courts by Acts of the legislature in 1833 and 1835. The Act of 1835 was not utilized,

however, until 1945 when Rules of Practice and Procedure applicable to the divorce court were promulgated. Concurrent jurisdiction was conferred on the Supreme Court of Prince Edward Island in 1949.

The Province of Ontario became a separate province with its own legislature by virtue of the *Constitutional Act* of 1791. When the Legislative Assembly first convened on October 15, 1792, the common law of England was adopted as the law of the province, but otherwise English law ceased to apply. Thus Upper Canada had no divorce law. Since none had been enacted before Confederation either by the legislature of Upper Canada or by that of the United Province of Canada, Ontario entered Confederation without any such law. Since divorce fell within Federal jurisdiction by the British North America Act, the province has since Confederation been unable to enact legislation on divorce of its own. The Ontario courts derive their jurisdiction from a statute passed by the Federal Parliament in 1930. This Act introduced the law of England as to the dissolution and annulment of marriage as of July 15, 1870.

Quebec too entered Confederation without any provisions for the dissolution of marriage. Although English criminal law was introduced into Quebec in 1763 and was subsequently continued, the Quebec Act of 1774, section 8, re-established Quebec law in matters concerning property and civil rights. The French Civil law was continued by the Constitutional Act of 1791. The Civil Code, which was enacted by the United Province of Canada in 1866 and which was continued in force by the British North America Act, states quite clearly in Article 185: "Marriage can only be dissolved by the natural death of one of the parties, while both live it is indissoluble." Since the Quebec legislature cannot repeal or amend that clause and since the Parliament of Canada which can, has not done so, the courts of the province of Quebec have no authority to grant dissolutions of marriage. They do, however, have power to grant judicial separations and declarations of nullity.

Although Newfoundland did not join Canada until 1949, its courts lack the power to grant divorces *a vinculo matrimonii*. Newfoundland did not acquire the English law of 1857 because Newfoundland received its own legislature in 1832. Thus the laws of England which applied in Newfoundland were those in force in 1832 only, and the Supreme Court of the province has held (Hounsell v. Hounsell (1949) 3 C.L.R. 38, Nfld.) that the provincial courts had in 1832 only the jurisdiction of the English Ecclesiastical Courts, which could decree only judicial separation (*divorce a mensa et thoro*) and not dissolutions of marriage (*divorce a vinculo matrimonii*). The English secular courts did not acquire jurisdiction to grant divorce until twenty-five years later.

The divorce law of the remaining provinces, British Columbia, Alberta, Saskatchewan and Manitoba and the Yukon and Northwest Territories is substantially that contained in the English *Divorce and Matrimonial Causes Act* of 1857. The reason for this again is due to the introduction of English law and its subsequent continuation when these territories and provinces became part of Canada.

In the case of British Columbia, the laws of England as of November 19, 1858, were declared to be in force by a Royal proclamation in 1858. Similar provision was made by a United Kingdom Ordinance in 1867 when Vancouver Island and British Columbia were united and the same provision remained in force after British Columbia entered the Canadian federation in 1871, subject of

course to alteration either by the Parliament of Canada or the provincial legislature, according to their respective jurisdiction under the British North America Act. Thus British Columbia now has in force the English Act of 1857.

The provinces of Manitoba, Alberta, Saskatchewan were all carved out of the territory surrendered by the Hudson's Bay Company in 1869. The *Rupert's Land Act* of the Imperial Parliament (31-32 Victoria, c. 105) which provided for the acquisition by the Crown of Rupert's Land and the Northwest Territories from the Hudson's Bay Company, also provided that the laws in force in these territories on July 15, 1870, when they were united with Canada would remain in force until altered by the Canadian Parliament or the Lieutenant-Governor of the Northwest Territories. The *Northwest Territories Act* of the Canadian Parliament in 1886 provided that the laws previously in force in the Territories would continue and the *Alberta and Saskatchewan Act* of 1905 similarly provided that the then existing laws would continue in force in the provinces of Alberta and Saskatchewan until altered or repealed by the Dominion Parliament or the respective provincial legislature. Thus the law of divorce in these provinces is still the law of England as of July 15, 1870, and consequently their divorce law is based upon the English Statute of 1857. The situation in Manitoba is essentially the same, although as a result of a court case (Sinclair vs Mulligan, 5 Man. L.R., 17) a Provincial Statute and a Federal Statute (51 Victoria, c. 53) were felt necessary to declare it so formally.

Likewise, the divorce law of the Northwest Territories and Yukon is based on the 1857 English Statute. By the *Northwest Territories Act* of 1886, the Civil and Criminal Law of England as of July 15, 1870, was continued in the Territories, subject of course to repeal or amendment by the appropriate authority. The Yukon which was carved out of the Northwest Territories in 1898 acquired the existing law of the Territories.

What then was the Law of England on the magic date of July 15, 1870? The *Matrimonial Causes Act* of 1857 provided for a dissolution of marriage on the petition of the husband if his wife had committed adultery since the celebration of the marriage. For the wife, however, to obtain a divorce, it was necessary for her to prove that since the celebration of the marriage the husband had been guilty of either (i) incestuous adultery; or (ii) bigamy with adultery; or (iii) rape, sodomy, or bestiality; or (iv) adultery coupled with such cruelty as would have entitled her to a divorce *a mensa et thoro*; or (v) adultery coupled with desertion for two years or longer without reasonable excuse. Thus a "double standard" was established that permitted a husband a greater latitude in this regard than was possessed by his wife.

This so-called "double standard" was removed in Canada in 1925 when the Parliament of Canada exercised for the first time its general legislative jurisdiction over Marriage and Divorce. Heretofore, Parliament had passed only private divorce Acts. The *Marriage and Divorce* Act of that year permitted the wife to sue for divorce on the ground of her husband's adultery alone. This Act applied, of course, only in those provinces where the courts had power to grant divorces *a vinculo,* but the same principle has been followed since in parliamentary divorce.

Since then there have been only four other federal Acts directly concerned with Divorce. Two of these were applicable to specific provinces only and all of them concerned the extension of the jurisdiction of the courts rather than the grounds for granting divorces. The *Divorce Jurisdiction Act* of 1930 permitted a

wife who had been deserted for two years or more by her husband to petition for divorce in the province in which she was domiciled at the time of the desertion. Before this measure, since the domicile of a married woman is in law that of her husband, the deserted wife had to petition in the province or country in which her deserting husband was then domiciled. In the same year, Parliament granted to the Supreme Court of Ontario jurisdiction to decree dissolution and annulment of marriage in accordance with the law of England as it existed on July 15, 1870. This gave Ontario its first divorce law.

The fourth Act of Parliament, passed in 1937, regularized a curious situation that had arisen in British Columbia. By the 1857 Act, divorce cases in England have been heard by three judges from whom there was an appeal to the House of Lords. But when the laws of England were introduced into British Columbia, the powers exercised by three judges in England were granted to a single judge in British Columbia and no provision was made for appeal. Consequently, it was held that there was no right of appeal from a single judge in British Columbia when either granting or refusing a divorce. The *British Columbia Divorce Appeals Act* of 1937 of the Dominion Parliament conferred the right of appeal in divorce cases to the Court of Appeal of British Columbia.

The last and most recent Act to be passed by Parliament on the subject of Divorce was the *Dissolution and Annulment of Marriages Act* of 1963. This Act provided a new procedure for the granting of Parliamentary Divorces. Before the importance of this Act can be considered, it is necessary to look more closely at Parliamentary divorce.

2. *Parliamentary Divorce*

A Parliamentary divorce is procured by the passage of a private Act of Parliament dissolving a particular marriage. Parliament, as the supreme legislative power, has the right to exempt persons from the application of specified laws of the country, if it sees fit to do so. The Parliament of the United Kingdom granted divorces by private Act of Parliament long before the establishment of the English Divorce Courts in 1857. Thus, although marriages were otherwise indissoluble under the ordinary law, Parliament made exceptions in specific instances. The preamble of the British North America Act indicates the intention of the federating provinces to have a constitution "similar in principle to that of the United Kingdom." Accordingly, the Parliament of Canada exercised after Confederation a jurisdiction similar to that of the English Parliament. The Parliament of Canada is the only legislative body in Canada with authority to pass private divorce Acts, since it alone has jurisdiction in matters of "Marriage and Divorce".

The existence of parliamentary divorce has met the need of persons domiciled in provinces which lack divorce courts, to obtain dissolutions of marriage. Thus, although residents of Quebec and Newfoundland, and prior to 1930, of Ontario, have been unable to seek relief in the courts of their provinces, they have been able to appeal to Parliament. While Parliament has not imposed an unwanted divorce jurisdiction on the courts of those provinces not seeking it, it has not prevented the residents of those provinces from obtaining divorces.

Theoretically, the jurisdiction of Parliament in granting parliamentary divorce is quite unfettered. It has power to grant a dissolution of marriage to any petitioner domiciled in Canada and for any cause or for no cause at all, as it may see fit. However, Parliament has not exercised its wide jurisdiction to the full.

Its practice has been to grant divorce only on such grounds as the English courts recognized in 1870, save that it will grant a wife a divorce on the ground of her husband's adultery without qualification.

Similarly, although Parliament's power to grant a divorce is unqualified, in fact it has entertained petitions only from persons who lack an alternate remedy in the courts. That means from those domiciled in Quebec and Newfoundland, or from those whose domicile in a province is in doubt.

While parliamentary divorces were rather few in the nineteenth century, the number has grown rapidly since 1900. Consequently, in 1963 the *Dissolution and Annulment of Marriages Act* (12 Eliz. II, c. 10) delegated to the Senate the power to dissolve and annul marriages by resolution, without concurrence by the House of Commons; subject to an appeal to Parliament as a whole. Such an appeal may be made by the aggrieved party within 30 days after the passage of such a resolution by petitioning Parliament for a private Act. Such a petition has the effect of staying the resolution until the bill has been disposed of by Parliament. If the appeal is not made, the resolution becomes effective 30 days after the adoption of the resolution by the Senate.

Under the *Dissolution and Annulment of Marriages Act*, each petition must be referred to an officer of the Senate, designated by the Speaker, who hears the evidence in the case and reports on it to the Senate. This officer, however, may recommend the dissolution or annulment of the marriage only "on a ground on which a marriage could be dissolved, or annulled, as the case may be, under the laws of England as they existed on the 15th day of July, 1870, or under the *Marriage and Divorce Act*, Chapter 176 of the Revised Statutes of Canada, 1952." In effect, this means that parliamentary divorces are granted on the same grounds as divorces are granted by the courts in the Prairie Provinces, British Columbia and Ontario.

The existence of this procedure does not fetter Parliament in any way. When the case has been referred to the Divorce Commissioner and his report has been received, the Senate has a right to refuse or to grant a resolution of divorce as it sees fit, subject, of course, to the right of the parties to apply for a private bill from Parliament as a whole. Parliament can still pass private divorce bills as it has in the past. The Senate has been given an additional jurisdiction in respect of divorce, but the sovereign power of Parliament in matters relating to marriage and divorce has not been impaired.

3. *Jurisdiction*

Parliament is assigned exclusive jurisdiction over "Marriage and Divorce" by the British North America Act. The provincial legislatures enjoy exclusive jurisdiction over "Solemnization of Marriage" in their respective provinces. Parliament's jurisdiction extends to the right to grant divorces *a vinculo matrimonii*. The provinces have the right to prescribe the necessary procedural rules and this they have done. The provinces draw their authority from Section 92, subsection 14, of the British North America Act, whereby the provinces are authorized to make laws dealing with "administration of justice in the province, including the constitution, maintenance and organization of provincial courts, both of civil and criminal jurisdiction, and including procedure in civil matters in those courts". While the courts for the administration of divorce laws are at present the provincial courts, Parliament has authority to establish a federal

divorce court under section 101 of the British North America Act. Parliament may also confer divorce jurisdiction on provincial courts as it has done in the courts of Ontario. It may do so explicitly, or implicitly by passing a law without establishing a court for its administration. In this case, it is presumed that Parliament intended the law to be administered by the provincial courts.

While the situation regarding dissolutions of marriage and procedure are quite clear, the jurisdiction of Parliament over judicial separation and matters ancillary to divorce is not specifically stated. However, it is the considered opinion of the Deputy Minister of Justice that Parliament's jurisdiction extends to judicial separation. In ecclesiastical law, a decree of judicial separation from bed and board was known as a divorce *a mensa et thoro*, and this decree was granted only by the church courts. The English Act of 1857 transferred this jurisdiction from the ecclesiastical to the civil courts and renamed the decree separation. The decree under both courts had the similar effect of dissolving the marriage without conferring on the parties the right of remarriage, so that when ten years after the passage of the Act of 1857, the British North America Act conferred divorce jurisdiction on the Canadian Parliament, it follows that divorce *a mensa et thoro* (judicial separation) was included with divorce *a vinculo.*

Looked at from another point of view, a marriage creates a new legal status for the parties. New rights and duties are created, such as the obligation to support and the right to consortium, while a right to again marry is extinguished. A divorce *a vinculo* destroys the legal status involved in the marriage and restores the parties to their former positions. When the divorce is granted, these rights and obligations cease and the parties are free to remarry. A judicial separation is a divorce without the right to remarry. "The legal status created by the marriage has been extinguished," to quote a witness before the Committee, "but the status enjoyed by the parties thereto immediately before the marriage has not been fully restored. . . If Parliament can say that pre-existing rights are fully restored, it can also say they are only partially restored."

It is interesting to note, that in 1879, parliamentary divorce was granted, an Act for the relief of Eliza Maria Campbell (42 Victoria, c. 79) which in fact was a judicial separation, providing that "the said Eliza Maria Campbell shall be and remain separated from the bed and board of her husband." This Act was passed by a Parliament containing as members many of the authors of the British North America Act. They seemed to have had no doubt as to Parliament's jurisdiction. However, it should be added that this was the only Act of judicial separation passed by Parliament and that its validity has not been judicially tested. But neither has it been judicially questioned.

Parliament has not in recent years dealt with matters ancillary to divorce.

Heretofore, these matters have been dealt with by the provinces, if for no other reason than that Parliament has refrained from doing so. The Committee is of the opinion that the exclusive jurisdiction of Parliament over divorce includes legislative authority over matters ancillary to divorce.

Divorce alters the legal status created by the marriage. Jurisdiction with regard to divorce thus includes the abolition of the rights and obligations created by the marriage and the restoration of certain pre-existing rights. Such rights can be terminated or restored in whole or in part.

A husband has a duty to maintain his wife. That obligation normally ceases when the marriage is dissolved because the relationship between the parties no longer exists. As Parliament is competent to legislate to divorce, it may also

define the extent to which a dissolution of marriage alters the rights and obligations inherent in marriage. Parliament, can, therefore, provide for the continuation of the obligation of the husband to support the wife.

A similar argument can be advanced regarding the maintenance and custody of children. While a marriage exists both parents have joint custody of the children and the husband is under an obligation to provide for their maintenance and education. The termination of the marriage by a divorce interferes with these obligations and Parliament's jurisdiction relative to divorce necessarily includes authority to stipulate to what extent they shall be continued, altered or destroyed.

The Committee's authority for the foregoing is memorandum of Mr. E. A. Driedger, Deputy Minister of Justice. This document is presented here verbatim:

DEPARTMENT OF JUSTICE

Ottawa 4, December 28, 1966.

The Honourable A. W. Roebuck,
The Senate,
Ottawa, Ontario.

Dear Senator Roebuck:

In your letter of October 20 you asked for my views on two additional points as follows:

(a) whether Parliament has jurisdiction with regard to judicial separation, and

(b) whether Parliament has jurisdiction with respect to alimony, custody and maintenance and division of property of divorced persons and their families.

I have now given some consideration to these problems and am able to put my views before you. I should like to state at the outset, however, that the views hereinafter expressed are not in any sense to be regarded as the views of the Government or any member thereof. They are merely my own personal opinions which I offer for such assistance as it may be to your Committee.

Before dealing with your questions I think it is important to bear in mind the fundamental nature of marriage and divorce from a legal point of view. A marriage creates a new legal status between the parties thereto. At the moment of marriage new rights and obligations between the parties thereto arise, and at the same time a pre-existing right is extinguished. Thus, there arise the obligation to support and the right to consortium; at the same time, the pre-existing right to marry is lost. These are some of the essential legal characteristics of a marriage; without them, the marriage status would not exist.

A divorce *a vinculo matrimonii* also changes the legal status of the parties; it destroys the legal status created by the marriage and restores the parties to the status they had before the marriage. At the moment the divorce takes place, the rights and obligations inherent in the marriage cease and the parties are thereafter free to re-marry.

Coming now to your first question, you may recall that I did touch upon this when I appeared before your Committee. I said at that time that having regard to the nature of a decree of judicial separation it was reasonable to conclude that Parliament's jurisdiction extended to both divorce *a vinculo matrimonii* and judicial separation. I might now add to that observation that a judicial separation is in reality a divorce without the right to re-marry. The legal status created

by the marriage has been extinguished, but the status enjoyed by the parties thereto immediately before the marriage has not been fully restored. I would therefore consider that the expression "marriage and divorce" includes judicial separation, because the latter deals with the legal status of married persons and the effect of a judicial decree on that status. Putting it another way, one might say that the greater includes the less; if Parliament can say that pre-existing rights are fully restored, it can also say that they are only partially restored.

Dealing now with your second question, as I have indicated, jurisdiction to make laws in relation to "divorce" is in essence jurisdiction to make laws for the alteration of the legal status created by the marriage; the jurisdiction therefore extends to the abolition of the rights and obligations created by the marriage and the restoration of pre-existing rights. As I have already indicated, I think it must follow that these rights and obligations can be terminated in whole or in part.

It is the husband's duty to maintain the wife. If the marriage is dissolved, that obligation normally ceases because the relationship of husband and wife no longer exists. For the reasons I have indicated, I think that Parliament is competent to define the extent to which a dissolution of marriage alters the rights and obligations inherent in the marriage and therefore could provide for a continuation of the obligation to support. The remarks of Lord Atkin in *Hyman v. H.* (1929) A.C. 601, would support this line of argument. He there said at pp. 628-9:

> "The necessity for such provisions is obvious. While the marriage tie exists the husband is under a legal obligation to maintain his wife. The duty can be enforced by the wife, who can pledge his credit for necessaries as an agent of necessity, if, while she lives apart from him with his consent, he either fails to pay an agreed allowance or fails to make her any allowance at all; or, if she lives apart from him under a decree for separation, he fails to pay the alimony ordered by the Court...When the marriage is dissolved the duty to maintain arising out of the marriage tie disappears."

This view is also supported by the remarks of Crocket, J. in *McLennan v. McLennan* (1940) S.C.R. 335, and by the British Columbia Court of Appeal in *Rousseau v. Rousseau* (1920) 3 W.W.R. 384.

The same reasoning would apply to maintenance and custody of children. During marriage the husband is under a duty to maintain and provide for the education of the children of the marriage, and the husband and wife have joint custody. These are rights and obligations that arise out of the marriage relationship. A divorce, which terminates the marriage relationship, obviously interferes with these rights and obligations, and in my opinion Parliament's jurisdiction in relation to divorce would include jurisdiction to prescribe the extent to which these rights and obligations are to be abrogated or continued. In the *Reference re Adoption Act* (1938) S.C.R. 398, the Supreme Court of Canada upheld provincial legislation, but at page 402 Chief Justice Duff left the door open to federal legislation when he said that

> "We are not concerned with any ancillary jurisdiction in respect of children which the Dominion may possess in virtue of the assignment to the Dominion Parliament by section 91 of the subject of Marriage and Divorce."

The division of property between divorced persons (apart from the question of support or maintenance), as well as such matters as marriage settlements, dower, homestead rights, the right of married women to own property and sue in their own names, etc., may well stand on a different footing. These matters do involve rights and obligations between husband and wife, but they seem to me to relate more to the property and civil rights of the parties to the marriage than to

their legal status as married persons. They could vary from time to time and from jurisdiction to jurisdiction and a particular rule is not necessary or essential to constitute a marriage.

The provinces of course have jurisdiction over property and civil rights. Since Parliament has exclusive jurisdiction over marriage and divorce, it would seem to be clear that the provinces could not define the status of marriage or divorced persons and therefore could not prescribe the rights and obligations constituting a marriage or the extent to which the rights and obligations created by the marriage shall be abrogated or continued by a divorce. However, generally speaking, their jurisdiction over property and civil rights would include the matters mentioned in the preceding paragraph as well as the welfare of the people of the province. The provinces could therefore make provision for the support of its residents, whether they be single, married, divorced, children or adults. Provincial legislation dealing with property and civil rights, and not being legislation *qua* marriage or divorce, would no doubt be valid. If, however, any particular provincial law should clash with a federal law, then, under the normal rule, the latter would prevail.

I was also asked by the Special Assistant of your Committee to clarify the comment I made when I appeared before the Committee to the effect that at the time that Prince Edward Island was established there was no divorce law because the Divorce and Matrimonial Causes Act of England was not enacted until 1857. What I had in mind, of course, was that the English Divorce and Matrimonial Causes Act did not become the law of Prince Edward Island because the Act was passed after Prince Edward Island established its own legislature in 1773. Between 1773 and the year 1883, when Prince Edward Island enacted its own Divorce Act, the law of Nova Scotia would have applied because Prince Edward Island was originally part of Nova Scotia. However, I believe there was in Prince Edward Island no court with divorce jurisdiction between 1773 and 1883, so that the substantive law of divorce that was carried forward into Prince Edward Island had no practical effect. As I indicated earlier, rules of procedure were not promulgated in Prince Edward Island until 1945 so that between 1883 and 1945 the Prince Edward Island divorce law was not in practice being applied.

I hope that the foregoing clarifies all of the additional points that have been raised. If I can be of any further assistance to your Committee, please let me know and I shall do my best to accommodate you.

Yours truly,

E. A. Driedger,
Deputy Minister.

It may be of significance to note, that in the past, Parliament in the passage of private divorce bills has exercised jurisdiction over these matters. In the Campbell case referred to previously, Parliament prescribed alimony for the wife and laid down how it should be paid. It also determined not only the custody of a child of the marriage but also provided for the child's maintenance. There were five other private divorce Acts, passed in the period between Confederation and the year 1896, which made provision for the custody of the children. (47, Victoria, c. 47; 50-51, Victoria, c. 131; 51, Victoria, c. 110-111; 55-56, Victoria, c. 80).

4. *A Note on Judicial Separation*

Parliament has jurisdiction over judicial separation as well as over the dissolution of marriage. Judicial separation has been defined as "divorce without the right to remarry". Lord Buckmaster in the case of Hyman v. Hyman (1929 A. C. 601) has provided the classic description. He said:

> "Judicial separation, which has been the subject of much learned and mighty censure, is nothing but enforcing through the order of the court an arrangement which the parties could—were they willing—equally effect for themselves, it merely makes in the form and with the force of a decree an arrangement for the parties to live apart."

The law concerning judicial separation in Canada has been determined by the same processes that established the law on dissolution of marriage. British Columbia and the Prairie provinces thus base their law of judicial separation on the law of England as it was on November 19, 1858 and July 15, 1870. The exception is Alberta which in 1927 passed an Act purporting to govern judicial separation. The legislature acted on the assumption that the subject was one of civil rights. Judicial separation clearly affects the rights and obligations resulting from the marriage status and thus falls within federal jurisdiction. Hence the validity of this provincial legislation is doubtful. The provisions of the *Alberta Act,* however, are not dissimilar to those in force in the other Prairie provinces.

The English law is founded on the English Act of 1857 already mentioned. The grounds provided in the English Act are adultery, cruelty, and desertion without just cause for two years or more. However, that Act provided that relief could also be granted on principles which, in the opinion of the court "are as nearly as may be conformable to those followed by the English Ecclesiastical Courts before 1857." Thus the grounds may be somewhat wider than those actually enumerated. Alberta and Saskatchewan have by statute widened the former grounds for judicial separation adding (i) desertion constituted by the fact that a spouse has failed to comply with an order for restitution of conjugal rights; and (ii) sodomy or bestiality or attempts to commit either offence.

In Nova Scotia and Newfoundaland the substance of the English law of 1857 also provides the legal basis for judicial separation. In the latter province, the Supreme Court has all the powers exercised by the English Ecclesiastical Courts prior to 1832 and this includes competence in actions for judicial separation. Nova Scotia has conferred on its divorce courts the jurisdiction to grant separations in accordance with principles and practices of the English courts in 1866. In New Brunswick the law dates back to an Act of 1791 and the grounds for a separation are the same as those for divorce with the addition of desertion.

Thus in seven provinces there is a degree of uniformity in the law providing for judicial separation. The exceptions are Ontario, Prince Edward Island and Quebec. Prince Edward Island seems to have no grounds specified at all for the granting of judicial separation, and the Courts of Ontario have held they do not possess the jurisdiction to grant relief in this field. They base their contention on the wording of the *Divorce Act* (*Ontario*), 1930, which provided for the dissolution and annulment of marriage only, and not for matrimonial causes generally. Consequently, in Ontario there is no law of judicial separation

which in practice is dealt with as a matter of legal contract between the parties concerned.

Quebec is an exception only in the sense that its law is not based upon the English law of 1857. The Courts of Quebec do grant "separations from bed and board". Voluntary separation has no legal recognition in that province. A written separation agreement made by the spouses will not be enforced by the courts. While the existence of such an agreement may indicate that no desertion has taken place, it can in no way change the legal duties of the marriage partners to each other or to their children. By Quebec law, a husband and wife owe each other mutual fidelity, succor and assistance. A wife is under an obligation to cohabit with her husband, and reside with him wherever he chooses to live. For his part, a husband has a duty to receive his wife and maintain and support her to the best of his ability and condition. Any breach of these conditions by one partner, gives the other grounds for action in separation from bed and board. Such separation may be demanded on the grounds of adultery or of "the outrage, ill-usage or grievous insult committed by the other."

Since a dissolution of marriage can be obtained in Quebec only through parliamentary divorce and since a proportion of the population of the province find divorce contrary to their religious beliefs, judicial separation is a common procedure in that province.

II ENGLISH DIVORCE LAW

Since the basis of Canadian Divorce law rests, for the most part, upon English law, it may be useful to put on record a brief summary of the English law of divorce and its development in order to provide a basis of comparison.

1. *Ecclesiastical Courts*

Until the *Matrimonial Causes Act* of 1857, the English civil courts lacked the jurisdiction to grant divorces. Up to that time, matrimonial causes had been reserved to the Ecclesiastical Courts. These courts, however, could grant a decree of judicial separation, divorce *a mensa et thoro,* only. Dissolution of Marriage, or divorce *a vinculo matrimonii,* was not within their jurisdiction. Exclusive jurisdiction of the Ecclesiastical Courts over all matters relating to marriage and its dissolution extends back very far in English history. Matrimonial causes had been the exclusive prerogative of the Ecclesiastical Courts since the thirteenth century, and perhaps even earlier.

The trial of matrimonial causes within the Ecclesiastical Courts meant that it was Canon Law rather than common law or even Roman civil law that shaped the law of divorce in England. Before the Reformation, the Church regarded marriage as a sacrament and thus it was virtually impossible to obtain a divorce *a vinculo.* The Pope alone could grant a dissolution of a validly contracted marriage and he rarely did. It was relatively easy, however, to obtain a decree of nullity. The grounds for a nullity were precontract (proof of a binding promise to marry another), consanguinity and affinity. Consequently elaborate rules of a highly artificial character grew up around the table of prohibited degrees set out in the Book of Leviticus. These even included blood relationship and relationship by marriage down to the seventh degree. The doctrine of

spiritual affinity invented by the Emperor Justinian also became the basis for a similar set of complex rules. The extent of these rules is well illustrated in the case of Roger Donnington whose marriage was declared null and void because before its celebration he had had sexual intercourse with a third cousin of his future wife.

The Reformation worked some changes in the English law. Jurisdiction still remained with the church courts, but the relations between church and state were put on a new basis. Under Henry VIII, the King became head of both Church and State and by the *Act in Restraint of Appeals* of 1533 the right of appeals from the Ecclesiastical Courts to Rome was abolished. The Protestant reformers restricted the degrees of affinity by the famous Statute of 32 Henry VIII, c. 38, and thus tightened the procedure whereby nullity proceedings had become a virtual substitute for divorce. At the same time, however, it came to be regarded in the sixteenth century that a divorce granted by the courts on the ground of adultery was a divorce *a vinculo* and entitled the parties to marry again.

This state of affairs did not remain in existence for long, however. In 1602, in Fuliambe's Case the court of Star Chamber sitting under Archbishop Bancroft held that a pronouncement of divorce by the Ecclesiastical Courts did not dissolve a marriage completely. This decision effectively closed the door to anyone attempting to obtain a dissolution of his marriage from the church courts. Thereafter, the proceedings in the Ecclesiastical Courts were restricted to granting divorce *a mensa et thoro*. These were granted on the grounds of adultery, cruelty and unnatural practices. Desertion was remedied by a decree of restitution of conjugal rights, not by a divorce. Disobedience to this decree led to the miscreant being declared contumacious and being excommunicated. By the *Ecclesiastical Courts Act* of 1813 the divine sanction was replaced by a more immediate one; the sentence of excommunication was replaced by imprisonment for not more than six months. The courts also pronounced decrees of nullity on the grounds of consanguinity or affinity, mental incapacity, impotence, force or error, impuberty (i.e. marriage under age) or a prior existing marriage.

2. *Parliamentary Divorce*

While divorce *a vinculo* was unobtainable from the Ecclesiastical Courts, there was a remedy to Englishmen who wanted their marriages dissolved. This was by resort to a private Act of Parliament specifically dissolving their marriage. This was an extremely expensive practice which grew up at the end of the seventeenth century and was a "proceeding, which was open, as a matter of course, on sufficient evidence, to anyone who was rich enough to pay for it." (Cmnd 9678, p. 4) It was a procedure that was little used. Between 1715 and 1852 the number of such divorces averaged less than two a year.

At the end of the eighteenth century, in 1798, as a result of resolutions passed by the House of Lords, the process of parliamentary divorce was rendered more difficult and expensive. After that date all petitions had to be supported by a divorce *a mensa et thoro* from the Ecclesiastical Courts and by a verdict of damages for criminal conversion brought against the wife's seducer in the Common Law Courts, or to show circumstances explaining their absence. Adultery was the only ground upon which a petition could be presented and normally relief was granted only to a husband; there are only four cases of relief

being afforded to the wife and those concerned circumstances of aggravated enormity. It is significant to note, however, that care was taken that the wife was not left destitute. The House of Commons possessed an official known as the "Ladies Friend" whose task it was to ensure that a husband made 'suitable but moderate provision' for his divorced wife.

3. The Matrimonial Causes Act of 1857

Following a Royal Commission appointed in 1850, the situation was radically changed by the *Matrimonial Causes Act* of 1857. That Act achieved two things. In the first place it established a civil court upon which was conferred all jurisdiction then exercised by the Ecclesiastical Courts of England in all matters, causes and suits matrimonial. It also provided for the dissolution of marriage, divorce *a vinculo*. The Act substituted judicial separation for "divorce *a mensa et thoro*" and provided that such a decree could be obtained by either husband or wife on the ground of adultery, cruelty or desertion without cause for two years.

Dissolution of marriage was provided for on the ground of adultery of the wife. If a wife wished a divorce, however, she had to establish more than mere adultery, namely:

(i) incestuous adultery;

(ii) bigamy with adultery;

(iii) rape, sodomy or bestiality;

(iv) adultery coupled with such cruelty as would have entitled her to a divorce *a mensa et thoro*;

(v) adultery coupled with desertion, without any reasonable excuse, for two years or upwards.

These more stringent provisions in the case of the wife simply followed the established procedure for the granting of parliamentary divorce. In the case of judicial separation, on the other hand, no distinction was made because of the sex of the petitioner.

By the Act of 1857, connivance, condonation and collusion were made absolute bars and adultery on the part of the petitioner, delay, desertion, cruelty or conduct conducive of adultery were made discretionary bars to petitions for divorce.

While the law passed in 1857 still forms the basis of the divorce law of most of Canada, it has ceased to provide the basis for the current law of divorce in England. There have been numerous Acts concerning divorce passed by the British Parliament since 1857. In 1923, the so called "double standard" was removed, placing the wife on an equal footing with her husband, in that she could sue for divorce on the ground of her husband's adultery alone. She was no longer obligated to prove further matrimonial offences. A similar step was taken in Canada, as previously mentioned, in 1925.

The English Divorce courts derived from the practice of the church courts the power to award alimony *pendente lite*. The Act of 1857 further allowed the courts to award permanent alimony and maintenance after decrees were granted of judicial separation or dissolution of marriage. In 1907, the courts were given similar powers after making a decree of nullity of marriage.

A Royal Commission had been the spur to produce the Matrimonial Causes Act of 1857. A further Royal Commission, the Gorell Commission, was appointed in 1909 to enquire into the state of divorce law. The Commission recommended that the grounds for granting divorce should be widened to include not only (i) adultery, but also (ii) wilful desertion for three years and upwards; (iii) cruelty; (iv) incurable insanity after five years of confinement; (v) habitual drunkenness found incurable after three years from the first order of separation; (vi) imprisonment under commuted death sentence. It was also recommended that the "double standard" be abolished. This latter was the first, and really the only one, of their recommendations that found early fulfilment.

4. *The "Herbert Act", 1937*

Changes recommended by the Gorell Commission did not find their way into law until 1937. Then a private members bill, introduced by A.P. (later Sir Alan) Herbert was enacted. This Act, the *Matrimonial Causes Act* of 1937 provided three additional grounds for divorce: (i) wilful desertion for three years and upwards; (ii) cruelty; and (iii) insanity after five years confinement. It also made provision for the dissolution of the marriage on the presumption of death of the other spouse. The additional grounds for nullity recommended by the Gorell Commission were also introduced substantially by the 1937 Act. These were (i) wilful refusal to consummate the marriage; (ii) that either party at the time of the marriage was of unsound mind or mentally defective or subject to recurrent fits of insanity or epilepsy; (iii) that the respondent was at the time of marriage suffering from venereal disease of a communicable form; or (iv) was pregnant by some person other than the petitioner. Grounds (ii) through (iv) were restricted by the proviso that: (i) that at the time of the marriage the petitioner was ignorant of the fact alleged; (ii) that the proceedings were instituted within a year of the marriage; and (iii) that marital intercourse with the consent of the petitioner has not taken place since the discovery by the petitioner of the existence of the ground for the decree.

The relevant English statutes were consolidated in the *Matrimonial Causes Act* of 1950 and in 1965 a further consolidating statute was passed incorporating changes made in the law since 1950.

An important provision of the 1937 Statute stipulated that no divorce proceedings could be taken within the first three years of marriage without special leave. The rationale behind this requirement was that young people in many cases were not making sufficient efforts to overcome the difficulties of adjusting to married life. In case of exceptional hardship to the petitioner or in the event of exceptional depravity on the part of the respondent, special leave can be obtained from a judge to begin proceedings before the three year period has expired.

5. *Bars to Divorce*

In 1963 and 1965, by the Matrimonial Causes Acts of those years, the law relating to condonation and collusion was amended. Before those Acts, the forgiveness of one spouse for an act of adultery committed by the other was conditional on the offending spouse committing no further matrimonial offences. If further offences were committed, and these could include cruelty and desertion as well as adultery, the old offence of adultery was revived. The 1963 Act,

however, provided that adultery which had been condoned could not be revived. It also provided that a period of cohabition between the parties for not more than three months, which had as its primary purpose reconciliation, should not be deemed to have condoned an act of adultery or cruelty.

The 1963 Act also attempted to solve the problem arising from agreements made by the parties to a divorce before or during divorce proceedings, such as *bona fide* arrangements to settle questions of maintenance for the wife and children, but there was always the risk that such agreements might be held to be collusive. The 1963 Act, therefore, made collusion a discretionary bar and also made it possible for the court to take any such agreement into consideration and give direction upon it. If the Court approves any such agreement, it is freed from the taint of collusion. If the court does not approve, it can either be rewritten or simply abandoned. This provision has made it possible for sensible arrangements to be reached by the parties without running the risk of losing the divorce action because of collusion. At the same time, the bar of collusion still applies to improper agreements. As the judge in the case of Nash vs. Nash (L. R. 1965, p. 266) stated:

> ". . . since the enactment of the *Matrimonial Causes Act*, 1963, it is no longer appropriate to treat all collusion as mischievous or all who negotiate collusive bargains as mischief makers. A collusive bargain, which in the ordinary meaning of the word is corrupt, remains an offence legally and morally, e.g. the procurement of a decree upon a false case of improper pressure by financial bribes or threats upon a spouse to bring a suit or abandon a defence; but a collusive bargain, which represents an honest negotiation between the parties which is not intented to deceive the court either by putting forward false evidence or suppressing or withdrawing a good defence and which takes its place in an agreement which is intended to make reasonable provision for the parties, according to its subject matter, is a perfectly reputable transaction. There is no objection to solicitors and counsel negotiating such a bargain. . . the institution of marriage should not be undermined by an unworthy and disreputable market in its dissolution."

Since the introduction of cruelty, desertion and insanity as grounds for Divorce in England by the 1937 Act, a considerable jurisprudence has grown up on these subjects. Cruelty and desertion were left undefined in the Act and it has been the duty of the courts to evolve practical definitions.

6. *Cruelty*

The legal definition of cruelty in England has stressed that such conduct must have caused danger to life, limb or health, either bodily or mental, or at least given rise to a reasonable apprehension of such danger. Until 1964, it was also assumed that cruelty must have been aimed at, or intended to hurt, the other spouse or the children of the marriage. However, in the cases of Gollins vs. Gollins and Williams vs. Williams, the House of Lords held that if the conduct complained of was grave and weighty and if the injury or apprehended injury to the petitioner's health was shown, then it was not necessary to prove that there was an intention to injure.

Actual physical violence is not necessary to establish cruelty. The matrimonial relations between the spouses must be considered, particularly in cases where the alleged cruelty consists not of actual physical violence but of persist-

ent and injurious reproaches, accusations and "nagging". The knowledge and intentions of the respondent, the nature of his or her conduct, the character and physical and mental weaknesses of the husband and wife must all come under consideration. In the Gollins case it was held "that when reprehensible conduct or departure from the normal standards of conjugal kindness caused injury to health or an apprehension of it, it was cruelty if a reasonable person, after taking account of the temperament of the parties and all other particular circumstances would consider that the conduct complained of was such that "this spouse should not be called upon to endure it." "It is a question of fact in each case whether the conduct of this man to this woman, or vice versa, is cruelty."

It is interesting to note that in England, drunkenness, gambling and wilful neglect to maintain are not cruelty *per se*. If persisted in, however, they become so, especially if the culprit has been warned that the conduct may be injurious to the health of the other spouse.

If the petitioning spouse provoked the cruelty complained of, he or she is not entitled to relief. Nevertheless, the provocation must be such as to deprive a reasonable person of self-control. The accused party must be acting under the stress of such provocation and the mode of expressing their resentment must not be unreasonable.

7. *Desertion*

Desertion, like cruelty, has no statutory definition. The Royal Commission on Marriage and Divorce defined desertion as follows:

> "A separation of the spouses which is against the will of one spouse and which is accompanied by an intention on the part of the other spouse without just cause permanently to end the married life together." (Cmnd. 9678, p. 4).

It was introduced into England as a ground for divorce in 1937. The physical departure of one spouse from the matrimonial house does not, however, make that spouse necessarily the deserting partner. Desertion is not so much a withdrawal from a place as from a state of things. Desertion commences from the time when the *factum* of separation coincides in point of time with the will to desert (*animus deserendi*). A separation may take place without there being an *animus,* as in a case where the separation is by mutual consent or by compulsion. If the spouses part by mutual consent without any stipulation as to the length of the separation, either of them may at any time put an end to the agreement. If this happens, the other spouse will be treated as being in desertion from that time on and the three year period would be counted as having begun at that time.

It is possible for the *animus deserendi* to arise before the actual physical separation, and this occurs when the other partner is driven from cohabitation. The mere fact of having left the matrimonial home does not make the partner who actually leaves of necessity the deserting party. If that spouse was forced out by the conduct of the other party, it may be that the other party may be the deserting partner. (Winnan vs Winnan, L. R. 1949, p. 174). This is the doctrine of constructive desertion.

Under the *Matrimonial Causes Act* of 1965 Section 1 (2), if the parties resume cohabitation for a period not exceeding three months with the primary purpose of attempting reconciliation, that period is not considered as interrupting the three year period for establishing desertion.

8. *Insanity*

Unsoundness of mind was first introduced as a ground for divorce by the *Herbert Act* of 1937. By that Act the respondent had to be of incurably unsound mind and to have been under care and treatment continuously for a five year period immediately prior to the presentation of the petition. However, if the conduct of the petitioner has been conducive to the insanity either through neglect or otherwise, the decree may be refused. It is required that the respondent be under treatment in a mental hospital and the continuity of the care and treatment and the statutory requirement regarding the detention of persons of unsound mind must have been strictly adhered to. Non-compliance may have the effect of breaking the continuity and thus lead to a rejection of the petition. An Act of 1959, the *Divorce (Insanity and Desertion) Act,* permits a break in continuity of detention for less than 28 days to be disregarded.

Finally, the degree of insanity is of no concern to the court. The position that has been taken in defining "incurable unsoundness of mind" is that the phrase describes a mental state, which, despite five years treatment, makes it impossible for the spouses to live a normal married life, and there being no prospect of improvement which would make it possible in the future.

9. *Provision Regarding Children*

Following the recommendations of a Royal Commission, the Morton Commission, which reported in 1956, greater attention is now paid to the interests of the children of the marriage in any matrimonial proceedings. (Cmnd. 9678, paras 373-394). The *Matrimonial Causes Act* of 1965, section 33, provides that the court may not grant a decree absolute unless it is satisfied with the arrangements made for the care and upbringing of all "relevant" children, if it is practicable to do so and that the arrangements are satisfactory, or are at least the best that can be made in the circumstances. The services of court welfare officers can be drawn upon to assure the court of the suitability of the arrangements and the court can order that the children be separately represented. Despite the introduction of these provisions, there is still dissatisfaction in England not only with the way these provisions are working, but also with their scope as well. The Law Commission has expressed its intention to undertake a thorough investigation of this subject as soon as possible. (Cmnd. 3123, p. 24).

III SCOTS DIVORCE LAW

Although similar to English divorce law, the law of divorce in Scotland is quite distinctive and based upon its own traditions. Currently, the grounds for the dissolution of marriage in Scotland are: cruelty, adultery, desertion, incurable insanity and sodomy or bestiality. A marriage may also be dissolved on the presumption of death of one of the partners. Adultery is a ground derived from the common law while the other grounds have a statutory basis in the *Divorce (Scotland) Act* of 1938. Desertion, however, has been a ground for divorce in Scotland since the sixteenth century when it was introduced by an Act of 1573. Cruelty, insanity, bestiality or sodomy and presumption of death were introduced by the 1938 statute. (T. B. Smith, *A Short Commentary on the Law of Scotland* [Edinburgh, 1962]).

1. *Adultery*

Adultery has no statutory definition in Scotland. The term is construed in the light of cases anterior to 1938. In Scots law, adultery committed by the pursuer (petitioner) is no defence to an action of divorce for adultery; the discretionary bar raised by the petitioner's own adultery in English law is unknown. Also long delay or *mora* is no bar to the successful pursuit of an action on the ground of adultery.

2. *Desertion*

In Scotland desertion is a ground for divorce if the defender (defendant) "has wilfully and without reasonable cause deserted the pursuer and persisted in such desertion for a period of not less than three years." The Scottish courts have built up a considerable body of jurisprudence on the subject of desertion in the course of applying the statute of 1573. The term in the 1938 Act is, therefore, construed in the light of cases decided before 1938. The deserted party must have intimated a desire to continue or resume cohabitation, or in Scots terminology to "adhere". Cruelty, adultery or sodomy would be good grounds for refusing to adhere and thus constitute a good defence. A spouse who commits adultery during the three year period (*the triennium*) is considered to have demonstrated an unwillingness to adhere and to have given the other spouse a cause for non-adherence. Thus he or she cannot seek divorce on the ground of desertion. However, the three year period is vital; once that time has elapsed the right of action vests regardless, and adultery committed after the three year period by the pursuer does not constitute a bar to divorce.

The doctrine of "constructive desertion", whereby a party driven from the matrimonial home may petition on the ground of desertion is unknown to the law of Scotland. Conduct that falls short of a matrimonial offense may, however, be relied on as a defence to a petition based on desertion.

3. *Insanity*

Incurable insanity has been a ground for divorce in Scotland since 1938. The court has discretion to refuse to grant a decree on this ground if the pursuer has been guilty of such wilful neglect or misconduct as to have conduced to the insanity, although adultery *per se* is no bar. The defender to be proved incurably insane must have been under "care and treatment as an insane person" for five years preceding the action. A person is deemed to be under "care and treatment as an insane person" if he or she has been receiving treatment for mental illness as a resident of certain approved institutions, whether as a voluntary patient or otherwise. The period must be continuous for five years, although an interruption of less than twenty-eight days is disregarded.

On granting a decree for insanity, the court may make an order for the pursuer (petitioner) to pay an allowance for the maintenance of the defender and the children of the marriage.

4. *Cruelty*

By the 1938 Act, the courts may grant decrees of divorce where the defender has been guilty of such cruelty toward the pursuer as would justify the granting of a separation *a mensa et thoro* according to the law of Scotland at the time of the passage of the Act.

The basic definition of cruelty in Scots law is very similar to the one prevailing in England.

> "Personal violence, as assault upon the woman, threats of violence which induce the fear of immediate danger to her person, maltreatment of her person so as to injure her health...(Furthermore,) any conduct towards the wife which leads to any injury either creating danger to her life or danger to her health, that too must be taken as sufficient ground for divorce." (Lord Brougham in Paterson vs. Russell, (1850) 7 Bell's App. 337 at p. 363).

However, the Scottish courts have interpreted this definition with more rigidity of late than have the English judges. Intention to injure on the part of the defender is virtually an essential element in actions based upon cruelty. Particularly in cases of mental cruelty, the Scottish courts have stressed that the conduct complained of must have been "aimed at" the pursuer, even though such conduct did cause an injury to health and that the consequence of it could be foreseen by the defender. Lord President Clyde observed in Hutton vs. Hutton (1962, S.L.T. 67):

> "To establish cruelty the facts must enable the courts to infer that the defender's persistence in a course of crime was deliberately pointed at the wife."

In cases of alleged cruelty, the English and Scottish law are not identical. The Scottish courts have held that to be guilty of cruelty, volition must be shown. Thus under Scots law, insanity is a good defence against cruelty (Breen vs. Breen, 1961 S.C. 1583, c.f. Williams vs. Williams).

There is a further difference between the two British legal systems on cruelty. This rests on that provision of the 1938 Act which gave the courts power to grant divorces on the ground of such cruelty as would justify the granting of a decree of judicial separation under the existing law. At that time, to obtain a degree of judicial separation, it was necessary to establish not only that the defender had acted cruelly but that the pursuer could not in safety resume cohabitation. Thus, consideration of future danger to the petitioner is relevant in Scots law. While in England divorces on the ground of cruelty are based purely on past behaviour, in Scotland the future protection of the spouse is a vital factor. The actual test is not whether the pursuer was in danger at the time of the action or prior to it but whether he or she would be in danger if cohabitation were resumed. It is, of course, incumbent upon the defender of the action to establish that he has reformed his conduct, and that the spouse would not be in danger.

There is one other interesting provision of the Scottish law on cruelty. By the *Licensing Act* of 1903, section 73, habitual drunkenness, as defined by the *Habitual Drunkards Act*, 1879, section 3, if established in a matrimonial cause, is held to be equivalent in law and to have the same effects as cruelty and bodily violence by the habitual drunkard toward his or her spouse. No ill-treatment of the other spouse by the habitual drunkard is necessary to satisfy this statute.

5. *Sodomy or Bestiality*

These grounds were added by the statute of 1938. The crime must have been committed since the marriage, and under the criminal law of Scotland, it seems that they refer to acts committed by males but not by females. The 1938 Act,

unlike the 1937 English Statute (which introduced rape, sodomy and bestiality as grounds in England) omits rape as a separate ground. Under Scottish law, cases of rape would be covered by the ordinary law regarding adultery.

6. *Dissolution of Marriage*

A married person who can establish reasonable grounds for supposing that the marital partner is dead may obtain a decree dissolving the marriage. Continuous absence for seven years, if the applicant has no reason for believing that the absent party has been living during that time, is evidence of death unless the contrary can be proved. However, there is doubt in Scots law as to the status of a subsequent remarriage should the absent partner eventually reappear. The Royal Commission on Marriage and Divorce urged that the matter be clarified, but as yet nothing has been done. (Cmnd. 9678, pp. 1195-1198.)

7. *Bars to Divorce*

Three defences to a divorce action in Scotland are: Condonation, connivance (or *lenocinium*), and collusion.

(i) *Condonation*

As in English law, condonation of the defender's adultery by the pursuer is a bar to divorce. Generally, condonation must be established by a resumption of cohabitation; a verbal expression of forgiveness which is not followed by a resumption of cohabitation does not constitute condonation. Unlike Canadian practice, or English practice before 1963, however, condoned adultery cannot be revived by the subsequent misconduct of the erring spouse.

In cases of cruelty, however, if a spouse forgives an act of cruelty and resumes cohabitation, and if the cruelty is repeated and a divorce is sought, the injured party is entitled to reopen the past history for certain purposes. Acts of cruelty prior to the reconciliation cannot form the sole basis for a divorce action, but they can be considered in the determination of the real issue of the case, whether the pursuer could with safety to health and person resume cohabitation with the defender.

(ii) *Connivance*

Connivance has never been defined either statutarily or judicially in Scotland. It is a defence that is rarely presented and even more rarely successful. An essential element that must be established is something of an active character. One spouse must have been an accessory to the conduct of the other partner, or a participant in the crime, or a direct occasion of it.

(iii) *Collusion*

The doctrine of collusion prevailing in Scotland differs from the one current in England. Scottish judges have emphatically rejected the English position. In Scotland, the definition of collusion is more limited than in England. It is "permitting a false case to be substantiated, or keeping back a just defence." (Walker vs. Walker, 1911, S. C., pp. 168-9) Collusion is only relevant in a Scottish divorce case when there has been fabrication or concealment of evidence. "Mutual desire that a decree in a consistorial cause should be obtained, and mutual action to facilitate this end, are not collusion if there be no fabrication or suppression." (Administration of Austrian Property vs. von Lorang, 1926, S. C., p. 628). If a husband or wife invites their spouse to commit adultery, and he or she does so, this is no basis for a defence of collusion. It may, however,

provide a defence of connivance. However, mere acquiescence in the other spouse's unilateral expression of intention to commit adultery, would not raise either bar to an action under Scots law.

IV AUSTRALIAN DIVORCE LAW

Your Committee believes it worthwhile to draw attention to the divorce law of some jurisdictions which have an affinity to Canada either because their law, institutions and society are similar to our own or because they have adopted measures which provide valuable experience upon which the Committee can draw. The situations in Australia and New Zealand are obvious areas of study. As sister Commonwealth nations their legal structure enjoys the same foundation as ours in the English common law and the divorce law of both countries has recently undergone revision and reform.

1. *Grounds*

The two most distinctive features of the *Australian Matrimonial Causes Act* of 1959 are first, its departure from exclusive reliance on the concept of matrimonial offence and, secondly, its provisions designed to promote reconciliation. The Act provides fourteen grounds for the dissolution of marriage. In three of these grounds there is no element of matrimonial offence whatsoever. These are the grounds of insanity, separation for five years and presumption of death. The other eleven grounds are (i) adultery, (ii) desertion for not less than two years, (iii) habitual cruelty during a period of not less than one year, (iv) wilful and persistent refusal to consummate the marriage, (v) rape, sodomy or bestiality committed since the marriage, (vi) habitual drunkenness or intoxication by drugs for a period of not less than two years, (vii) frequent conviction for crimes and habitually leaving the petitioner without reasonable means of support within a period of five years, (viii) serving a term of imprisonment of not less than three years after conviction of a crime punishable by death or imprisonment for life and still being in prison at the time of the petition, (ix) conviction of attempting to murder or unlawfully kill the petitioner or of committing offences involving the infliction of grievous bodily harm on the petitioner, (x) wilful and habitual failure to pay maintenance under a court order or separation agreement over a two year period, (xi) failure to comply throughout a period of at least one year with an order for the restitution of conjugal rights.

The provisions regarding insanity are not dissimilar to the English Acts: the other party of the marriage must be of unsound mind and unlikely to recover and have been confined to an institution for an aggregate of five years within a continuous six year period preceeding the institution of divorce proceedings.

Most interest, however, is presented by the Separation Ground. Section 28 (m) of the Act provides that a petition for the dissolution of marriage may be based on the ground that:

> "the parties to the marriage have separated and have thereafter lived separately and apart for a continuous period of not less than five years immediately preceding the date of the petition and there is no reasonable likelihood of cohabitation being resumed."

The intention of this section is to provide divorce on the basis that the marriage has irretrievably broken down. The Act provides specifically that the termina-

tion of cohabitation need be due to the conduct of only one spouse, whether constituting desertion or not, and notwithstanding the existence of any court decree suspending the obligations of the parties to cohabit or the existence of a separation agreement. While many divorces are granted on the ground of separation, it is far from being the most widely invoked ground.

Certain safeguards were introduced, however. The courts are given discretion to refuse to grant a decree if such would prove "harsh or oppressive to the respondent, or contrary to public interest." It is also provided that the court may withhold the decree until the petitioner has made adequate financial arrangements for the maintenance of the respondent, if such are required. The court is also given the discretion to refuse a decree if the petitioner has committed adultery which had not been condoned either before or after the separation. And finally, the court is not to grant a decree on the ground of separation in cases where both partners bring petitions, if it can properly make a decree upon the other petition on any other ground.

Australian courts are still in the process of developing their jurisprudence on the interpretation of these safeguards. The second stipulation concerning financial safeguards for the respondent does not seem to have presented any major problems. However, there does not seem to have developed any clear definition of what is meant by the terms "harsh and oppressive" or "contrary to public policy". Indeed, the Full Court of New South Wales has held that the test must relate to the actual circumstances of the case:

> "What is envisaged is not some such concept in the abstract or as applying generally to others, or even to the reasonable man and woman. The phrase connotes some substantial detriment to the party before the court." [(1964) 65 S.R. (N.S.W.), 450-51]

The courts have given effect to what they understand to be clear intention of the Australian Parliament, "that a petitioner is not to be denied a decree merely because it can be shown that he was at fault in bringing about the separation that has taken place."

There also seems to be a feeling among Australian judges that they are to act judicially and not inquisitorially, that is, they do not believe that a court must satisfy itself that reasons for refusing a decree do not exist, and that in undefended cases it would be highly exceptional to withhold a decree.

The Australian Act of 1959 has also written the doctrine of constructive desertion into statute law. Section 29 reads:

> "A married person whose conduct constitutes just cause of excuse for the other party to the marriage to live separately or apart, and occasion that other party to live separately and apart, shall be deemed to have wilfully deserted that other party without just cause or excuse, notwithstanding that that person may not have intended the conduct to occasion that other party to live separately and apart."*

2. *Reconciliation*

The Act of 1959 is a *Matrimonial Causes Act,* not simply a divorce statute and consequently, the Australian legislation has incorporated provisions aimed at facilitating reconciliation. Two major approaches have been used. One has been

* The final clause of the section, concerning intention, was to specifically overrule judicial decisions then current.

to empower the Attorney-General to give approval to marriage guidance agencies and also to make grants from public funds to support them. The agencies themselves, however, remain private bodies. No governmental guidance organization has been established. The sum appropriated for the current year to subsidize marriage guidance agencies is $183,000 (that is about $200,000 in Canadian funds).

While the agencies remain independent, to secure approval they must report to the Attorney-General on their activities and the government has encouraged the agencies to co-ordinate their activities and, in consultation with university social welfare departments, to set up courses for the training of marriage guidance personnel. The work of marriage guidance organizations has improved and increased substantially since the introduction of the Act.

Furthermore, by the procedural rules established by the Act, solicitors cannot proceed with a matrimonial petition until they have drawn the attention of the parties to the procedures in the Act relating to reconciliation and until they have brought to their notice the approved marriage guidance agencies that are available. Additionally the solicitor must discuss with his clients the possibilities of reconciliation. There is some evidence that members of the Australian Bar are taking these obligations seriously.

The Australian law now requires, by section 14 of the Act, the judge, in those cases where there is reason to believe that reconciliation is possible, to adjourn the case to give the parties the opportunity to become reconciled. Additionally, he may attempt reconciliation himself, or nominate either a marriage guidance agency or some other suitable person to attempt to act as a conciliator. The most recent information available on this provision, however, would indicate that it has achieved little. By the time the case gets to court, at least one of the parties is usually determined to terminate the relationship, and judges have seldom instituted reconciliation attempts and there is little evidence that those instituted have been successful. (Selby, *M.L.R.*, 1966 p. 487).

Marriage guidance counsellors have received protection from forced disclosure of any information they might acquire in the course of their duties. They are required to take an oath of secrecy and they cannot be compelled to disclose to the court any communication made to them in their capacity as marriage guidance counsellors. This has given them greater opportunity to fully gain the confidence of their clients and render more effective help.

The Act has also attempted to "draw the teeth of the bogey of collusion". The rules provide that before a defended suit can be set down for trial, a conference must be held between the petitioner and respondent, so that they may make a *bona fide* endeavour to reach agreement on matters of maintenance of a party, property and care, maintenance and custody of children. Similarly, section 40 of the Act no longer provides an absolute bar of collusion but requires "collusion with intent to cause a perversion of justice".

An amendment to the 1959 Act, passed in 1965, has adopted the English restrictions on the bar of condonation, whereby a period of cohabitation for not more than three months with reconciliation as its object is not considered as condonation. Analogous provisions are also made which prevent the interruption of the statutory two year period of desertion and five year period of separation.

One other provision intended to promote reconciliation is the rule that normally requires all matters of ancillary relief to be instituted in the petition asking for the dissolution of the marriage. The need to make a claim for financial assistance, to set forth the financial position of the parties and so forth and to detail the provisions for maintenance, the education and welfare of the children and many other matters, all of which must be faced and solutions proposed, was intended to bring home to the petitioner the complications involved in the dissolution of marriage and to cause an overhasty party to think again and consider reconciliation.

Finally, the *Australian Matrimonial Causes Act* of 1959, section 71 and the *Matrimonial Causes Act* of 1965, section 12 both lay great emphasis on the necessity to safeguard the welfare of the children of divorced parents and have empowered the courts to withhold the decree *nisi* until they are satisfied that suitable arrangements have been made for the care of the children.

3. *Domicile*

As a federal country, Australia in the past, like Canada today, suffered from complications caused by the requirements of domicile for instituting divorce proceedings. The 1959 Act attempted to solve these difficulties by abolishing separate state domiciles in favour of a single Australian domicile. The 1959 Act provides that proceedings can only be instituted by a person domiciled in Australia. A deserted wife is deemed to be domiciled in Australia if she herself was domiciled in Australia immediately before her marriage; if her husband was domiciled in Australia immediately before he deserted her; or if she has been resident in Australia for three years immediately before her petition is presented. The last provision makes it possible for a wife to seek a divorce on the basis of three years residence alone, without any need to rely on domicile at all. While the petition will normally be heard in the courts of the state or territory where the petitioner is resident, the petition may be presented to courts of any state or territory, which have the authority either to hear it or to transfer it elsewhere.

V NEW ZEALAND DIVORCE LAW

1. *Grounds*

New Zealand has long been considered the pioneer in Commonwealth divorce legislation. The latest New Zealand Statute, the *Matrimonial Proceedings Act* of 1963, is the culmination of a series of statutes, and incorporates many changes made as long ago as 1920. This Act makes little change in the grounds available for divorce in New Zealand. The only addition is that a husband may now divorce a wife who undergoes artificial insemination without his consent.

New Zealand was the first country in the Commonwealth to introduce the separation ground. In 1920, separation by agreement for three years or longer was made a ground for divorce. Since that date separation by agreement or court order has remained a ground. By the 1963 Act, however, the ground is a discretionary one. While it is unnecessary to establish that there is no prospect of reconciliation, it does forbid the granting of the decree if the respondent opposes

the petition and can show that the separation was due to the wrongful act or conduct of the petitioner.

In 1953, the idea of marriage breakdown was extended and separation, where the parties have been living separate and apart for seven years or more and are unlikely to be reconciled, was made a ground for divorce. By the 1953 Act the court, however, was obliged to refuse the decree if the respondent objected and could show that the separation was caused by the conduct of the petitioner. This limitation was removed by the latest Act. Nevertheless, this bar still applies to the ground of three years separation under a separation agreement or order. The ground is, however, a discretionary one. Yet, while the court is specifically directed not to refuse a decree because either party had committed adultery since the separation, no other guidance is provided as to how the court shall exercise its discretion.

Another interesting feature of the grounds for divorce provided in New Zealand is the absence of a ground of cruelty. There is a ground of "inebriety and cruelty for three years" but it is little used. However, the grounds are wide enough in New Zealand to insure that anyone with a just cause can find relief somewhere.

Of the many grounds provided by the New Zealand Act, only four or five are used to any extent—(i) a separation agreement between the parties that has been similarly in effect for three years; (ii) adultery; (iii) desertion; and (iv) the parties have lived separate and apart for seven years and are unlikely to be reconciled. It is obvious that while the separation grounds are widely used in New Zealand, more so than in Australia, there is still considerable reliance upon the matrimonial offences of adultery and desertion.

2. *Domicile*

Although New Zealand is not a federal country, its law has always shown considerable concern for the fate of the wife deserted or left by her husband, who, because of the rules of domicile, found access to the courts difficult or impossible. The 1963 Act has provided an extremely simple solution to this problem. For the purposes of the Act, a married woman's domicile is to be determined as if she was unmarried, and a divorce petition may be founded upon the domicile of either the husband or the wife in New Zealand.

3. *Reconciliation and Bars*

Provisions for reconciliation were introduced into New Zealand by the recent Act. The court must now consider the possibilities of reconciliation between the parties and may adjourn the proceedings from time to time and appoint conciliators, if it believes it worthwhile.

Following the practice of Australia and England, New Zealand has also relaxed the bar of condonation, so that a trial period of cohabitation with reconciliation as its primary intention, will not raise a bar to any subsequent divorce petition. The Act provides for "one occasion for a continuous period of not more than two months". The New Zealand Act also follows the 1963 English Act by abolishing the anomalous rule that a husband who had sexual intercourse with his wife after becoming aware of a matrimonial offence on her part was

conclusively presumed to have condoned the offence. Under the new rule, sexual intercourse raises the presumption of condonation for both parties but this may be rebutted by evidence to the contrary.

New Zealand has adopted the most liberal provisions on collusion of any Commonwealth country, combining both the British and Australian law. Not only was collusion made a discretionary bar to divorce by the 1963 New Zealand Statute, even in cases of adultery, but following the Australian Act the scope of the bar was limited still more by the addition of the words "with intent to cause a perversion of justice" to the appropriate provision of the Act (section 31).

Previously, since 1867, in New Zealand collusion had been an absolute bar only in cases of adultery; in petitions based upon other grounds it was merely discretionary. Furthermore, the existence of the separation ground based upon an agreement by the parties, has meant that the New Zealand courts have had to develop a more restricted view of the concept of collusion.

4. *Maintenance and Children*

With regard to the custody and maintenance of children, New Zealand has again followed Australia and England in making it a prerequisite to the granting of a decree that adequate arrangements have been made for the custody and welfare of all the children of the marriage. "All the children" is defined widely to include not only the children of parties to the divorce, but any child who was a member of the family of the husband or wife at the time when the couple ceased to cohabit or instituted proceedings.

Finally, New Zealand law has attempted to put the two sexes on a greater footing of equality. Henceforth, the third party in a case of adultery has now become a co-respondent and is liable for damages regardless of sex. Also, a husband can now claim maintenance from his wife, if he is unable, by his own means or labour, to support himself.

VI THE DIVORCE LAW OF THE STATE OF NEW YORK

1. *Grounds*

Until the passage of chapter 254 of the laws of 1966, the State of New York, permitted a dissolution of marriage only on the ground of adultery. The major provisions of the Act of 1966, will become operative on September 1st, 1967. The grounds for the dissolution of marriage in the state of New York will be (i) cruel and inhuman treatment so as to endanger the physical or mental well-being of the plaintiff and to render cohabitation unsafe or improper; (ii) abandonment for two years or more; (iii) confinement in prison for three or more consecutive years; (iv) adultery, which is defined as:

> "the commission of an act of sexual or deviate sexual intercourse, voluntarily performed by the defendant, with a person other than the plaintiff after the marriage of plaintiff and defendant."

(v) that husband and wife have lived apart pursuant to a decree of judicial separation for a period of two years after the granting of such decree; (vi) that husband and wife have lived separate and apart pursuant to a written separation

agreement for a period of two years after the execution of such an agreement. (Chapter 254 and proposed amendments to it are to be found in appendices #66 and #68 of the Proceedings, pp. 1185 ff. 1202 ff. The major proposals in appendix #68 HAVE NOT been adopted.)

It is further provided under items (v) & (vi) that the plaintiff must have "duly" performed all the terms and conditions of the separation decree or agreement. It is also stipulated that any separation agreement must be filed with the clerk of the county in which the parties reside within thirty days of its execution, if it is to form the basis of a subsequent divorce action. Merely having lived separate and apart is not sufficient to found a petition on the ground of separation. It should also be noted, that these provisions are regarded specifically as "grounds for divorce" and not in any way as *prima facie* evidence of marriage breakdown. Thus the court does not have the discretion to refuse the decree if there is a likelihood of a resumption of cohabitation. Insanity does not exist as a ground for divorce under the New York Domestic Relations Law. However, if either spouse can be shown to be permanently insane, then the marriage can be dissolved. However, provision has to be made for the upkeep of the insane partner. This is neither a divorce proceeding nor an annulment but is provided for under the state mental hygiene laws.

New York has also sought to abolish the traditional defences and bars to divorce. Until the introduction of recent legislation, a divorce could be denied because of the equal guilt of both parties, as well as because of collusion, connivance or condonation. However, in New York the distinction between law and equity is recognized, and it is felt that the bars of collusion and connivance are thus unnecessary because a court would refuse a divorce as a matter of justice in cases where the evidence has been faked or the court deliberately misled.

2. *Domicile*

The state of New York permits a married woman to establish her own domicile. Section 61 of the New York Domestic Relations Law states;

> "The domicile of a married woman shall be established by the same facts and rules of law as that of any other person for the purposes of voting and office-holding."

A married woman may commence matrimonial proceedings if she is resident in the state of New York regardless of where her husband lives. Section 231 of the Domestic Relations Law reads:

> "If a married woman dwells within the state when she commences an action against her husband for divorce, annulment or separation, she is deemed a resident thereof, although her husband resides elsewhere."

A recent amendment to the Domestic Relations Law, Section 230, effective September 1, 1967, provides that an action for divorce may be maintained when "either party has been a resident of the state for a continuous period of at least two years immediately preceding the commencement of the action".

3. *Conciliation*

It is the purpose of New York's Domestic Relations Law to save marriages as well as to dissolve them.

The 1966 Act established a conciliation bureau in each judicial district (Art. 11—B, Section 215a) and the law provides that the plaintiff to a divorce action

must file within ten days a notice of commencement of his action with the conciliation bureau of the Judicial District wherein the action is commenced. Such a notice must give full details of the family, including the children.

The Commissioner of the conciliation bureau may then decide whether a conciliation proceeding is called for. If he decides it is not, a report is made to the supervising justice and the suit goes forward. Otherwise the case may be referred by the commissioner to a conciliation counsellor. The counsellor must hold at least one conciliation conference, which both parties can be compelled to attend, and such further conferences as the rules may call for. Such conferences are conducted on an informal basis. The counsellor must file a final report with the commissioner within thirty days.

If reconciliation is effected the case is dismissed; if no reconciliation can be achieved, the counsellor refers the matter to the commissioner who may decide (i) that reconciliation is at an end or (ii) hold a conciliation hearing, attendance at which is mandatory for all parties to the proceedings.

The Conciliation Hearing is a formal procedure at which the parties may present evidence, cross-examine witnesses and be represented by attorneys. If upon the evidence, the Commissioner finds that reconciliation is possible and in the interests of the parties and the children, he may apply to the supervising justice for an order requiring that the parties attempt to effect a reconciliation for a period not exceeding sixty days. If, on the other hand, the Commissioner finds that reconciliation is not possible, he reports the fact to the supervising justice and the conciliation procedure is at an end.

The Act also provides that the records of conciliation conferences shall be confidential and available only to employees of the bureau or to the parties and their attorneys. If there are minor, handicapped or incompetent children of the marriage, a special guardian may be appointed. Such a guardian becomes a party to the proceedings with the duty to look after the interests of the children in the proceedings and to recommend temporary care, custody and maintenance during the hearings.

The conciliation bureau is empowered to appoint marriage counsellors to its own staff and may also use public, religious and social agencies in the various judicial districts.

PART III

GROUNDS FOR DIVORCE

INTRODUCTION

Marriage is the institution at the root of our society; the family is the fundamental unit of our social organization. Canada is part of the tradition of western civilization, which has always recognized marriage as monogamous and for life. Through marriage, two human beings are enabled to find mutual support and comfort and ensure for themselves a richer and fuller life. Ideally marriage provides love and affection, economic benefit and security, and the environment in which future generations are born and reared. Society is vitally concerned in the preservation of marriage, for by fostering the institution of marriage it is preserving itself. It is not only in the interests of society, however, that marriage should be monogamous and life-long, but also in that of the parties themselves and the children. A stable family environment not only benefits society as a whole, but is essential for the well-being and happiness of the individual.

Nevertheless, human beings are not creatures of perfection and it must be recognized that some marriages will not last for life. In almost all societies divorce has been recognized in some form. When marriage fails, no service is rendered to either society or the parties themselves by preserving the empty legal shell of a relationship that no longer exists as a fact. Divorce, therefore, cannot be eliminated from society. Marriages have failed in the past and today the rapid pace of social change and the increasing complexities of life subject the institution of marriage to greater stress than ever before.

Canadian divorce law was established over a century ago, when ideas of marriage and divorce and the nature of society were very different from those prevailing today. The existing system of divorce law has long since served its purpose and is in need of reform. The witnesses before your Committee and the briefs it has received, have all urged that reform be undertaken. There has hardly been a voice raised anywhere to defend the status quo. Before your Committee undertakes a discussion of the deficiencies of the present law and its suggested remedies for them, it is essential that it make clear the climate in which it has been working and the assumptions which it has made.

Marriage is not an ordinary contractual relationship. Few people have considered it as such in the past, and your Committee believes few in Canada take that view today. Marriage is not only a contract with which society is vitally concerned, but one which has to most Canadians a deep religious significance as well. When society was fairly homogeneous in its religious beliefs and when the state was content to leave matrimonial affairs to the Spiritual Authorities or to accept their lead, those religious beliefs were written into the law of the land. Today, however, the situation is different. We live in a pluralistic society. People

differ widely in their religious and ethical beliefs and hold differing views on the institution of marriage and the status of divorce. Our society believes in religious freedom, indeed in freedom of belief generally; it does not believe that the ideas and creed of any one section of the community should be forced unwillingly upon all of society's members. Witnesses before your Committee have stressed:

> "That those whose religious principles are against divorce in any form should no longer be able to impose restrictions on the lives of those whose principles are different in this respect."

This view has been unchallenged and the representatives of the Churches appearing before your Committee have wholeheartedly endorsed it. "The Christian Church no longer has the right to enforce its views on a pluralistic society", declared the Baptist Federation of Canada, a view endorsed by the Catholic Women's League of Canada:

> "While we do not believe in divorce ourselves we cannot expect the laws of the country to be used in such a manner as to prevent those, who unlike ourselves do not believe that marriage is monogamous and indissoluble, from acting in accordance with their own religious convictions...We would also emphasize that while we have beliefs in the matter of marriage, we do not wish to impose those beliefs on the entire Canadian society through the medium of civil law."

Your Committee thus accepts the proposition that marriage is the foundation of the family and of social organization. It believes that marriage should be essentially monogamous and for life and any divorce law should have as its primary objective the reinforcement of the stability of marriage and not its destruction. Nonetheless, it recognizes that some marriages do fail and irretrievable break down. Once this happens, nothing is to be gained by preserving the empty shell. It should be removed with "the maximum of fairness, and the minimum of bitterness, distress and humiliation." (Cmnd. 3123, p. 10) Divorce should not be made so easy that there is no inducement to overcome temporary troubles and to make the marriage work. Nor should the form and procedure of the divorce courts hinder or hamper attempts at reconciliation. Indeed, when possible they should actively promote it.

It renders no respect to the institution of marriage, and does little to help its stability, to preserve in form marriages that have ceased to exist in fact. To do so merely encourages illicit sexual unions, "common law" relationships and the procreation of illegitimate children. Far from preserving the institution of marriage, it encourages disrespect for it. That a person should wish to be freed from one marriage so that he can contract another, as an alternative to establishing a common law relationship, shows respect for the institution of marriage, not contempt.

Divorce law should make it possible to dispense with the legal bond of matrimony when it has ceased to have any reality in fact. To quote the English Law Commission: "If the marriage is dead, the object of the law should be to afford it a decent burial." (p. 11) Equally important, if the marriage is to be dissolved, it must be done with justice to all concerned. This means not only with justice to the partners but also to the children of marriage, who may be the innocent victims of their parents failures and mistakes. The marriage should also be dissolved in a dignified manner. This means not merely the observance of traditional court proceedings but also the recognition of the dignity of the unfortunate spouses themselves as human beings, thus causing the minimum

possible of embarrassment and humiliation to them and their children. The law should do nothing to further embitter the relationship between them and their children.

Finally, the law must be capable of understanding and worthy of respect by the public at large. Unless the principles upon which it is based are generally understood and respected, the law will almost certainly fail in its wider aims of bringing stability to the institution of marriage while alleviating the suffering of those citizens whose marriages have failed.

A viable, practical system of divorce should not make the obtaining of a divorce more complicated or expensive to the parties or to the State. Any system that required a great expansion of courts or the appointment of investigators and large numbers of additional public servants, would probably be unacceptable to the public. The amount of public money available is limited and so are the numbers of trained social workers and welfare personnel.

Under modern conditions a husband and wife will part when life becomes intolerable and some will enter illicit relationships or common law unions after so doing. Once marriages have broken down and the spouses are in the divorce courts, the chances of reconciliation while not totally absent are remote. Marriage is not simply a matter concerning the two parties to it; the children are as vitally affected by a divorce as are the husband and wife. In every divorce proceeding where there are children their interests should be carefully protected.

RISING DIVORCE RATE

It is inevitable that when the grounds for divorce are widened, the divorce rate will increase to some degree. Initially, it can be expected to advance for a few years as the number of broken marriages that have been without relief heretofore are dissolved. Thereafter, the rate can be expected to fall somewhat. This has been the experience in other countries when the divorce laws have been reformed. The mere increase in the number of divorces granted, however, should not necessarily be a cause for alarm. The number means little if it merely reflects the regularization of what previously have been illicit unions. It is better for society that the divorce rate be higher, if the number of "common law" or bigamous unions be thereby reduced. It must be borne in mind, that there has been an increase in the number of marriages in the twentieth century. In England, for example, the number of married women in the population has doubled. This is not only because the population has increased, but because women now marry earlier and the ratio of married to unmarried women in society is altered.

Because people now marry earlier and live longer, marriages are almost doubled in their duration and also consequently are the risks they face. There is no evidence that marriages break down more readily now than in the past. Divorce is now an accepted solution to a broken marriage. In the past, this was less so, not only because of religious objections to divorce and the social scandal that it occasioned, but also because to a major portion of the population divorce was an expensive luxury beyond their financial means. In recent years, however, with great changes in the social structure and educational system of the country, divorce and the resultant possibility of remarriage, have become desired by many who were formerly content with illicit unions.

Your Committee is of opinion that the need for reform of the divorce laws is made more urgent by these changes and that an increase in either the number of divorces or of the divorce rate per head of population would not indicate a weakening of the institution of marriage. On the contrary, the fact that more people seek divorce in order to terminate impossible matrimonial relationships may be indicative of greater respect for the institution of marriage.

GROUNDS FOR DIVORCE
FIELD OF CHOICE

In selecting the system which may be used to effect the dissolution of marriage, there is in theory a fairly wide choice available. There are essentially four bases for divorce in the world today: unilateral declaration, consent, matrimonial offence or fault, and marriage breakdown. These doctrines are not mutually exclusive and can be combined in numerous ways. Your Committee has considered each of them.

I UNILATERAL DECLARATION

The unilateral system has existed in the past and it exists in many parts of the world today, particularly in Islamic countries. With such a system one spouse, usually the husband, can simply dissolve the marriage more or less at will and with little reason and without any consultation with the other, who is merely informed that the divorce has taken place. This system was current in Talmudic times in Israel where a husband delivered a bill of divorce to the wife. Traditionally, it has been a system whereby a man may get rid of his wife, rather than one which allowed a wife to be rid of her husband. Such a system has been advocated by no one and does not seem to merit serious consideration by your Committee. It need not detain us further.

II DIVORCE BY CONSENT

Divorce by consent is an ancient method of terminating marriages and one that goes back to Roman times and earlier. In essence this is founded upon the proposition that marriage is a contract between the parties and like any other contract, may be terminated with the consent of both parties to it. Under Roman law the state was concerned or involved in a divorce proceeding only in so far as it was necessary to insure that the legal forms had been observed and that the contract was terminated in the proper manner. The state had no concern with the actual termination of the contract itself or the grounds for it.

Since divorce by consent is a term that has been used widely and often imprecisely by many people, it should be made clear what your Committee understands by the term. Divorce by consent means a divorce at the will of the parties to the marriage. If they wish the marriage to be dissolved, then it will be dissolved. The role of the state or the courts, if they are called upon to play any part at all, is simply to see that the proper forms are observed. The state would have no discretion at all to prevent the granting of the divorce. Once the state assumed a discretionary power to refuse the decree, it is no longer divorce by consent. Under such a system, therefore, it is the will of the parties alone that determines the issue. Under the present system, even though the parties may both wish to have their marriage dissolved, it is the courts which actually dissolve it and which have the authority to refuse a decree, if they find there to be good reason for so doing.

1. *Arguments for Divorce by Consent*

At least two witnesses before your Committee have urged the adoption in Canada of some form of divorce by consent as an addition, though not as a substitute for the present system. These are Mr. J. H. MacDonald and The Baptist Federation of Canada. It is contended that if a couple find that they cannot successfully live together and wish to be rid of their marriage ties, it is impossible to make that marriage a reality and it would be better to allow them to terminate it. No purpose is served by the retention of an empty tie. It is further argued that this would only introduce an element of reality in the divorce picture. At the present time, 90% of divorce cases are uncontested and thus there is a strong element of consent involved in them. To allow divorce by consent would permit a couple to obtain a dissolution of marriage without the need to allege or to actually commit matrimonial offences. Thus all the distasteful features of the present system could be avoided, as could the need to prove offences and to wash a great deal of matrimonial dirty linen in public. Embarrassment and bitterness could be removed thereby from divorce proceedings.

2. *Objections to Divorce by Consent*

There are several objections to the introduction of divorce by consent that your Committee believes to be valid. In the first place, there is an inherent contradiction between the proposition that marriage should be a lifelong union and the one that it can be terminated at will by the parties to it without any need to show cause for such a dissolution. *Putting Asunder* makes this point very strongly:

> "(Divorce by consent) subjects marriage absolutely to the joint will of the parties, so making it in essence a private contract. Since it gives the court, as representing the community, no effectual part in divorce, it virtually repudiates the community's interest in the stability of marriage. Moreover, if the convenant that initiates marriage is to be revocable by mutual consent, its intention cannot meaningfully be called 'lifelong'. Provision for a divorce can be reconciled with a lifelong intention only if divorce is subject to an authority that is independent of the will of the parties." (p. 34)

It is in society's interest to maximize the number of stable marriages within the community and there are many people who suspect that the introduction to divorce by consent would seriously undermine this objective. It is significant that most of the briefs presented to your Committee which have advocated a widening of the grounds for divorce in Canada, especially those supporting the introduction of marriage breakdown, have taken pains to stress that their proposals would not lend to divorce by consent and would not thus weaken the institution of marriage.

Since society does have an interest in the preservation of marriages, the marriage contract is not like any other contract. The community should have a greater part to play in the dissolution of marriage than merely overseeing the legal requirements for the dissolution of a private contract. The spouses, and above all the children, have a vital interest in the existence of the marriage tie. They are vitally affected by any change in it. The community has the duty to see that its interests are safeguarded. The interests of the spouses and the children require that society through the courts oversees and sanctions the dissolution of

the marriage bonds. With their judgments distorted by marital unhappiness and tension, the parties cannot be relied upon to keep the interests of society, the children, or even themselves always in mind.

A further cogent objection has been raised by the Scarman Commission. Mutual consent may not always be true consent. There will always be the danger that the stronger partner, especially in the economic sense, may exert pressure on the weaker to give consent to a divorce. It is unlikely that the parties will be in equally strong positions. (Cmnd. 3123, p. 41-42)

Divorce by consent would tend to effect the dissolution of marriages that had not really broken down or been destroyed. Unless some test or provision were introduced to determine this fact, there is the likelihood that many couples would rush into divorce without really giving their marriage a chance to work or without trying to work out what might well be soluble problems.

As the sole ground for divorce, consent would not be practical. Many marriages should be dissolved whether or not both parties consent. While divorce by the consent as the sole ground for divorce is both impractical and objectionable, it has been suggested to your Committee by Mr. John M. MacDonald, Q.C., that is be given serious consideration in the case of childless couples. Certainly, if there are no children, one reason for judicial oversight is removed. However, all the other objections to divorce by consent still apply: the implicit threat to the institution of marriage as a lifelong union; the danger that the weaker party economically may be overborn by the stronger; the possibility that essentially good marriages may be terminated in the heat of a matrimonial dispute.

A test that the marriage has failed would still be required. A period of separation as a test of breakdown would be essential. If separation were introduced as a ground in itself, however, the need for divorce by consent would disappear. Marriages could still be dissolved without the public allegations and bitterness that may be present in a proceeding based upon the fault ground. There would be some test of marriage breakdown, and furthermore, the interests of the parties could be safeguarded by the courts.

The Scarman Report also mentions one further final objection to the introduction of divorce by consent for childless couples. This is that it would distinguish between two kinds of marriages. (Cmnd. 3123, p. 41) It would be basically unjust to discriminate between fruitful and fruitless marriages in this way. One objection to making such discrimination is the effect such a distinction could have on the children themselves. Marriages with children are liable to break up as well as those without children. To make special provisions that would in effect make divorce easier or, at least, less troublesome for childless couples, might very well cause resentment on the part of couples with children against their children for being an obstacle to their obtaining matrimonial relief. Since the object of divorce law is to provide relief for marriages that have failed, to distinguish between marriages on criteria other than those of their health and stability would be unreasonable.

III THE MATRIMONIAL OFFENCE CONCEPT

Traditionally, the grounds for divorce have been based upon the concept of matrimonial offence. From a civil point of view, marriage has been seen as a rather special kind of contract with certain rights and duties incumbent upon the

parties to it. The violation of any of these provisions by one spouse is a breach of the contract and entitles the other, or wronged, spouse to a dissolution of the marriage. Under this system, it is the right of the wronged or injured partner to sue for divorce on the ground of the transgressions of the other. If the court finds that one spouse committed the offence alleged, the marriage is dissolved. The option to sue rests with the wronged party. If that party chooses not to do so, then the couple remain married, at least, in law if not in fact.

Generally, the spouse who offends cannot terminate the marriage on the basis of his own offence; the criminal, as it were, cannot benefit from his own crime. There are, your Committee believes, great numbers of people in Canada, who share this view. Of course, as times change, so do people's views of marriage and what should be expected of the partners to a marriage in respect to each other. The gradual evolution of the status of women during the last hundred years has modified the idea of marriage current over a century ago when Canada's divorce law was founded in Victorian England. A wife is no longer regarded as her husband's property and is no longer expected to be not only faithful but also obedient and submissive to her husband's commands. The twentieth century sees the marriage partnership somewhat differently and consequently has different views as to what conduct constitutes a matrimonial offence.

The grounds for a dissolution of marriage at present permitted by Canadian divorce law rest exclusively on the idea of fault or offence, namely adultery, and, in Nova Scotia only, adultery or cruelty. The divorce law of most other common law jurisdictions is similarly based upon the notion of matrimonial offence. This is the traditional system for granting divorces in the Canadian and British courts and while, as a concept it is now under attack, its merits, as well as its weaknesses, require careful examination. Because the existing law in Canada is in need of reform and because that law rests upon the doctrine of matrimonial offence, it does not of necessity follow that it is the matrimonial offence concept in itself that is erroneous.

The advantages of the matrimonial offence idea urged by those favouring its retention are numerous. In the first place, it is a definite system generally understood by the public at large. The parties know that if they restrain their conduct within certain bounds they cannot be divorced; if they transgress they can. It has been argued that this provides security for the marital relationship, especially for the wife past middle age who has lost her youthful charm and whose husband has a roving eye.

Other additional factors are relevant too. Because the present system is definite and well understood, the courts have a real issue to determine: was or was not the alleged offence committed. Thus lawyers can advise clients as to their rights with some degree of confidence.

Furthermore, there seems little doubt that the matrimonial offence concept in some form is widely held by the public. Most briefs that your Committee has received advocating reform, have assumed that this would be the basis of any prospective reform. Few groups have called for its actual abolition although almost everyone has asked that the grounds for divorce be broadened.

While some witnesses before your Committee advised the abandonment of divorce on the ground of offence and the adoption of the marriage breakdown theory, whereby the ground would be the separation of the spouses for a specified period with no reasonable prospect of a resumption of cohabitation,

your Committee is of the opinion that the public in general holds that in the case of the major matrimonial offences, such as adultery, cruelty and desertion, the innocent and offended party is entitled to an immediate divorce.

1. *Adultery*

It would be difficult to dispense with the matrimonial offence theory completely. Most people regard marriage as an institution which provides certain specific rights and duties for the spouses in respect of each other. There is a commitment to mutual love, support and assistance; and it provides the social basis for the engendering and raising of children. Marriage is a normal, indeed natural institution in our society and most people partake. The basic pledge in the marriage bond is that the parties will keep exclusively one to the other. Moreover, this is a monogamous society in which we live. A husband can have but one wife and a wife but one husband. Should either a husband or wife depart from the standard of marital fidelity, the other should have the right to a divorce and immediately so, if he or she so wishes. If one partner to a marriage dishonours its basic obligations, the other should have the right to be free of the legal ties. On the other hand, a spouse who is willing to forgive and forget, does not appear in the divorce courts.

Adultery strikes at the root of the institution of marriage and in consequence has from time immemorial, been recognized as a valid ground for divorce in those societies which accept divorce at all. Its retention as such has not been seriously questioned. Even the advocates of marriage breakdown as the sole ground for divorce, the United Church for example, admit that evidence of adultery creates a special case meriting special treatment.

The English Royal Commission on Divorce sitting between 1951 and 1955, did consider changes in the law of adultery. It was suggested that a single act of adultery should not be enough for the granting of a divorce but that there should be proof of either an adulterous association or repeated acts of adultery. These views have not found favour in the testimony of any witnesses before your Committee. Nor does your Committee look favourably upon them either. One act of adultery is sufficient to destroy a marriage. If the marriage is a sufficiently stable one, a single act of adultery may not lead to divorce, if the offended spouse is willing to forgive and forget. But if the offended spouse is determined that the infidelity of the other partner has terminated the marital relationship, then it should be possible for him or her to dissolve the legal bond.

Accordingly, your Committee is of the opinion that the marital offence of adultery should be retained as a ground for the dissolution of marriage on the petition of the offended spouse, subject of course to the usual defences. There is obviously no need for a statutory definition of adultery. It was not defined in the Imperial Statute of 1857, nor has it been defined in any of the Canadian provinces whose law is based upon that statute, nor was it defined in the pre-Confederation law of any of the other provinces. What adultery is in law has been made plain in the decided cases and no difficulty has been experienced in the courts, not even when the law was amended for the abolition of the double standard.

2. *Rape, Sodomy and Bestiality*

At present rape, sodomy and bestiality are recognized as grounds for divorce only at the suit of the wife and in those provinces whose divorce law is based

upon the English Statute of 1857. Several of the private bills which have been referred to your Committee propose their inclusion as such a ground, as have several witnesses, including the Canadian Bar Association. Most proposals for the inclusion of these grounds generally include them under the heading of adultery, and indeed this is logical, because they are clearly a rejection of the sexual commitment by one marriage partner toward the other. It is perhaps arguable that they are included in the meaning of adultery itself but the courts may not be prepared to accept this interpretation. The Barristers' Society of New Brunswick following the practice of the State of New York, suggested a definition of adultery for inclusion in a statute which encompasses these offences within the same general category:

> "The commission of an act of sexual or deviate sexual intercourse voluntarily performed by the defendant after marriage with a person other than the plaintiff (Petitioner) or with an animal."

This definition would also have the advantage of putting both sexes upon an equal footing.

While a statutory definition is unnecessary and undesirable, your Committee is of the opinion that these marital offences should be included as grounds for the dissolution of marriage.

3. *Cruelty*

The real defect of the matrimonial offence theory as now in practice in Canada seems to be not its existence but that the offences recognized as grounds for divorce are inadequate. The concept of what is to be expected from and endured in marriage changes with the times. There is more to modern marriage than merely abiding by a standard of sexual fidelity. The obligation of husband and wife to love and cherish one another, as expressed in the marriage ceremony, should be observed by each of the parties and should be recognized in law. Cruelty by one spouse toward the other is a violation of this elementary undertaking. It threatens the life and health of the injured spouse and is detrimental to the children. Cruelty may create intolerable conditions in the home, intense suffering both physical and mental to the offended spouse and an unhealthy environment for the children. Nova Scotia alone of the Canadian provinces recognizes the right of a spouse to petition for divorce on the ground of cruelty. Other Canadians require a similar right.

Cruelty is now recognized in all but one province of Canada as ground for judicial separation. Cruel conduct is considered in all these provinces as sufficient ground for divorce *a mensa et thoro*, which is, in more modern terms, judicial separation, and which terminates cohabitation thus destroying the essentials of the marriage. Yet it is in Nova Scotia only that cruelty is recognized as a ground for the complete dissolution of marriage.

Canadian divorce law has not changed with the times. Society now believes that cruelty is sufficient ground for the dissolution of a marriage. Husbands are no longer thought to own their wives nor to possess the right to beat and ill use them. Nor does modern society tolerate brutality on the part of the wife.

Witnesses appearing before your Committee were of the opinion that cruelty in order to constitute grounds for divorce should be of a substantial character. The Canadian Bar Association suggests that cruelty must be conduct such as to

endanger the life and limb of the marital victim, or to be so grossly insulting and intolerable that the person complaining could not reasonably be expected to cohabit with a spouse guilty of such conduct. These, of course, are general terms and would not be really helpful in the trying of cases.

Cruelty has never been satisfactorily defined. For one reason, because public opinion as to what constitutes cruelty is continually changing and differs considerably from place to place and among different individuals and classes of individuals. One English judge is quoted as saying that, while it is impossible to define cruelty, there is no difficulty in recognizing it when one sees it.

Fortunately, your Committee does not believe it necessary to attempt a definition of cruelty. Some witnesses have expressed concern lest the introduction of cruelty as a ground would open wide the door to numerous abuses and hence they have urged careful definition. However, in Canada, we have a bench of judges upon whom we may rely and moreover, there has been built up over the years a body of jurisprudence which all Canadian judges would be expected to follow and would follow.

In the first place, there are all the numerous decisions in those provinces which grant divorce *a mensa et thoro,* or judicial separation. Courts in the province of Nova Scotia have been granting dissolutions of marriage on the ground of cruelty for many years. While such adjudications have not been very numerous, they yet form a body of useful precedents, and they illustrate the common sense which we may expect from Canadian judges. Furthermore, the provinces of Alberta and Saskatchewan have enacted a statutory definition of cruelty for purposes of alimony and judicial separation. This definition includes conduct which creates a danger to life, limb or health and conduct which, in the opinion of the court, is grossly insulting or intolerable, or of such a nature that the petitioner could not be reasonably expected to live with a partner who indulges in such conduct.

In addition to this Canadian experience, there is the vast jurisprudence built up in the English courts since the passing of the *Matrimonial Causes Act* over a hundred years ago. A study of the leading cases as decided in the British courts shows a continuous growth in human understanding and an ability of the bench to change with the growth of that universal understanding which we recognize as public opinion.

Your Committee is of the opinion that cruelty should be made a ground for the dissolution of marriage, and that its administration be left to the good sense of Canadian judges, guided as they are, by the experience gained already in our own courts and those of the United Kingdom.

4. *Desertion*

Marriage involves more than mutual love and respect, more than that the partners refrain from committing adultery and acts of cruelty against each other. The family is the basic unit in our social organization. Such a unit provides for the husband and wife the companionship most human beings seem to require in life as well as allowing the true fulfilment of their sexual desires. Normally in such a relationship the husband is expected to bear the economic burden, to maintain and provide for his wife and family, while the wife in return cares for the home, the husband and the children. This association is a vital part of any marriage and if one partner withdraws from it a basic part of the marriage is destroyed.

Desertion is not an isolated occurrence, indeed in the opinion of one brief, it is probably the most prevalent of all matrimonial offences. Certainly in its effect and its consequences it can be most serious, especially if the husband is the deserting partner, as is most often the case. If there are no children, a wife can often support herself, but not always so. If there are children, however, the situation can be most severe. The effect of desertion is generally to deprive the wife and children of economic support. But the wife at present is unable to remarry, when remarriage may be her only hope of restoring economic security, the legal dissolution of the first marriage is thus necessary. It may be possible for a wife through the courts to extract maintenance from a deserting husband, but to leave her chained legally to a man who does not care enough for his family to remain with them is both futile and unjust.

Economic difficulties are not the only evils that result from desertion. The withdrawal of support is serious, but the children are deprived often of parental control and a full family life as well. The effects of desertion upon the children can be particularly evil when it is the wife who is the deserting party.

Desertion inevitably leads to other difficulties as well. If the deserting party is the husband, he is often difficult to locate and it is not uncommon for him to neglect his financial obligations even if he can be found. Not unnaturally the costs incurred in keeping himself apart from his family, especially if he has taken up with another woman, make great inroads into his financial resources and thus make it very difficult for him to contribute to the support of his family. As has been pointed out to your Committee, often a deserted wife is not only left with the family, but also with a large collection of debts contracted in good faith under the assumption that the marriage would last. The effects of this can be serious indeed.

Consequently, many wives realizing the need for a stable environment for their children and for steady financial support, often enter into "common law" relationships. Thus illicit unions are encouraged and more illegitimate children result. To enable a deserted partner, especially a wife, to establish a lawful and stable relationship, a protracted period of desertion should be a ground for divorce.

Desertion can, of course, be more than the mere removal of one party from the matrimonial home. In English law it has never been given a statutory definition. Indeed, it has been described as not so much a withdrawal from a place as from a state of things. It is even possible that the one spouse who remains in the matrimonial home may in fact have been the deserting party, because his or her conduct was such that, without being cruelty sufficient to occasion a divorce, it drove the other party out. (Winnan vs. Winnan, L.R. 1949, p. 174). Consortium is a vital aspect of married life and destruction of it by one partner without the consent of the other, whether it be by physical separation or merely by conduct such as refusal of support or refusal to fulfill the obligations of marriage, could very well be desertion.

There seems to be general agreement among the witnesses who have appeared before your Committee that desertion should be ground for divorce in Canada. Indeed, in a brief presented by a group of organizations whose members have had ample and bitter experience of desertion and its baleful effects, the view was expressed that desertion would become the most widely used ground for requesting divorces in a reformed system. This may or may not be true generally. In England, which has had such a ground since 1937, this has not

proved to be the case. But in many segments of Canadian society it may well prove to be a much used ground. In any case, there would seem to be a very large number of people, particularly wives who have been deserted by their husbands, who are now desperate for release from their marriage bonds. The testimony of such associations as Parents without Partners, the Mothers Alone Society and Canadian Single Parents Association establishes this. Your Committee has received large numbers of letters from deserted wives pleading for a change in the law to enable them to be rid of the shackles of empty and meaningless mariage ties to husbands who have long since disappeared, so that they may regularize illicit unions that they have been forced to contract and to provide legitimate fathers for their offspring. Anyone who has read these letters cannot but be convinced of the misery and unhappiness that exists because of the failure of our present law to permit divorce on the grounds of desertion.

It has been argued that in most of these cases, a ground already exists, since many desertions involve adultery as well. The husband may desert to take up with another woman, or may do so after he has deserted; the wife may be forced into a "common law" union, which is technically adulterous, after her desertion simply to provide a home and support for her children. However, the problem of finding the husband and proving the adultery may not be an easy one; in fact, it is often impossible. Desertion should be a ground in itself and it would not only be more practical but more just to treat it as such. Nothing terminates marital consortium so effectively as desertion over a protracted period.

The question that remains is the time period of the desertion. A period of one year with the mutual consent of the parties was suggested by the Single Parents Association, but the Baptist Church of Canada favoured a period as long as five years. The figure most often suggested was three years; the Canadian Bar Association, the New Brunswick Barristers' Society and the Anglican Diocese of Huron to name but three. Three years is the period specified in England and this seems to be the reason for the general approval of this figure. Certainly, the time should be long enough to ensure that the desertion was not a passing whim or fancy and to establish that the deserting party has decided to terminate the marriage relationship. Desertion without cause for a period of three years should be long enough to establish this. Longer periods only increase the number of illicit unions and illegitimate children.

Some witnesses feel that there should be reasonable certainty that reconciliation is not possible before a divorce is granted. A court should certainly consider the likelihood of reconciliation before terminating a marriage on this ground, but after three years absence, the chances of reconciliation would in most cases be slight. However, couples who honestly try to patch up their marriage relationship and fail, should not be penalized for so doing. Consequently, in determining the period of desertion it would seem a sensible idea to adopt the English practice whereby a period of cohabitation for not more than three months with reconciliation as its primary object, should not stand in the way of granting a divorce, should the attempt prove to be unsuccessful. The three month period would not be considered as interrupting the stipulated time for desertion.

Your Committee, therefore, is of the opinion that desertion for a period of three years, on the petition of the deserted spouse, where there is little likelihood of a resumption of cohabitation within a reasonable period of time, should be made a ground for the dissolution of marriage. Your Committee is of the opinion

further that the definition of desertion, other than as above, be left to the courts, guided by the jurisprudence created in Canada in relation to judicial separation and in the courts of the United Kingdom in cases of both divorce and separation.

IV MARRIAGE BREAKDOWN

During the course of its public hearings, your Committee has been urged almost continuously to abandon the presently prevailing doctrine of marital offences, such as adultery, as the ground for divorce and substitute marriage breakdown as the sole ground for the dissolution of marriage. The arguments in favour of such a course were most impressive and were presented by persons of responsibility and knowledge. Among the most impressive were the presentations of the United Church and the Anglican Church of Canada.

In 1962, the Board of Christian Education of the United Church of Canada published a report of a commission of that church on *Marriage Breakdown, Divorce, Remarriage* which had been approved by the church and in which the marriage breakdown idea is discussed. The best exposition of the idea has originated not in Canada but in the United Kingdom. In 1964, a study group was appointed by His Grace, the Archbishop of Canterbury, under the chairmanship of the Rt. Rev. R. C. Mortimer, Bishop of Exeter, consisting of distinguished churchmen, lawyers, doctors and sociologists. This group recommended that marriage breakdown be the sole ground for divorce in Great Britain. Their Report was published last year under the title *Putting Asunder* (London, S.P.C.K., 1966) and it has received a very extensive circulation.

A careful study of the implications of *Putting Asunder* have been made by the English Law Commission. Their report under the title of *Reform of the Grounds of Divorce: The Field of Choice* (Cmnd. 3123), was presented to the United Kingdom Parliament by the Lord Chancellor in November of last year. In the report, the Law Commission, under the chairmanship of Mr. Justice Scarman, emphasize the difficulties and objections of the substitution of the marriage breakdown approach for the traditional marital offence doctrine based on the adversary system. The implications of this study will be examined later.

1. *Marriage Breakdown: What it is and its Implications are*

While the phrase Marriage Breakdown has recurred very often, precise definition of it, the implications of it, and suggestions as to how and how far it should be incorporated into Canadian law have been left somewhat vague. Your Committee apparently has been presented with three alternatives:

(i) to accept marriage breakdown as the sole ground allowable for the dissolution of marriage,

(ii) the complete rejection of the idea altogether,

(iii) its incorporation into the existing system by some means or another.

It would be most useful to consider it first in its purest and most absolute form: that is as the sole ground for divorce. As the Pastoral Institute of the United Church of Canada has said:

> "the adoption of the concept of marriage breakdown and the elimination of the concept of 'matrimonial offence' as the sole basis for divorce is by far the most important point for consideration by this Committee."

> "Marriage breakdown is a basis for divorce that adopts the policy that a marriage which has irretrievably broken down in fact should be dissolved in law. Conversely a marriage should not be dissolved in law until it is clearly demonstrated that in fact it has irretrievably broken down."

This breakdown would be the only ground on which a petition for divorce could be presented. The task of the court would be to satisfy itself that the marriage had broken down and that there was no likelihood of reconciliation between the parties and no hope of resumption of cohabitation. The question the court would have to ask itself is this:

> "Does the evidence before the court reveal such failure in the matrimonial relationship, or such circumstances adverse to that relationship, that no reasonable probability remains of the spouses again living together as husband and wife for mutual comfort and support?" (*Putting Asunder*, pp. 38-39)

The most important circumstances in the proof of the breakdown would be that the parties had been living apart for some considerable time before the petition was made. Separation in itself, however, would not be conclusive proof of a breakdown. The court would have to consider each case on its merits. Those actions which under the existing Canadian and English law constitute matrimonial offences, i.e. adultery, cruelty, etc. would be available as evidence to prove the breakdown but would not in themselves be grounds for granting a divorce. Also the court would have to take into consideration many factors that are not at present considered in divorce cases. This basically is the position taken by the Mortimer Group, as your Committee understands their report.

The form in which this scheme was actually presented to your Committee suggested specifically that the court should, upon the presentation of a petition by one of the parties to a marriage, decree a dissolution whenever the marriage had irretrievably broken down. To prove the irretrievable breakdown there must be evidence that there is no reasonable expectation of resumption of cohabitation and also evidence that the parties are in fact living separate and apart and have so lived for a continuous period immediately prior to the date of granting the decree for three years, or one year where the respondent has been guilty of adultery, extreme cruelty, sodomy, bestiality, or an attempt to commit sodomy or bestiality. In determining separation, a period of cohabitation no more than two months with reconciliation as its primary purpose would not be considered.

It was also pointed out that certain safeguards would obviously be required in such a scheme to protect not only the innocent victims of a divorce, that is the children and perhaps an unwilling spouse, but also the institution of marriage itself. Thus the United Church Pastoral Institute has proposed that no decree would be issued if the court believed it to be contrary to public policy. Public policy permitting such refusal would be (a) that the decree would prove unduly harsh or oppressive to the defendant or respondent or (b) that the defendant had failed to comply with a court order or is likely to fail to comply with an order of the court concerning maintenance of the respondent or a child of the parties or as to the custody of, or access to, such a child. The Mortimer Group envisage similar safeguards in their proposals.

The proponents of the pure marriage breakdown thesis have advanced many arguments in its favour and made numerous criticisms of the existing system of divorce based upon matrimonial offence. While not wishing to repeat criticisms of the current system made elsewhere in this report, some of these points are worth noting. The fundamental argument against the present system, even with the addition of further grounds, is that it fails to get to the heart of the matter—the state of the marriage itself. It merely deals in superficialities and external or overt factors. The Pastoral Institute has agreed that:

> "The addition of numerous legal grounds, based upon the matrimonial offence is evidence of a struggle to do justice to persons whose marriages are in trouble without coming to grips with the marriage breakdown as such."

Adultery may be evidence of marital trouble but it may not mean that the marriage has broken down. It may merely point to the need for counselling and education rather than to divorce. The existence of matrimonial offences may not thus prove a breakdown, and hence legitimately occasion a divorce; conversely, a marriage can break down without any matrimonial offence having been committed. Many other factors must be considered in determining the failure of a marriage; such factors as immaturity, personal inadequacies, marked difference in background, inadequate preparation for marriage and external interference from in-laws and outsiders. There are many factors in society, economic, moral and social which threaten marriage and family life.

Besides being remote from the realities of the marriage, the existing law engenders a great deal of bitterness and encourages recrimination on the part of the parties by the use of the adversary system and the use of the idea of a guilty party. Marriage breakdown by abolishing the adversary system and getting rid of the idea of a "guilty party", would end all this. Furthermore, whereas the present law inhibits attempts at reconciliation, the marriage breakdown theory would encourage it because an attempt at reconciliation would almost certainly precede most divorce actions, if for no other reason than that an attempted reconciliation that failed would provide good evidence of a marriage breakdown in any subsequent proceedings.

As the Mortimer Group have stated it:

> "A divorce law founded on the doctrine of breakdown would not only accord better with social realities than the existing law but would have the merit of showing up divorce for what in essence it is—not a reward for marital virtue on the one side and marital delinquency on the other, not a victory for one spouse and a reverse for the other; but a defeat for both, a failure of the marital 'two-in-one relationship' in which both its members, however unequal their responsibility, are inevitably involved together." (*Putting Asunder*, p. 18)

Furthermore, it is argued, such a system would not only provide relief for those situations where marital offences have not occurred, but would provide relief for those whose moral sense and civic responsibility prevents them from deliberately committing adultery or perjury to obtain a divorce. By so doing, it will eliminate the possibility for easy divorce and divorce by consent that the law affords to those deliberately willing to commit or pretend adultery. Thus it will not make divorces harder for those who merit them; but it will impede those who do not. As the United Church has pointed out, divorces are at present

granted quite quickly and the three year waiting period will allow a system of marriage counselling to operate and thus supersede the system of instant divorce following isolated matrimonial offences which give the counsellor no time to operate.

Additional benefits, it has been suggested, that would flow from this system are the eradication of the vengeful or vindictive spouse who deliberately thwarts a divorce for no good reason, and the opportunity for full argument on property settlements and maintenance. The court having fully investigated the facts, it will be no longer necessary for the wife to forgo legitimate alimony or the husband to pay excessive settlements simply to get their divorce.

The Mortimer Group have also proposed other reasons for adopting marriage breakdown, which are not at the moment relevant to the Canadian situation but which would be, if certain other recommendations before your Committee were to be followed. The inclusion of the ground of insanity in the English law is inconsistent with the idea of matrimonial offence, being based on an underlying moral principle. Yet, "if it is morally right to grant divorces in cases where the common life has been brought to an end by circumstances outside the control of either party, it is hard to see why the law should make the decrees depend on the commission of an offence, except in the one case." (*Putting Asunder,* p. 28)

Finally, it has been urged, marriage breakdown would consider the subject of divorce from the social standpoint and would strengthen family life, the preservation of which is a major concern of society. Under marriage breakdown, society, through the courts, would decide who had the right to remarry, not the parties themselves. Under current procedures either the innocent or the guilty party may decide whether the other shall remarry either by concealing evidence of their offence, or by refusing to institute divorce proceedings.

The ground of separation suggested by the Canadian Bar Association and other groups would not really fit the marriage breakdown conception in this regard it is alleged. Because if separation alone is *the* ground for divorce, the parties would know that if they stayed apart, eventually they would be free to remarry, even if it took some time. Thus the choice still basically rests with the parties. By requiring something beyond mere separation, society will be able to assert its vital interest in the stability of family life, by giving the final decision to the court, society's representative, not the parties themselves.

A good summary of the argument advanced by the proponents of the marriage breakdown theory is provided by the following paragraph:

> "Present legislation significantly fails to permit the legal dissolution of marriages that are broken down beyond reasonable hope of restoration. Many persons with broken marriages are quite capable to re-establishing family life, but are unable to obtain divorces because there has been no proven and uncondoned adultery. Many too find themselves denied divorces, or their divorces may be placed in jeopardy, because of the often capricious judgement of an estranged spouse not to mention the financial difficulties of affording the cost of the proceedings. To broaden present legislation mainly by adding to the number of matrimonial offences will not alone be a realistic way of protecting human dignity, or of contributing to healthier family life."

The novelty of the marriage breakdown theory does not lie simply in the grounds it proposes for dissolutions of marriage, but also in the procedure that

would be required to effect the system. Indeed, it is not the essential validity of the theory that seems to merit the most careful inspection at this stage, but the practical consequences that would flow from it, were it to be adopted.

The existing system for the trial of divorce cases based upon the adversary method, the traditional practice of our courts, whereby the judge is the arbiter between two contending parties, would have to be changed. The procedure would have to be that of an inquest or inquiry into the state of the marriage, if the marriage breakdown system were to work. The parties would not provide all the evidence and the court might have to seek out and introduce evidence of its own. As the Mortimer Group have expressed it:

> "We believe that to alter the law while leaving the method of its administration just as it now is would be to make divorce easier to obtain without any compensating advantages." (*Putting Asunder* p. 67)

The court would no longer be concerned with establishing the guilt or otherwise of a person against whom it is alleged a certain offence had been committed. Instead it would be inquiring into the alleged fact and causes of the "death" of a marital relationship. The Mortimer Group believe that

> "it would have to be made possible for the court, therefore, to inquire effectively into what attempts at reconciliation had been made, into the feasibility of further attempts, into acts, events, and circumstances, alleged to have destroyed the marriage, into the truth of the statements made (especially in uncontested cases), and into all matters bearing upon the determination of the public interest." (*Putting Asunder* p. 67)

In short, the court would need to know far more about both partners to a marriage and their respective conduct toward each other than is now the case.

In pursuit of all the relevant facts, the courts would necessarily require assistance. As the Mortimer Group declare:

> "it would be contrary to the ethos of English law to ask judges to act as inquisitors." (p. 70)

It would presumably be equally contrary to the ethos of Canadian law to so ask Canadian judges. Therefore, the court will need officers to assist it, especially as a great deal of the information will be required of experts trained in the social sciences and family matters who can advise the courts on reconciliation and its likelihood of success, the effects of the situation on the children of the marriage and so forth. Such officers would also be needed to supervise the arrangements made for maintenance and custody.

It has been pointed out by advocates of this system, that an inquisitorial procedure is not unknown in Canadian legal practice. In the Province of Ontario, social workers carry out an investigation in divorce cases where there are children under sixteen and they file a report with the court on behalf of the Official Guardian. The courts also conduct inquiries where there is suspicion of connivance and collusion and may, and often do, conduct what amounts to an inquiry where it is necessary to consider whether the court's discretion should be exercised in favour of a plaintiff who has also committed a matrimonial offence. Nevertheless, the fact that a particular procedure may be resorted to from time to time, is not necessarily an argument that should be the basic procedure to be applied in every case.

Although not necessarily connected with the essence of the breakdown theory, the advocates of it propose that at the time of the divorce, the court should also deal with all aspects of the case, making provision for maintenance, custody, the division of family property and the award of possible pension rights to the wife and so forth. In making these arrangements it would bear in mind all the facts of the case that it had discovered.

2. *Marriage Breakdown: Problems of Implementation*

While there may be many general arguments against the adoption of the marriage breakdown theory as the sole ground for divorce, it seems first of all worthwhile to consider just how feasible such a scheme would be in actual practice. Your Committee has not heard from any witnesses who were prepared to dispute the validity of the doctrine under discussion from a practical point of view. However, most of the witnesses who proposed it did so as an addition to the present system, not as a substitute for it. This is largely because the public generally was unaware of the theory before the hearings began, as were some members of your Committee.

Nonetheless, it has raised many questions in the minds of your Committee members, questions which have been examined recently in a Report of the English Law Commission published in November of 1966. (Cmnd. 3123)

The English Law Commission believes that despite the contention of witnesses that the issue of breakdown is triable, it is doubtful if it can be adequately tried under the present court system; and no one, not even the Mortimer Group has suggested a root and branch reform of the court structure and procedure in divorce cases. In any case, the actual test of breakdown leaves considerable room for interpretation and discretion. The attitude and decisions of individual judges may vary greatly. As a result, decisions would be varying and highly unpredictable, and lawyers would encounter the greatest difficulty in advising their clients. The alternative would be to spell out in the legislation the requisite conditions for finding a breakdown of marriage in endless detail, but this would hardly be practical. In any case, even if it were, the result, given the tenor of our legal system, would probably be for judges to treat the stipulations as formulas, and if the external facts fitted, to grant the divorce without really delving into the heart of the matter. Even if the details were not spelled out, and the judges did rapidly begin to render their verdicts with some degree of consistency, there would be a danger, especially given the propensity and tradition of our courts to look to precedents, that once a particular set of circumstances had been established as proving that a marriage breakdown had occurred, that there would be a marked tendency for lawyers to plead and judges to accept, these circumstances in future cases as proof of breakdown. Obviously adultery, desertion, cruelty and separation would be such circumstances. It is quite likely, therefore, not merely in the long, but probably in the short run too, that the matrimonial offence doctrine, if it were formally tossed out of the front door of the legislature, might in fact surreptitiously creep in again through the court house window.

The English Law Commission was also concerned with the personal aspects of a divorce case. The trial of a divorce, even an undefended one, can be a bitter and humiliating experience for the parties concerned. Under the marriage breakdown system, the inquest would be on a scale far more extensive and intensive than is now the case. Such a proceeding would certainly prove extremely distasteful and embarrassing to most people. It is hard to see how this would contribute to the minimization of bitterness, distress and humiliation, which should be one of the objects of a good divorce law. (Cmnd. 3123, p. 10)

The Commission points out that not only would trial procedure be more painful to the parties, but it would be considerably more extensive in the time and space it would occupy. If all cases were to be inquired into, trials would inevitably be longer. The vast majority of cases at present are undefended and therefore can be dealt with both swiftly and without complications. The proposed system would necessitate more courts, more judges, and, most essential, the new procedure would require large numbers of trained investigators and social workers to assist the court. All this would be extremely expensive and would have to be paid for largely by the taxpayer, although it would no doubt be reflected in higher cost of divorce to the parties as well. Far from making divorces simpler and cheaper, it might well have the opposite effect.

Above all, the weakness in Canada would be a lack of the social workers and experts in marriage counselling: they simply do not exist. The Scarman Commission has alluded to the shortage of such trained personnel in England, and expert witnesses have testified before your Committee that the shortage is no less acute in Canada. Not only that, but were such highly trained people to be absorbed in the divorce court structure, they would be denied to many other, and perhaps more worthwhile services such as probation work, child care, as well as marriage guidance and reconciliation procedures.

Finally, there is the strong probability that this system would react in a detrimental way on the existing facilities for marriage counselling and reconciliation. Most witnesses before your Committee, whether they have advocated marriage breakdown or not, have emphasized the importance of counselling and reconciliation. While the advocates of marriage breakdown did not agree among themselves whether reconciliation attempts should be mandatory, discretionary, or absent in the divorce procedure, the Pastoral Institute of the United Church has suggested that since an attempt at reconciliation that had failed would be a strong argument in the court for proving marriage breakdown, it would thus encourage reconciliation attempts. While this might be laudable in itself, especially if it took place before the marriage had completely broken down, there is a greater probability that conciliation attempts will become simply standard pre-trial procedure, undertaken on legal advice, with little hope of success. Thus the existing agencies would be swamped with what are largely hopeless cases to the detriment of those who could indeed be helped by conciliation procedure.

The Scarman Commission has also expressed the belief that marriage counsellors and conciliation agencies are disturbed by such a proposal. They fear that one or other of the parties may wish to subpoena them to persuade a judge that every effort has, or has not, been made to save the marriage. The agencies fear that if this became common practice, public confidence in them would be undermined and their efficacy gravely impaired.

From the procedural point of view, there is an added complication in Canada to be borne in mind when considering the practical implementation of marriage breakdown. While this may not be insoluble in theory, it is one that raises a great many practical difficulties. This is the very matter of court procedure itself. If the implementation of marriage breakdown is to be left to the provincial courts which now administer the divorce laws, it will be a provincial, not a federal matter, to establish their procedure. While the federal authority may be able to set out general guide lines, the details would rest with each individual province. The establishment of a series of federal divorce courts with

their own procedure and staff would probably be the only way out. But this would be a radical step and would raise further problems.

For example, the hope that all matters pertaining to a divorce could be dealt with altogether at the same time, raises very serious jurisdictional problems. As has been outlined in a previous section of this Report, while federal authority extends to matters of custody and maintenance, once the question of pensions rights, marital property, the continuing custody, maintenance and guardianship of children are at issue, federal jurisdiction becomes very dubious, indeed probably non-existent. To establish a federal divorce court to achieve comprehensive proceedings and then to find that part of its activity is *ultra vires* would be to leave matters worse than before.

While the scheme in its most absolute form would, therefore, seem to raise insuperable problems of implementation, there is much in the underlying idea that is appealing. To some degree already, the idea has crept into divorce law along with matrimonial offence, especially in jurisdictions which have added insanity to their grounds. For insanity is not an *offence* but a condition that destroys marriage. (Insanity as a ground for divorce is discussed elsewhere.) There would seem to be a somewhat less cumbersome method of procedure that could be used. The essence of this would be to dispense, to as great a degree as possible, with the investigation to satisfy the court that the marriage has irretrievably broken down. This full scale inquest would be the most expensive, distasteful and time consuming part of the process. The court would likely assume on the basis of easily provided external evidence that the marriage had broken down unless there was clear evidence to the contrary.

A scheme somewhat along these lines seems to have been in the minds of the authors of the brief presented by the Pastoral Institute of the United Church of Canada, albeit perhaps unconsciously. Nevertheless, the best exposition of a simplified breakdown procedure was provided by the English Scarman Commission, although not recommended by it. A divorce case based on marriage breakdown has to answer four questions. Firstly, has the marriage broken down? Secondly, if so, are there any reasonable prospects of reconciliation? Thirdly, if not, is there any reason of public policy, especially involving the parties or the children, why the divorce should be denied? And finally, if not, what arrangements should be made regarding the parties and the children?

By the suggested procedure, *on proof of a period of separation alone*, the court would be prepared to assume a positive answer to the question has the marriage broken down; and in the absence of evidence to the contrary, it would assume similarly that reconciliation is not reasonably likely and that there is no reason to withhold the divorce. If there was anything in the evidence that led the court to believe reconciliation was possible, it could adjourn the case for an attempt to be made, but unless the fact of the marriage breakdown was strongly disputed by one of the parties, there would be no inquest to establish that the marriage had irretrievably broken down. As the Scarman Commission put it:

> "the ending of cohabitation and a sustained failure to resume it are the most cogent, objective and justifiable indications of breakdown."

Probably the only occasion for a full inquest into a marriage would be when a wife opposed it on the grounds that it would bring hardship upon her and her children, despite the fact that a husband had made quite an equitable arrangement. These cases would probably be few and the courts would be able to cope with them without any undue strain.

In a suggested bill appended to their brief, the United Church Pastoral Institute proposed what in practice would be a similar system:

> "The court shall upon a petition by one of the parties to the marriage, decree dissolution whenever the marriage had irretrievably broken down. . . Irretrievable breakdown of marriage shall be proven by evidence that there is no reasonable presumption of cohabitation and shall include evidence that the parties are in fact living separately and apart and have lived separately and apart for a continuous period, . . . such a period to be either:
>
> (a) One year when the respondent has been guilty of adultery, extreme cruelty, sodomy, bestiality or an attempt to commit sodomy or bestiality, or
>
> (b) three years in every other case."

The authors of this proposal expressed the hope that the judges would inquire into the marriage rather than accept the external fact of separation or separation with adultery, but admitted the possibility that they might not, especially at first. It was hoped that the new system having been introduced alongside the old system, the new would eventually displace it: the old being swallowed up by the new. There is perhaps some room for scepticism on that point.

The real problem with this simplified version of the marriage breakdown theory is an extremely basic one. How long a period of separation should be required before a husband or wife can ask the courts for a divorce? The witnesses proposing the inclusion of separation as a ground for divorce in some system or another, have suggested various periods of time ranging from two to seven years. Similarly, the Mortimer Group in England thought three years; the members of the English Royal Commission on Marriage and Divorce (1951-1955) believed seven years (Cmnd. 9678, p. 25) to be a reasonable time. If the period chosen is too short, the parties might rush into a divorce without having time to recover from either a violent matrimonial quarrel or a passing affair or infatuation. Nor might they have time to consider whether the difficulties in their marriage were capable of solution.

On the other hand, if the period is a relatively long one, say three years, what becomes of those who presently can obtain divorces on the ground of outrageous conduct by their spouse. Must they have to wait three years? It seems unlikely that a period could be agreed that would render justice to all parties in both categories. Therefore it does not seem possible that breakdown could constitute the sole and comprehensive ground. If the period of separation is to be more than six months, then it can only offer a practical solution if it is coupled with other grounds which would provide far more rapid relief. This is not to reject marriage breakdown ideas completely. Far from it. The introduction of it through the Ground of Separation is discussed in the following section of the report.

V THE SEPARATION GROUND

Your Committee is of the opinion that marital offences, such as adultery, cruelty and desertion, cannot be abandoned as grounds for divorce, yet it realizes that many marriages fail for reasons other than provable offences on the part of one of the spouses. The plight of thousands of persons caught in the bonds of

dead marriages presents a problem of major importance. It is in this connection that the principle of marriage breakdown provides a practical solution.

Many marriages fail through no fault of either partner. Neither party commits adultery, there are no acts of cruelty, and one spouse does not actually desert the other. The parties to the marriage may be fundamentally incompatible. Often such partners try repeatedly to revive the affection that they once had had for each other or believed they had. Sometimes such couples separate because the tensions within the home have an adverse effect upon both the partners and the children. Under such circumstances the partners may be better off if remarried and the children given a more healthy family environment. As one brief expressed it:

> "It is difficult, if not impossible, to see what interest the State might have in the promulgation of this marriage bond. It is difficult to see what possible interest the State could have in endeavoring to reunite or preserve a bond between two people who have absolutely no intention of resuming cohabitation. Providing all the ancillary obligations are dealt with, there is no reason why these people should not have a divorce."

As the law now stands such broken marriages are indissoluble unless one of the partners is prepared either to commit the matrimonial offence of adultery, or to fabricate evidence that a court might accept as proof of such misconduct. This is not a happy situation. The widening of the grounds for divorce by the addition of cruelty, desertion, and so forth, would not alleviate this situation. The present law, as has been pointed out, punishes those whose integrity prevents them committing perjury or adultery, but allows those less scrupulous to obtain relief. The object of a good law should be the very reverse.

There are many cases where one of the spouses has simply disappeared leaving no proof of conscious desertion, or any other fault such as adultery or cruelty. Some marriages have ended and future cohabition has become impossible by reason of some incapacitating physical or mental illness or by persistent alcoholism, drug addiction or criminal behaviour.

The utter cruelty of denying to an unfortunate spouse the right to a normal married life under such circumstances is obvious. The great number of persons so affected is such that the problem can no longer be ignored. The several classes of such cases will be dealt with individually in the course of this report.

1. *The Separation Ground as Proof of Marriage Breakdown*

The introduction of the ground of separation for a specified period would be the most practical way to solve the problem of simple marriage breakdown. There can be no better evidence that a marriage has failed than the termination of cohabitation and the failure to resume it after a substantial period of time. If there is no likelihood of reconciliation, there is little point in retaining the empty legal shell of the marriage. As one brief before your Committee succinctly put it:

> "If after living apart...a couple have no desire to ever again live together as man and wife, no law can make it so and no service is rendered mankind to refuse divorce."

Only by divorce can the partners to a broken marriage hope to be free of their marital ties, and thus enabled to lead full lives again. To deny such people the

opportunity to contract new and possibly more happy and stable marriages serves no public good. Indeed, it is difficult to see what service is rendered to the concept of marriage as a life long union, to retain fossilized relics of it that only cause hardship and misery, and are likely to lead to irregular and illicit unions and the procreation of more illegitimate children.

The introduction of the separation ground into Canadian divorce law may appear to some to be revolutionary. Certainly it would be a departure from the principles at present in vogue. In actual fact, the radical nature of the proposal is more apparent than real. If insanity, drug addiction and criminality are introduced as grounds for divorce, one has already departed from the matrimonial offence concept. The tendency in cases of cruelty and even desertion is now to look to the circumstances produced by these offences as justifying the relief, rather than to the offences themselves. This is to recognize in large measure the fact that the marriage has broken down.

There is little doubt that the concept of marriage breakdown envisaged in the separation ground seems to have won wide acceptance. The majority of witnesses appearing before your Committee have advocated it in one form or another, usually in the form of a separation ground. It has been endorsed by such large and representative bodies as the United Church of Canada, the Anglican Church and the Baptist Church, as well as the Canadian Bar Association, The Congress of Canadian Women, and the Canadian Committee on the Status of Women. A large number of social organizations with considerable experience in the problems of divorce, as well as many legal societies, medical associations and individuals with wide experience in the problems of family and matrimonial law have similarly endorsed the principle. It has been introduced into numerous jurisdictions whose legal and social structure are not dissimilar to our own; Australia, New Zealand, and various American States, and it has existed for a long time in most European countries. There is no doubt that, as practical legislation in all of these countries, it does work.

There are, nevertheless, certain problems connected with the introduction of the separation ground that must be examined and solved. The procedure must be determined and certain safeguards introduced. In accordance with the separation ground, as presented to your Committee, divorce would be available to either spouse where the husband and wife have lived separate and apart for a period of three years immediately preceding the commencement of proceedings. The ending of cohabitation and the failure to resume it are clear and objective indications that the marriage has broken down. It may not necessarily mean that it has broken down irretrievably, but it does indicate a reasonable presumption that this is so. If the parties are convinced that reconciliation is impossible, the chances of saving the marriage are very remote. As the Scarman Report justifiably notes:

> "the parties are likely to be better judges of the viability of their own marriage than any court could hope to be."

2. *Safeguards*

Nevertheless, there should be safeguards in such a system. In the first place, the court should be reasonably satisfied that there is no hope of reconciliation, otherwise the proceedings should be adjourned. The realities of the situation in all probability, however, are that unless the marriage has fully broken down, the parties would not be before the court asking for a divorce.

Before granting the divorce, the court should be satisfied on two other matters. Firstly, that the granting of the divorce would not be unjust or cause undue hardship to either of the parties to the marriage or to the children. The phraseology suggested by the witnesses supporting the introduction of this ground is:

> "that the issue of a decree will not prove unduly harsh or oppressive to the respondent spouse."

Secondly, the court should be assured that satisfactory arrangements have been made for the maintenance of the defendant spouse and the maintenance and custody of the children.

Circumstances exist, however, when the court should exercise its discretion. The financial circumstances of the wife are important. It would be intolerable for a husband to divorce his wife after three years and leave her without means of support, and especially so if she has the task of rearing the children. The financial arrangements must be fair and equitable in the circumstances. Should a husband remarry after his divorce, it might well be that his financial resources would not extend to the support of two women. Again, if a divorce is granted to the husband, a wife may lose pension rights or other benefits thus causing her great hardship. In such circumstances it would be necessary to withhold the granting of a decree. The interest of the children might similarly preclude the granting of a divorce. Also, outrageous conduct on the part of the petitioner might be a legitimate cause for refusing a decree. The Scarman Report has pointed out that while it may not exactly help the institution of marriage to keep someone in it who flagrantly abuses it, it is equally possible that by letting him escape he may serve as a bad example to others. Spouses who indulge in outrageous conduct should not be permitted to get away with it. (Cmnd. 3123, p. 20) It would perhaps be wise to add as a condition to the granting of a decree that it not be unduly harsh or oppressive to a defendant spouse.

Finally, it would also be necessary to consider the interests of the petitioner himself and also of any partner or offspring he may have as the result of an illicit union.

The most controversial and troublesome aspect of the separation ground is the problem of the so called "innocent spouse" who is divorced against his, or most probably, her will. The safeguards discussed above would deal in large measure with this problem, although they are also applicable when both spouses agree to the divorce proceedings. Both the Mortimer Group and the English Law Commission have examined this problem very carefully. The conclusions may be summarized as follows:

There seem to be four ways in which the wife may be adversely affected if it were possible for her husband to divorce her against her will:

1. that she would suffer economic deprivation;
2. that she would lose status by being divorced;
3. there would be the public scandal of the petitioner taking advantage of his own wrong; and
4. the wife would have a feeling of insecurity knowing that she could be divorced at any time against her will regardless of her own conduct.

The first problem can be overcome by the safeguards already introduced. Adequate financial arrangements must have been made for the support of the wife while unmarried and the children.

A wife may object to a divorce on religious grounds. However, if the marriage really is dead, there can be little point in the preservation of its legal form. From a theological point of view, most churches do not object basically to divorce as such but to remarriage. A wife with strong religious scruples who has been divorced, with due financial safeguards, is not compelled to remarry.

The second problem, loss of status, is not a major ground for rejecting divorce against the will of an objecting spouse. Divorce is no longer the social scandal it was in Victorian times. Indeed, the whole purpose of the divorce legislation proposed is the relief of hardship and suffering in society. As the Scarman Report has shrewdly observed:

> "from the point of view of the wife herself, it is not clear that the status of a rejected wife is at the present day superior in society's esteem to that of a divorcee." (Cmnd. 3123, p. 22)

The scandal of the wrong-doer benefiting from his own bad conduct would be safeguarded by allowing the court's discretion to refuse the divorce, if it believes it to be contrary to public policy. As the Scarman Report states:

> "The expedient of preserving the sanctity of marriage by insisting that one who has shown wanton contempt for it should be punished by remaining married seems illogical and unattractive, especially if, as is usually the case, it involves punishing others as well." (ibid. p. 23)

This matter could be safely left to the discretion of the court. In such a case, the interests of other persons, the common law partner and the illegitimate children of the petitioner must also be considered.

Finally, the threat to the security of the wife, has been very much overemphasized. As the Mortimer Group have pointed out, the power to keep one's legal status is not the same as being secure from the disruption of the home and family. A petition for divorce arises only after that disruption has occurred, and it does occur, whether or not there is a separation ground for divorce. In the words of the Mortimer Group:

> "Whenever, a husband (or wife for that matter) has so far broken away from the original marriage as to set up a new menage with the intention that it should be permanent, the lot of the deserted partner cannot be appreciably improved, in terms of human life, by mere maintenance of the legal status quo. The real damage has already been done." (*Putting Asunder*, p. 55-56)

The real fear is that if divorce could be granted on the ground of separation despite the objection of one of the parties, this would lead to increased insecurity in marriage and a lack of respect for the permanence of marriage has not been borne out by the events in jurisdictions which have introduced this ground into their law. While it is possible to imagine cases where it would not be desirable to grant a divorce on the ground of separation, and it is clearly essential in such cases that the courts have the discretion to refuse them in actual practice, the courts would probably need to exercise it little.

It is equally possible to envisage situations where it clearly would be desirable to grant a divorce in spite of the strenuous objections of the other party. The objections of some partners may be based upon nothing more than sheer spite or vindictiveness, no matter what excuse may be given. A wife might wrap herself in a cloak of religious objections merely to hold up her husband for a higher maintenance settlement.

For these reasons, it seems to your Committee to be desirable to introduce "separation without fault" as a ground for divorce subject to certain safeguards, whether or not both spouses agree. The alternative, to make the ground voluntary separation, as proposed by the Canadian Bar Association, is not acceptable. This could rule out divorce in many cases where it would be most desirable.

To summarize briefly the safeguards that it would be necessary to attach to a separation ground: (i) The court to have the power to adjourn for a specified period when there seemed to be a possibility of reconciliation; (ii) Provisions to be made for the financially weaker party; (iii) No decree to be issued until satisfactory arrangements have been made for the care and custody of the children; (iv) The court to have discretion to refuse the divorce on the ground of public interest. In addition, in cases where the other spouse does not object to the petition, provision should be made to ensure that the spouse has independent advice, realizes what is involved, and the consequences of the granting of the petition. The Scarman Report suggests that it might even be desirable to send a welfare officer to visit the non-objecting spouse to make sure that all the implications are fully understood.

Since the introduction of the separation ground would be a complete departure from the matrimonial offence concept, the usual bars of collusion, condonation and connivance would not apply. They would clearly be inapplicable in the circumstances.

3. *Determining the Period of Separation*

A question to be resolved on the introduction of the separation ground, is the length of the period of separation to be required. The length of time suggested to your Committee has varied from a minimum of one year to a maximum of seven. Three years is the time span most generally suggested. Clearly it must fulfill two conditions. In the first place, the period must not be so short as to undermine the stability of marriage and lead to quick and easy divorce. But on the other hand, it must not be so long as to preserve in legal existence marriages that have not existed in fact for a considerable time, since in cases of desertion this would withhold the right to remarry and would foster illicit sexual relationships. Seven years is certainly too long; one year is almost certainly too short. If the period is too long, those couples who could get a divorce on another ground, but who would prefer to use the separation ground to avoid the recrimination and hostility usually associated with the more usual grounds, would not be prepared to wait. The Scarman Report thought that those couples seeking to end their marriages without public fault finding might be prepared to wait two years.

The object of the separation ground is to provide relief for those marriages which have irretrievably broken down. In fixing the period of separation, therefore, the prime consideration should be, does this period provide a fair test that the marriage has broken down? It has been suggested that two years separation is sufficient to establish this, especially if the case is undefended. If the parties have lived apart for two years and then take steps to end the marriage, there is

little hope of reconciliation. In any event, the court would have power to inquire into the possibilities of reconciliation, if it appeared warranted. Two years might be a little on the short side. Three years would perhaps be better.

The Scarman Report also suggested, although no witnesses before your Committee endorsed it, that there should be a longer period of separation in cases where one spouse objects. If the period for undefended cases were to be set at two years, there might be a case for taking this position. If the parties have been separated for three years, or longer, however, it is hard to believe that the marriage had not irretrievably broken down. Certainly the court would be expected to consider carefully defended cases especially with a view to the possibility of reconciliation. However, if a couple were irreconcilable after three years, it is unlikely that they will be more amenable to cohabitation after five years.

The introduction of two periods of separation, one for defended, and another for undefended cases, does not seem to have much merit. Two periods might provide a less scrupulous spouse with an opportunity for blackmail by threatening to defend the action.

Your Committee is consequently of the opinion that a period of separation of three years immediately prior to the institution of proceedings would be sufficient to establish the breakdown of a marriage and should be introduced as a ground for divorce with the safeguards discussed above.

4. *Can Marriage Breakdown and Matrimonial Offence Doctrines be Mixed?*

It has been argued, most notably and forcefully in *Putting Asunder*, that the separation ground should not be added as simply one more ground for divorce. Either marriage breakdown alone should be the sole ground, or else reliance should be made upon matrimonial offences exclusively. Basically, it is asserted the two concepts are based on fundamentally different principles and to have a divorce law containing both would be glaringly illogical.

This argument has as its premise the contention that Parliament must choose one principle as the exclusive one. Your Committee does not subscribe to this view. There is no reason why the one principle cannot be used to satisfy the case of the spouse against whom a wrong has been committed, while the other principle can serve in the case of those spouses against whom no offence or misconduct can be proven. The legal system often uses different principles to dispose of distinguishable situations. The aim of your Committee is to suggest practical remedies for real grievances.

Basically, those opposed to mixing the two concepts are arguing that only one principle can apply; as one brief rejecting such a mixed system stated:

> "If you start with breakdown you are premising your solution on a particular meaning of marriage, and must act accordingly."

Your Committee questions whether society at large has one particular view of marriage. Parliament is legislating for the whole of Canada. There is no doubt that many still hold to the matrimonial offence concept, just as it is clear that others are coming to believe in marriage breakdown. To reject one theory held by many, to replace it exclusively by one as yet held by relatively few, would not be desirable.

Mr. Justice Scarman has expressed what seems to your Committee to be a realistic approach to the problem:

> "I believe that society recognizes that a spouse should be able to get a divorce when he or she has been deserted, has been treated with cruelty, or has had to face the infidelity of adultery. Why should a spouse, if in a position to prove any of these situations, have to go further and prove irretrievable breakdown, or consent or failure of attempts at reconciliation? The ordinary man's sense of justice revolts at any such requirement. The law would do well to keep in touch with the ordinary man's idea of what is right and proper, and, though the lawyer can argue that the logical way to handle offences is solely as evidence of underlying breakdown, I think this argument, if carried to a logical conclusion, would fail to win general approbation and would certainly impose a very much greater strain on the administration of justice than our limited resources in legal man power could meet." (Quoted by Prof. Julien Payne).

Another argument against the combination of the two systems is that it would provide an open-ended law and thus make divorce easier. The motto would be, if all else fails try marriage breakdown. (*Putting Asunder*, p. 59) With all due respect to the authors of *Putting Asunder*, your Committee does not accept this contention. It seems to ignore the fact that such a combination does exist in Australia, New Zealand, numerous American States and European countries. Were the separation ground to be introduced, there might immediately be a considerable number of divorces sought under it. This would merely prove the need for the ground. Thereafter, the rate would decrease to a steady figure. Australian experience bears this out. Two years after the introduction of the separation ground, the number of petitions based on that ground fell off sharply and at no time was it the most widely used ground for seeking divorce. "One conclusion may be reached. The inclusion in the Act of the ground of separation has not brought the flood of divorces which was so confidently prophesized." (D. M. Selby, "The Development of Divorce Law in Australia", *Modern Law Review*, XXIX, 476, 1966.)

It has also been objected that the separation ground would introduce divorce by consent. This is not so. Divorce by consent means that the parties alone shall act as the judges of their case. Under the separation ground, the court would have to formally approve the divorce and would have the power and, indeed the duty, to refuse to grant it under the circumstances discussed above. However, the fact remains, that divorce with consent exists in every system as a matter of fact. Despite the rigors of the present law, 90% of all cases at present are uncontested. This indicates a large measure of consent on the part of the parties. The introduction of the separation ground would not weaken the institution of marriage. The separation ground would involve waiting for three years or longer.

It has been suggested that the separation ground be restricted to those marriages where the partners are living apart under a judicial separation. This was advocated by the Barristers' Society of New Brunswick and Judge J. T. J. OHearn of Nova Scotia. A similar practice is followed in the State of New York. Your Committee can see little merit in the proposal. If a separation exists, it matters little whether it is merely *de facto* or whether concurrent with a judicial decree. It is the separation that is crucial, not the accompanying formalities.

Also, it would be a superfluous provision on the one hand, and provide a bogus ground for divorce on the other. Judicial separations are granted only on

certain specific grounds, grounds which under a revised statute would themselves be grounds for divorce, i.e. cruelty, desertion and adultery. Thus, the proceedings for a dissolution of the marriage could be based on these grounds. The element of separation would add nothing. Furthermore, it is hard to see what advantage would be gained by the necessity of going to court twice: once for the judicial separation and again for the divorce. It would place an added burden upon the courts and inflict financial hardship upon many people. It might even make the cost of divorce prohibitive for others.

VI SEPARATION WITHOUT FAULT

There are a number of conditions destructive of marriage which do not involve a provable marital offence on the part of either spouse but which, nevertheless, terminate cohabitation effectively. Among these are insanity, gross and habitual drunkenness, drug addiction, persistent criminality resulting in long terms in the penitentiary, and the disappearance over a long period of one of the parties.

While these conditions might be encompassed within the separation ground already recommended, they are of an identifiable nature and it seems more logical to treat them as separate or special cases of marriage breakdown. Besides, difficulty might be experienced in trying to bring these conditions under the general ground of separation. Difficulties have been encountered in the United States, for example, where the courts have refused to grant decrees on the ground of separation where the separation was caused by insanity.

We shall deal with these conditions individually beginning with insanity.

1. *Insanity and Illness*

Matrimonial offences, such as cruelty and desertion, are valid as grounds for divorce, not only because they violate the rights and duties of the matrimonial bond, but because they create situations which actually destroy the marriage itself. With desertion and cruelty the offensive conduct is wilful but other cases can arise where the conduct of a spouse effectively terminates the marriage as a viable union, even though no real fault is involved. Such a situation may exist when one partner to a marriage is insane. Many jurisdictions have introduced insanity as a ground for divorce. Great Britain introduced it in 1937 and the majority of witnesses before your Committee have strongly urged its inclusion in any reformed Canadian legislation.

To introduce insanity as a ground for divorce would be a departure from the essence of the matrimonial offence doctrine, and would recognize that insanity breaks up a marriage, not because becoming mentally ill is a crime committed by one partner against the other, but because it creates a situation where the marriage can no longer exist. The actions or behaviour of the patient may render continued cohabitation impossible or the sick partner may be detained for an extended period in a mental institution thus frustrating most of the purposes of marriage. In such circumstances, it is unjust for one partner to be tied to the mere legal shell of a non-existent marriage.

The introduction of insanity as a ground for divorce is a matter which needs the most careful consideration. It must be firmly kept in mind that it is not the insanity itself that is the ground for divorce but the consequences that flow from it.

The usual ground suggested to your Committee has been "chronic" or "incurable unsoundness of mind". However, both the Canadian Mental Health Association and the Canadian Psychiatric Association have pointed out the dangers of these phrases. "Unsoundness of mind" in itself covers the whole gamut of mental illness, from minor neurosis to extreme psychotic conditions. As leading psychiatrists have pointed out to your Committee, no one is completely of sound mind, just as no one is in perfect physical health. There could be many occasions where a patient may be mentally ill, and thus technically of unsound mind, but perfectly capable of fulfilling matrimonial responsibilities. It is for these reasons that witnesses, like the Canadian Bar Association, have stipulated that the patient must have been confined to a mental institution for a long period of time. This would be tangible evidence of the serious nature of the illness, but more important, such confinement would destroy the marriage.

It must be perfectly clear, therefore, that if insanity is to be considered a ground for a divorce, it must apply only to those cases where the insanity by its consequences actually destroys the marital relationship.

The insanity must be incurable. This, however, raises a problem. Medical science is making sweeping advances. Even in the last five years, tremendous strides have been taken in the treatment and cure of mental illness. Consequently, the medical profession is very loath to say flatly and categorically that a person is incurably insane. Mental illness can be treated in the majority of cases, and your Committee is assured that even patients who are suffering from psychosis and who are confined to mental institutions for treatment, usually improve enough to leave the hospital. Psychiatric skill, knowledge and drugs are constantly improving, thus the Canadian Mental Health Association believes:

> "It is becoming increasingly difficult, therefore, even for a high qualified specialist in psychiatry to certify that a person suffering from mental illness is incurable, and that he will never be able to live at home in the community again."

Thus while a husband or wife may be in a mental institution and have been there for some considerable time, it is by no means certain that they may not be cured.

The medical profession and those experienced in dealing with mental health are very reluctant to see insanity included as a ground for divorce. To do so would raise serious difficulties and would also discriminate against mental illness. This is a serious point that is often overlooked. Mental illness has suffered from a social stigma in the past, one that is only now being overcome. To single out mental illness would reinforce this stigma. There are other physical illnesses of a severe and chronic nature whose effects on a marital relationship can be every bit as severe as insanity: multiple sclerosis, cerebral hemorrhage or even severe disabling arthritis, and these are diseases which can produce profound character changes on the part of those suffering from them. It would be logical, it has been argued by the Canadian Mental Health Association, to make disabilitating illness, either physical or mental, a ground for divorce, if its consequences were such as to destroy the marriage.

Since it is the consequences, rather than the insanity itself, that destroy the marriage, it has also been suggested that insanity as a ground could be dispensed with altogether and that its consequences could be dealt with under other proposed grounds, especially if the separation ground were to be introduced.

Cruelty might very well be a ground as a result of the conduct of a mentally ill spouse, and the case of Williams vs. Williams before the House of Lords in 1963 held that insanity was no defence to cruel treatment because it was the nature of the conduct, not the intention behind it, that the court had to consider in establishing cruelty. Furthermore, if the separation ground is introduced, it might be possible to deal with the cases of spouses committed to a mental hospital for protracted periods of time. The consequences of this committal seem to be the major motive for the advocacy of insanity as a ground for divorce at all. Indeed, the Canadian Mental Health Association's submission suggested that, if separation for a period of three years were adopted as a ground, there would be no need for a separate ground of insanity at all. Certainly, the Mental Health Association believes that in cases of real incurable insanity a divorce should be granted, so long as the defendant spouse is not unduly oppressed by the granting of such a decree. However, they argue that it would be better to grant the divorce for the real reason, the separation rather than making the chronic unsoundness of mind itself the ground for divorce.

Consequently, your Committee is of the opinion that marriages in which the conjugal life has been effectively prevented for a period of three years or longer by the mental or other disabling illness of one of the spouses, and in which there is no reasonable likelihood of a resumption of cohabitation, should be capable of dissolution subject to the discretion of the court, provided that the dissolution of the marriage shall not be unduly harsh or unjust.

2. *Disappearance and Presumption of Death*

There are circumstances where a marriage is destroyed through the disappearance of one of the spouses who leaves no proof behind of conscious desertion, or any other matrimonial offence such as adultery and cruelty, and whose absence would make it difficult to proceed under the separation ground. In such a situation, cohabitation is at an end and the marriage has ceased to exist, but at present the other spouse has no remedy.

Your Committee believes that the present situation, whereby a spouse who has reason to believe that their partner is dead, can remarry only at his or her peril, should be ended. While presumption of death is sufficient to protect the partner who remarries from a charge of bigamy should the missing spouse eventually reappear, it does not protect the second marriage. This becomes a nullity and any children of it illegitimate. Your Committee, therefore, believes that legislation should be introduced permitting the courts to decree a dissolution of marriage if there are reasonable grounds for assuming that the petitioner's spouse is dead.

3. *Non-Consummation*

Wilful refusal to consummate a marriage is ground for annulment in England (it was introduced by the *Matrimonial Causes Act* of 1937) but not in Canada. (Power, *On Divorce*, p. 194) In those provinces in which the law in force is that of England as of 1870, to be a ground for annulment the non-consummation of the marriage must be because of some physical or mental defect which renders coitus impossible. Experience has shown this limitation to be so restrictive as to prevent relief in cases where the purpose of the marriage is frustrated by the abnormal behaviour of one of spouses.

A better approach to the problem of non-consummation is with respect to the effect of the non-consummation on the marriage, one of the basic purposes of which is the procreation of children. Were relief granted on the ground of marriage breakdown resulting from non-consummation, the reason for the non-consummation would be of secondary importance, and would include voluntary refusal over a protracted period as well as physical or mental inability.

The introduction of wilful refusal to consummate as a ground for divorce has been suggested by the Canadian Bar Association, the Benchers of the Law Society of British Columbia and the York County Law Association. The suggestion is logical since a decree of nullity is granted for some defect of incapacity existing at the time of the marriage ceremony, whereas divorces are granted for conditions that arise after the ceremony. Wilful refusal to consummate occurs after the wedding has taken place. In Australian Law this distinction has been made. The *Australian Matrimonial Causes Act* of 1959 provides for divorce on the ground of wilful refusal to consummate, while retaining impotence as a ground for annulment. In New Zealand, however, the *Matrimonial Proceedings Act*, 1965, follows the English practice and allows wilful refusal as a ground for annulment.

The actual designation, whether divorce or nullity, may be of secondary importance, and were relief given on the ground of marriage breakdown by reason of non-consummation rather than directly on the non-consummation itself, the proceedings would clearly fall within divorce and not nullity.

Your Committee, therefore, is of opinion that marriage breakdown by reason of non-consummation either wilfully over a protracted period or because of some physical or mental disability rendering coitus impossible, should be made a ground for divorce, subject to the discretion of the court and the absence of any substantial prospect of resumption of cohabitation within a reasonable period of time. However, the above shall not preclude an immediate dissolution of marriage by way of nullity on the grounds of non-consummation by reason of impotence on the petition of one of the spouses. It is, therefore, recommended that in addition to the new ground for divorce, the right to petition for nullity on the ground of impotence, as it exists at present, shall remain.

PART IV

PROCEDURE AND JURISDICTION

I DOMICILE

This has been fully discussed in Part I. No further comment is required.

II BARS TO DIVORCE

1. *Condonation*

Your Committee has been widely urged to make condonation a discretionary instead of an absolute bar to divorce. Although condonation has received no statutory definition and derives from the common law, it is a statutory bar to divorce in Canada. (*Matrimonial Causes Act,* 1857, section 30; R.S.C. 1952, c 176, section 5). The purpose of the bar of condonation is clear. It is to prevent a spouse who agrees to resume cohabitation with a partner who has committed a matrimonial offence, from holding that offence over the other's head for ever afterwards. A resumption of cohabitation, which is an outward sign of forgiveness, is held to seal off the past. It would hardly augur well for the success of a marriage, if the atmosphere was potentially poisoned by the ability of one spouse to hold a former offence over the other's head and threaten divorce on it at some later date.

The condoned offence, however, is subject to subsequent revival, if the former erring spouse commits another matrimonial offence. Such an offence does not have to be of so serious a nature as the original one which as the law now stands would have been adultery (except in Nova Scotia). Cruelty or desertion can revive former acts of adultery. In this sense, condonation does not constitute absolute forgiveness, but rather conditional forgiveness on the understanding that the guilty spouse behaves correctly thereafter.

While the purpose of the bar is understandable, its existence as an absolute bar, does severely restrict the freedom of parties seeking a divorce. One spouse, particularly a wife, may very well condone an act of adultery in order to save the marriage and avoid the pain and heartbreak of family disintegration. If, however, the gesture proves futile and the marriage is not saved, the ground for a divorce action is lost. Thus an absurd paradox exists; if a couple attempt to save their marriage and fail, thereby proving its death, they cannot get a divorce, whereas, if they make no attempt at reconciliation, the marriage can be dissolved. Thus the real evil stemming from condonation as an absolute bar is that it directly discourages reconciliation. Consequently a law which has as its avowed purpose the preservation of the stability of marriage, actively mitigates against its professed object. For this reason the Canadian Bar Association, the Seventh Day Adventist Church, the United Church of Canada, the Canadian Committee on the Status of Women, and other witnesses, have urged that condonation be made a discretionary bar to divorce. Thus the court could take into consideration all the factors involved in the situation in deciding whether to reject the petition.

An alternative solution would be the one adopted in the United Kingdom, as well as in Australia, whereby condonation remains an absolute bar to divorce but a period of cohabitation for a period of not more than three months, which has reconciliation as its primary purpose, is not deemed condonation.

The English Act also provides that acts of adultery which have been condoned can never be revived at law regardless of the circumstances. This is a logical provision, if attempted reconciliation is no longer considered condonation. For should the reconciliation fail, the divorce may proceed and the doctrine of revival becomes quite unnecessary. If the reconciliation succeeds, then it is better that the couple put the past completely behind them. The forgiven partners know that their former lapses are finished with and cannot later be held against them. A marriage can thus make a fresh start with nothing, in a legal sense at least, hanging over it.

The English solution to this problem has one clear advantage. An attempted reconciliation does not raise a bar, whereas, if the bar were merely made discretionary, there might be some doubt as to the circumstances in which the courts might seek to apply it. However, if cohabitation for the purpose of reconciliation is not deemed condonation, this doubt would be resolved.

2. *Collusion*

Collusion is presently an absolute bar to divorce in Canada. Although collusion derives from the common law, it has been explicitly made an absolute bar to divorce by statute. (*Matrimonial Causes Act*, 1857, c. 85, sections 30 & 31; *Marriage and Divorce Act*, R.S.C. 1952, c 176, section 5.) Unfortunately, there has been neither a statutory comprehensive judicial definition of collusion and there is considerable confusion not only in the mind of the public but even among lawyers as to what exactly collusion is.

As a result of this uncertainty, lawyers tend to keep their clients at arm's length from their spouses, lest any negotiations made between the parties to a divorce, or any agreement reached by them, be held as collusive and the action be lost. This is most undesirable. It not only hinders possible reconciliation, but actually discourages it. Prior agreements or maintenance, custody and distribution of matrimonial property are similarly discouraged.

The general principles underlying the doctrine of collusion are clear enough. Collusion is a corrupt bargain to deceive the court either by fabricating evidence suppressing a valid defence, or bribing the petitioner respondent or co-respondent. The intent is clearly to prevent deliberate attempts to pervert the course of justice by misleading the court. However, the actual application of this general principle to particular cases has tended to be somewhat erratic and on appeal the verdicts have seldom been unanimous. This is especially so in "good cases", that is where the adultery alleged did actually take place. One spouse may voluntarily provide the evidence the other needs; this may not be collusion. Nor is it necessarily collusive for a husband to make financial arrangements for his wife in the interim before the divorce proceedings or for the parties to agree on the amount of maintenance to be paid afterwards. However, in drawing up agreements particularly if they deal with who shall pay for the action, lawyers may be verging on dangerous ground, especially in some provinces. For one spouse to invite the other to proceed or to facilitate the divorce by providing evidence and/or to offer to pay the expenses of the action has been held collusive in some cases but not in others. The courts do not seem to have drawn the line

with any clarity or consistency, and it is a clear line that can be reached, but not transgressed, that lawyers need in advising their clients.

Witnesses before your Committee have urged that the present law be changed to make collusion a discretionary bar, so that if doubts arise as to the actions of the parties, or one of them, but without a clear intention to defraud the court, the court may use its discretion and grant the dissolution. By this means, it is hoped that a husband and wife could come to some reasonable agreement regarding the financial provisions to be made both before and after the divorce, for the care and custody of the children, the maintenance of the wife and the division of the family property. Only in cases where the parties actually conspired to withhold a just defence or put forward a false case would the bar of collusion be applied.

The basic problem in recommending this solution, is the attitudes of the courts. If there is uncertainty now as to what the court will hold as collusive, there will no doubt also be uncertainty as to the circumstances in which the court will exercise its discretion. If it is possible to establish the circumstances in which collusion will operate as an absolute bar and those in which it will not, it ought to be equally possible to define what collusion is. A definition of collusion would be far more desirable and render the law far more certain than the introduction of another element of uncertainty, a discretionary bar, into an already uncertain field.

The Proposals of the English Royal Commission on Marriage and Divorce, 1951-55, are worth noting:

> "Collusion should be defined by statute on the basis of the following considerations:
>
> (i) The spouses should be restrained from conspiring together to put forward a false case or withhold a just defence, and
>
> (ii) divorce should not be available if one spouse has been bribed by the other spouse to take divorce proceedings or has exacted a price from him or her for so doing.
>
> "In addition, it should be provided by statute that it should not amount to collusion if reasonable arrangements are arrived at between husband and wife, before the hearing of the suit, about financial provision for one spouse and the children, the division of the matrimonial home, and its contents, the custody of, and access to, the children, and costs. It should be the duty of the petitioner to disclose any such arrangements to the court at the hearing and the parties should be able to apply to the court before or after the presentation of the petition for its opinion on the reasonableness of any contemplated arrangements." (Cmnd. 9678, p. 312)

This last provision was introduced in England by the *Matrimonial Causes Act* of 1963.

III JUDICIAL SEPARATION

Judicial separations may be granted by the courts of every Province in Canada with the exception of Ontario. The *Divorce Act (Ontario)* of 1930 which authorized the courts of Ontario to grant dissolutions of marriage omitted to grant specifically the power to decree judicial separations. The courts of Ontario have consequently held that they do not possess this authority.

Judicial separation is a useful device, although it is tending to fall somewhat into disuse. Its utility lies in the fact that it gives legal status to a separation and the sanction of the courts to any arrangements that are made for the maintenance of the wife and the maintenance and custody of the children, and similar matters. For those couples who wish to live apart without actually dissolving their marriages, it provides a convenient arrangement. It is especially useful where one or both of the spouses are opposed to divorce for religious reasons.

At present, if a couple in Ontario decide to separate but not seek a divorce, they may make a separation agreement with regard to such matters as alimony, the disposal and assignment of their property and the custody and maintenance of the children. However, problems arise when a couple cannot agree on the terms of the agreement, or if one partner does not wish to terminate cohabitation. In every other Province of the country, in such circumstances, the matter can be brought before the courts by a petition for judicial separation. In Ontario, however, there is no clear remedy for this problem.

Consequently, your Committee feels that it would be in keeping with the desire for the uniformity of law throughout Canada, as well as in the interests of the inhabitants of Ontario, if the courts of the Province were authorized to grant judicial separations. Since the grounds for judicial separation are virtually uniform in the eight common law Provinces other than Ontario, and based on the English Act of 1857, Ontario should be given the power to grant judicial separations according to the Law of England as it existed on July 15, 1870.

IV COURT JURISDICTION

1. *Jurisdiction*

It is the practice in those Provinces where dissolutions of marriage are granted for jurisdiction to be exercised by the Superior Courts. This practice has obvious disadvantages. The procedure of the Superior Courts is costly and involved, and these courts, burdened with cases of a more weighty character, tend to dispose of their long lists of divorce cases as quickly as possible and in a perfunctory manner. The Superior Courts lack the assistance of social workers and counsellors such as Family and Juvenile Courts possess. Most people are unfamiliar with their procedure and atmosphere, which, while dignified, is not conductive to the therapeutic or conciliatory approach to marital problems. Even more important, the judges of the Superior Courts are often remote from the parties to the action and their circumstances, especially where the divorce actions are heard at Assizes by a visiting judge.

Nor should it be overlooked that family and matrimonial proceedings are often continuing affairs. The marriage may be dissolved, but matters arising from the dissolution, maintenance and custody of children, division of marital property, rights of visitation and the like, may still have to be dealt with from time to time. This may involve a trip to the provincial capital to reach the judge who made the original order, or a long delay until next Assize, when a different judge, quite unfamilar with the circumstances, may be sitting. The Honourable James McRuer, former Chief Justice of Ontario, demonstrated decisively the problems that face Superior Court judges in dealing with matrimonial causes.

To overcome these difficulties it has been suggested to your Committee by the Pastoral Institute of the United Church, that a special domestic proceeding court be established to deal with all matters, both civil and criminal, in which the parties are, or were, married to each other and with jurisdiction over

divorce, separation, nullity, restitution of conjugal rights, presumption of death, custody, adoption, affiliation, wardship, maintenance and alimony, consent to marriage, school attendance, and crimes where one of the parties injured is married to the accused. Such a wide and sweeping reorganization of the court structure of the nation is beyond the terms of reference of your Committee. It would require, in any case, far more study than your Committee could give to it.

As a practical solution to the problem there seems to be two alternatives open for consideration. One is the transfer of the jurisdiction to the Family Courts, the other is to give jurisdiction to the County Courts concurrently with the Supreme Court.

The Family Court, at first glance, would seem to be the obvious place to deal with divorce and other matrimonial causes. The case for this was most ably argued by Judge P. J. T. O Hearn of Nova Scotia. He pointed out that Family Courts deal with questions every bit as important as divorce and of equal difficulty, Juvenile offences, neglect of children, maintenance and wardship are all such questions. The basic problems in divorce cases are seldom purely legal. These are the questions dealing with the state of the marriage and the provisions to be made after its dissolution. The Superior Courts have none of the auxiliary help that Family Courts enjoy in the way of social workers, personnel trained in family matters, and ready access to welfare and similar agencies. Such services are essential to a proper disposal of a divorce action, and it would be far better to give divorce to the Family Courts than to risk the confusion that would be created by trying to apply Family Court techniques in the Superior Courts.

The basic argument against vesting jurisdiction in the Family Courts is a practical one. Not every province has an established system of Family Courts that are qualified to deal with divorce cases. Some Family Courts may be competent, but your Committee believes that, at present, such courts are in a minority. In the future, as the Family Courts develop, the problem may be worthy of further consideration, but at present your Committee is opposed to jurisdiction in divorce matters being given to Family Courts.

It would seem a far better solution to vest in the County Courts concurrent jurisdiction with the Supreme Courts. These courts have advantages over the Superior Courts for the disposal of local divorce cases. Their procedure is less involved and consequently less costly. County Court judges are resident in County towns and their local offices and officials are readily available at all times. The judges can be easily reached when an order needs to be explained or varied and when additional provisions are required. Furthermore, County Court judges are more familiar with the local circumstances and situation, as well as being more accessible, and consequently are in a better position to make helpful judgments.

Your Committee believes that the County Courts should receive concurrent, not exclusive, jurisdiction. The right to proceed in the Superior Courts should be retained for those who wish to use it. In some cases, which hinge particularly on legal questions, the Superior Court provides the better forum. Nevertheless, your Committee believes that divorce petitioners should be allowed the advantages of trial in the County Courts, not the least being in speed and cost, and readiness and continuity of access.

2. *Provisions Regarding Children*

Closely related to the question of the forum in which divorce cases are determined, is the scope of the hearing. Many witnesses have urged that all

matters pertaining to a divorce be disposed of at the same time and in the same hearing. It must be realized that in granting a divorce, the courts are not merely dissolving a marriage but are also often dissolving a family as well. The first duty of the court must be to see that the members of the family do not suffer from the rupture of family life more than is necessary. The Court must be satisfied that proper arrangements have been made first for the custody, maintenance and welfare of the children, and then that the provisions made for the maintenance of the wife, if applicable, are appropriate. These matters are all within federal jurisdiction, as ancillary to divorce, and Parliament should provide that all these matters should be dealt with at the same time.

If these matters are dealt with together at the same hearing, the overall situation can be kept in view. Furthermore, the withholding of a decree until suitable arrangements have been made provides a strong incentive on the part of the petitioner to be cooperative. To deal with various ancillary matters in different courts at different times, not only increases the complexity and expense of divorce actions, but prevents an overall view being taken by each court. In such a piecemeal approach, the children are apt to suffer.

Your Committee, therefore, believes that no divorce should be granted until arrangements have been made for the care and upbringing of all minor children, and that such arrangements are satisfactory or are the best that can be devised in the circumstances. This would be to follow existing British practice. All minor children should be taken to mean all children in the family whether they are the offspring of the couple before the court or only of one of them by a former union, or of the family by adoption.

V RECONCILIATION AND MARRIAGE COUNSELLING

While it is your Committee's opinion that a broadening of the grounds for divorce would not undermine the stability of marriage as an institution, it does believe that legislation seeking to rationalize the dissolution of marriage should not overlook the fact that dissolution is only the ultimate solution to a broken marriage and that an alternative is to try to mend it. Many witnesses before your Committee have stressed the desirability of an established reconciliation procedure to save as many marriages as possible. Some witnesses have urged that reconciliation attempts should be mandatory before divorce petitions are permitted to proceed. This has been suggested by the United Church of Canada, together with such organizations as the Catholic Women's League of Canada. Others have urged mandatory conciliation and counselling in certain cases and there has been considerable support for the establishment of marriage counselling services as adjuncts to the courts. Most witnesses would be satisfied, nevertheless, if provision were made for counselling and reconciliation procedure in those cases where it might prove beneficial.

Two separate issues are really involved here: Firstly, the provisions of the actual law itself regarding reconciliation procedure, and secondly, the far wider implications of how much active interest the institutions of government should take in marriage guidance and counselling services.

To take up the first question, there is no doubt, that the law as it stands at the moment, does little to promote the reconciliation of couples contemplating divorce, and some of the provisions actually tend to discourage it. The existence of the absolute bars to divorce of collusion and condonation tend to keep the

parties at arm's length. The law should be changed to ensure that any efforts a couple may make to save their marriage should not be held against them if they are unsuccessful in the attempt. In both the United Kingdon and in Australia, to cite but two examples, this problem has been recognized, and steps taken to obviate the difficulties. These provisions have been made to ensure that cohabitation for a limited period of time with reconciliation as its objective should not be considered as condonation and that reasonable negotiation between the parties should not be held as collusive. Such reforms are clearly necessary in Canada. (See section on Condonation and Collusion).

More can be done, however, than simply removing the legal obstacles to reconciliation. Steps can be taken to actively promote it. However, this is no simple task. Compulsory reconciliation procedure is not the answer. There are numerous objections to such a step. In the first place, it must be realized that in the vast majority of cases, once the case has reached the divorce courts, the time for reconciliation in most cases has passed. Couples do not lightly rush into divorce actions without making sincere and strenuous attempts to save their marriages. Therefore, in the great majority of cases, compulsory reconciliation would be futile.

In any case, marriage counselling is not a task just any person can do; it requires considerable training and skill and the number of persons so qualified is limited in Canada today. Counselling services would be swamped and in the vast majority of cases, their counsellors would be wasting time and talents that would be better spent trying to save those marriages that were salvageable. Compulsory marriage counselling is not a practical proposition.

Nevertheless, not all cases that reach divorce courts are lost causes. The practice followed in Australia, and other jurisdictions, of giving the judge the authority to adjourn the proceedings in order for reconciliation to be attempted, if from the evidence before him it seems warranted, certainly has a great deal to commend it. It might even be desirable to empower the judge to direct a couple, in such a case, to take marriage counselling, if he has reason to believe there might be a reasonable chance of its succeeding.

However, while the introduction of such provisions into the law might be desirable, it would be a mistake to expect too much from them. The experience in Australia, and some other jurisdictions, would lead one to believe that such powers tend to be exercised infrequently.

There are other steps that could be taken which might have some effect. The Australian practice of requiring lawyers to bring marriage counselling services to the attention of their clients and to explore the possibilities of reconciliation with them, before they can proceed with the action, is an interesting experiment. However, it is to be hoped that conscientious lawyers would do this without official urging. The unconscientious lawyer could easily turn this into a mere formality, were it to be required. It is doubtful, if at present, there are adequate marriage counselling services available to which clients could be referred.

More helpful perhaps would be to adopt another Australian practice which protects marriage counsellors from being compelled to reveal in court the information they discover in the course of their professional activities. This certainly would render their work more effective and enable married couples to deal in complete frankness with counsellors without fear of what they disclosed being later used against them in a divorce action. The Scarman Commission indicated that there was unease in English marriage counselling circles about

lack of such protection in the existing English law, which is the same as the Canadian in this respect.

One fundamental obstacle to the introduction of elaborate reconciliation machinery as adjuncts to the divorce courts, is the sheer lack of personnel. Until there are ample numbers of trained people, any discussion of the desirability of such facilities must be academic.

It is not within the reference of your Committee to explore fully and make recommendations in these matters, and it has not done so. Nevertheless, your Committee believes it relevant to observe that both the federal and the provincial governments should examine what can be done to promote the growth and development of marriage guidance services and the training of personnel in this field of social work. Your Committee has been told that there are at present only two institutions in Canada especially organized for the training of professional marriage counsellors and that there is need for the establishment of professional standards as well as more training programmes. The Australian government, for example, has already undertaken financial assistance to marriage guidance organizations and encouraged the development of training programmes, all with beneficial results. If society is serious in its belief in the stability of marriage and the preservation of this institution, it should consider what positive steps can be taken to assist those whose marriages are in difficulties.

PART V

In a Report to Parliament on a subject so important as divorce, clarity is essential. This is particularly so in the present instance because of the many facets of the subject and the fact that the substantive law has remained almost unaltered for so many years while public opinion with regard to the matters involved has been constantly changing. One of the best methods of promoting definiteness and clarity of thought is to state proposals in legal form such as one might find in an Act of Parliament.

With this desire for definiteness and clarity in mind, and in an effort to be helpful, your Committee has restated its proposals in the form of a draft Bill which it sets forth below.

Some explanation of the draft Bill is required. It is assumed that it is unnecessary and also undesirable to restate the present law as to divorce on the ground of adultery. No objection has been taken to the present substantive law in that regard by any of the informed witnesses who have addressed your Committee. They have urged an extension of the grounds, not an alteration or reform of grounds as at present in force.

The draft Bill accordingly deals only with the grounds recommended in the Report which are in addition to any ground upon which a marriage may now be dissolved. This general policy of non-interference with the law as it now exists has been carried through in the draft Bill. For instance, the matter of non-consummation of marriage on account of physical or mental defect is unaffected and the draft Bill deals only with wilful refusal to consummate.

The Bill is in three divisions. Part I deals with marital offences, in addition to the existing ground of adultery, such as desertion, cruelty, bigamy, non-support, and wilful non-consummation, followed by such stipulations as are necessary.

Part II defines marriage breakdown and provides for dissolution when the separation is caused by mental or physical illness, alcoholism or drug addiction, imprisonment, disappearance or other cause. These are circumstances in which

the marriage has completely failed but in which there is no apparent wilful fault on the part of one of the spouses. The enumeration is followed by the necessary stipulations.

Part III is headed "General" and takes care of such matters as giving co-ordinate jurisdiction to the County or District Courts, domicile and the right of access to the courts of women deserted by their husbands, the granting of relief in matters ancillary to divorce such as maintenance and the custody and care of children, condonation, collusion, amendments to the *Dissolution and Annulment of Marriages Act*, rules of court and the coming into force of the proposed Act.

Your Committee trusts that this statement of its recommendations in legal form will prove useful and will be substantially carried out.

In conclusion, your Committee gratefully acknowledges the valuable assistance given it by Mr. E. R. Hopkins, the Senate's most competent Law Clerk and Parliamentary Counsel, in the preparation of the draft Bill which appears in the following pages. Mr. Hopkins has given freely of his profesional ability and legal knowledge and experience and his advice has been sought on many occasions. He has made a major contribution to the production of this Report.

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

An Act to extend the grounds upon which courts now having jurisdiction to grant divorces *a vinculo matrimonii* may grant such relief, and to provide for related matters.

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Short title.

1. This Act may be cited as the *Divorce (Extension of Grounds) Act*, 1967.

PART I.

Matrimonial Offences.

Grounds added.

2. (1) Subject to section 9, in any court having jurisdiction to dissolve marriages, any husband or wife may commence an action praying that the marriage be dissolved, on the following grounds, in addition to any ground upon which the marriage may now be dissolved; namely, that the respondent

"Desertion."

(a) has deserted the petitioner without cause for a period of at least three years immediately preceding the presentation of the petition;

"Cruelty."

(b) has, since the celebration of the marriage, treated the petitioner with cruelty;

"Bigamous marriage."

(c) has, since the celebration of the marriage, gone through a form of marriage with another person;

"Wilful refusal to consummate."

(d) has wilfully refused to consummate the marriage for a period of at least one year immediately preceding the presentation of the petition.

(2) Where the ground of the petition is desertion

(a) before pronouncing a decree of dissolution, the court must be satisfied that there is no prospect of resumption of cohabitation within a reasonable time, and Qualification.

(b) any period of resumption of cohabitation not exceeding three months, for the primary purpose of reconciliation, shall be excluded from the calculation of the three-year period of desertion mentioned in subsection (1).

"Wilful non-support."

3. (1) Subject to section 9, in any court having jurisdiction to dissolve marriages, a wife may commence an action praying that the marriage be dissolved on the ground that her husband, for a period of at least one year immediately preceding the presentation of the petition, has wilfully and without lawful excuse refused or neglected to support the petitioner, the children of the marriage or any child to whom either party stands *in loco parentis*.

Qualification.

(2) The court may pronounce a decree of dissolution on the ground mentioned in subsection (1), but shall not do so unless it is satisfied, having regard to all the circumstances, including the degree of fault on the part of the husband and the effect of his refusal or neglect on his wife or dependent children, that the decree should be pronounced.

Duty of court.

4. If the court is satisfied by the evidence that the case of the petitioner has been proved on any of the grounds added by sections 2 or 3 and, where the ground of the petition is cruelty, the petitioner has not in any manner condoned the cruelty, and that the petition is not presented or prosecuted in collusion with the respondent, the court shall pronounce a decree of dissolution, but if the court is not satisfied with respect to any of the aforesaid matters, it shall dismiss the petition: Provided that the court shall not be bound to pronounce a decree of dissolution and may dismiss the petition if it finds that the petitioner has during the marriage been guilty of adultery, or if, in the opinion of the court, the petitioner has been guilty

Proviso.

(a) of unreasonable delay in presenting or prosecuting the petition; or

(b) of cruelty towards the other party to the marriage; or

(c) where the ground of the petition is desertion or non-support, of such wilful neglect or misconduct as has contributed to the desertion or non-support.

PART II

Marriage Breakdown.

"Marriage breakdown" defined.

5. For the purposes of this Part a marriage has completely broken down if the parties are living separate and apart and if, in the opinion of the court, there is no prospect that they will resume cohabitation within a reasonable time.

"Marriage breakdown" when a ground.

6. Subject to section 9, in any court having jurisdiction to dissolve marriages, a husband or wife may commence an action praying that the marriage be dissolved on the ground that it has completely

broken down for any of the following causes; namely, that the respondent

"Protracted illness." (a) has suffered from mental or physical illness for a period of at least three years immediately preceding the presentation of the petition during which the parties have not cohabited and in respect of which there is no reasonable prospect of recovery or resumption of cohabitation;

"Addiction." (b) has been grossly addicted to alcohol, narcotics or drugs restricted by statute, for a period of at least three years immediately preceding the presentation of the petition and there is no reasonable prospect of the respondent's recovery;

"Long imprisonment." (c) has served a term of imprisonment for at least three years, or several such terms totalling at least three years in the five-year period immediately preceding the presentation of the petition;

"Disappearance." (d) has been absent from the petitioner for a period of at least three years immediately preceding the presentation of the petition, during which period the petitioner, having made reasonable efforts to acquire such knowledge, has had no knowledge, direct or indirect, of or from the respondent.

"Separation." (e) has been living separate and apart from the petitioner, for any cause other than those mentioned in paragraphs (a) to (d), for a period of at least three years immediately preceding the presentation of the petition.

Duty of court. 7. (1) Where the ground of the petition is marriage breakdown, the court may, if it is satisfied that the facts are as alleged, pronounce a decree of dissolution, but shall do so only if it is satisfied that

(a) every reasonable effort has been made by the petitioner to remove or alleviate the cause of the breakdown and to effect a reconciliation of the parties and a resumption of cohabitation;

(b) where the cause is as mentioned in paragraph (a) or (e) of section 6, due provision has been made for the future maintenance of the respondent, and where the ground is marriage breakdown for whatever cause, for the maintenance, custody, care and education of any children of the marriage or to whom either party stands *in loco parentis*, and for access to such children;

(c) no public interest would be thereby adversely affected; and

(d) the pronouncement of the decree would not work an undue hardship on the respondent.

(2) In the course of any hearing held pursuant to this Part, the court may, having regard to the available facilities and the prospects for succeeding therein, adjourn the proceedings from time to time, as it sees fit, for the purpose of attempting to remove or alleviate the cause of the breakdown and to reconcile the parties.

PART III

General.

Jurisdiction of County and District Courts.

8. In any province with courts having jurisdiction to dissolve marriages, the County or District Courts shall have jurisdiction, equally and concurrently with the Superior Court therein, to dissolve marriages and to provide ancillary relief, on any existing ground or on any ground added by this Act: Provided that, on the application of any party thereto, an action for dissolution commenced in a County or District Court shall be transferred to the Superior Court, and provided further that any ancillary relief granted by the Superior Court coincidentally with a pronouncement of dissolution may be enforced, and may be varied from time to time as circumstances may require, by the County or District Court in the county or district in which the petitioner resides.

Provisos.

Residence as a basis for jurisdiction.

9. (1) A husband or wife domiciled in Canada may insitute proceedings praying for the dissolution or annulment of the marriage, and for ancillary relief, in any province with a court having jurisdiction to provide such relief, if the petitioner or the respondent has resided continuously in that province for a period of at least one year immediately preceding the presentation of the petition.

"Canadian domicile" defined.

(2) For the purposes of this section

(a) a husband has Canadian domicile if he is domiciled, in accordance with the existing rules of private international law, in any province of Canada; and

(b) a wife has Canadian domicile if she would, if unmarried, be domiciled, in accordance with the existing rules of private international law, in any province of Canada.

(3) The court has jurisdiction to grant the relief sought by a petition presented pursuant to subsection (1).

Repeal.

(4) The *Divorce Jurisdiction Act,* chapter 84 of the Revised Statutes of 1952, is repealed.

Ancillary relief.

10. The Court, in entertaining a petition for the dissolution of a marriage on any ground added by this Act, may, coincidentally with the pronouncement of a decree of dissolution, grant such ancillary relief, relating to the maintenance of the respondent, to the maintenance, custody, care and education of any children of the marriage or to whom either party stands *in loco parentis,* for access to such children, or for the division of property, as a Superior Court may now grant in respect of a petition for dissolution on an existing ground.

Bars to divorce.

11. Notwithstanding anything contained in this Act or in any other Act, for the purpose of any petition for dissolution on the ground of a matrimonial offence

"Condonation"

(a) the resumption of cohabitation for any period of not more than three months, with reconciliation as its primary object, shall not be deemed to be a condonation of the matrimonial offence, subject to the discretion of the court;

(b) a matrimonial offence, once condoned, shall not be capable of being revived;

"Collusion"

(c) "collusion" is defined as a corrupt agreement or conspiracy, to which the petitioner or the respondent is party, to effect an illegal or improper purpose, such as the bribery of a respondent or co-respondent not to defend the action or appear as a witness; to perform an illegal or improper act in order to furnish evidence or pretend to do so or to give false evidence, or to fabricate or suppress evidence in a manner calculated to deceive the court or to deprive it of an opportunity to learn the truth, and an agreement such as for the reasonable support and maintenance of a husband, wife or children shall not be deemed to be collusion;

"Connivance"

(d) where the matrimonial offence complained of is adultery, connivance thereat shall be deemed to be a discretionary, rather than an absolute, bar to the pronouncement of a decree of dissolution.

R.S., 1952, c. 85. Judicial separation in Ontario.

12. Section 2 of chapter 85 of the Revised Statutes of 1952, is repealed and the following substituted therefor:

"2. The law of England as to the dissolution of marriage and as to the annulment of marriage, *and as to judicial separation*, as the law existed on the 15th day of July, 1870, in so far as it can be made to apply in the Province of Ontario, and in so far as it has not been repealed, as to the Province, by any Act of the Parliament of Canada or by this Act, and as altered, varied, modified or affected, as to the Province by any such Act, is in force in the Province of Ontario."

13. Sections 2 and 3 of the *Dissolution and Annulment of Marriages Act*, and the headings thereto and therein, are repealed, and the following substituted therefor:

"Marriage Dissolved or Annulled.

1963, c. 10.

2. (1) The Senate of Canada may, on the petition of either party to a marriage, by resolution declare that the marriage is dissolved or annulled, as the case may be, and may coincidentally therewith make such ancillary orders, hereinafter called "ancillary relief", as it considers just concerning the maintenance of the respondent, the maintenance, custody, care and education of any children of the marriage or to whom either party stands in *loco parentis*, and access to such children, and immediately on the adoption of the resolution by the Senate the marriage is dissolved and annulled, as the case may be, and shall be null and void, and thereafter either party may marry any person whom he or she might lawfully marry if the said marriage had not been solemnized.

(2) The Senate shall adopt a resolution for the dissolution or annulment of a marriage only upon referring the petition therefor to an officer of the Senate, designated by the Speaker of the Senate, who shall hear evidence, and report and make recommendations thereon, including any recommendations for ancillary relief, but such officer shall not recommend that a marriage be dissolved or annulled, as the case may be, except on a ground on which a marriage could be

dissolved or annulled, as the case may be, under the laws of England as they existed on the 15th day of July, 1870, or under the *Marriage and Divorce Act,* chapter 176 of the Revised Statutes of 1952, or on any ground added by the *Divorce (Extension of Grounds) Act,* 1967.

(3) In any uncontested case, the Commissioner shall report his recommendations to the Senate's Standing Committee on Divorce, together with such facts and findings as may be required in each instance by the Committee or the Chairmen thereof and the Committee may recommend the passage of a resolution in accordance with the Commissioner's recommendation and on the authority thereof, or may take such other action as to it seems just.

Notification of Parties.

(4) Following the hearing of each contested case the Commissioner shall deliver personally or by registered mail to the parties or their respective legal representatives of record a copy of his report and recommendation and on the expiration of thirty days thereafter such report and recommendation may be taken into consideration by the Standing Committee of the Senate on Divorce.

Provision for Appeal.

3. (1) During the said thirty days, any of the parties to such contested case may give notice of appeal against the recommendation of the Commissioner to the Standing Committee of the Senate on Divorce, which shall hear the appeal on the evidence already submitted, together with arguments and representations of the parties or their legal representatives.

(2) If no such appeal is lodged within the said thirty days, the said Standing Committee may recommend the passage of a resolution in accordance with the Commissioner's recommendation and on the authority thereof, or may take such other action as to it seems just.

(3) If an appeal is lodged with the said Standing Committee within the said thirty days, the Committee shall hear the appeal on the evidence already presented, together with the arguments and representations of the parties or their legal representatives, and may approve the Commissioner's recommendation or may vary and amend it as to the Committee seems just, and may recommend to the Senate accordingly."

Rules of court.

14. The Court may make such rules of court as it may deem desirable or expedient for the exercise and application of the jurisdiction conferred by this Act.

Coming into force.

15. This Act or any Part or section thereof, shall come into force on a day or days to be fixed by proclamation of the Governor in Council.

All which is respectfully submitted.

A. W. ROEBUCK,
Joint Chairman.

27059—22

THE SENATE

Wednesday, June 28, 1967

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

Prayers.

CAPE BRETON DEVELOPMENT CORPORATION BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-135, to establish the Cape Breton Development Corporation.

Bill read first time.

SECOND READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Donald Smith, with leave of the Senate, moved the second reading of the bill.

He said: Honourable senators, I consider it an honour to have been chosen by the Leader of the Government in the Senate to present this bill to you in the form of a statement on second reading. There are some reasons why it pleases me. One is that all my adult life I have been very closely associated and friendly with the people who come from the Island of Cape Breton. That association started with my high school days and has continued to the present time. One of my best friends, who is in the medical profession in my own town, is a Cape Bretoner whose family for generations before him worked in the mines of Cape Breton Island.

Therefore, over the years I have acquired a deep interest in Cape Breton Island in a personal way as well as my interest from the standpoint of the economic well-being of the people there. I have even attempted to speak previously on the coal problem in this house, and I was spurred by the conditions which affected my province in general and because of my interest in the Cape Bretoners.

Honourable senators, I realize it would have been more appropriate if the privilege of explaining this bill had been extended to a senator from Cape Breton. In the normal course of events, I have no doubt that our colleague Senator Urquhart, who has lived in Cape Breton all his life, would have been the logical person to have presented the bill. As we all know, Senator Urquhart has been ill for some little time. He had a serious surgical operation, followed by rather severe complications, which has kept him in the Victoria General Hospital in Halifax for over a month. You will be interested to learn that a recent note from him to some of his colleagues from Nova Scotia indicates that he is now on the road to recovery, and we expect to welcome him back in full health in the fall.

As a great many of the members of the Senate know, the difficulties of the coal mining industry in Nova Scotia are very long-standing. We also know, particularly those of us who peruse the Estimates, that financial assistance to the industry in the form of subventions, making it possible to continue to market coal both inside and outside the Atlantic region, as well as in the form of financing the mechanization of the mines, has been extended over a period of many years.

With respect to the financial implications of this assistance, I have learned that during the 37 years of providing assistance towards the movement of coal to markets, the industry has received more than $200 million in subvention payments. Now, these costs have spiralled during the last few years. For example, in 1957-58 the payments amounted to about $8 million. In 1964-65 they had risen to $17 million, and for this past year the total is expected to be in the order of $30 million. For the next year it is estimated, because of the anticipated lower coal production, that the total of the subvention payments will be about $27 million.

It presently requires a subsidy of from $8 to $9.50 per ton to move coal to markets in Quebec and Ontario. And even to move coal to markets in the Atlantic provinces the subsidy required averages over $6.50 per ton, and this latter market, by the way, is for 2,000,000 tons.

The extent of the federal assistance to the industry in the past becomes, I think, rather dramatically obvious and understandable when I tell you that today the total of subvention payments amounts to more than $4,000 annually per coal miner in the Province of Nova Scotia, and since the average wage per day in 1956 was about $17, the subsidy of $4,000 per miner comprises the major part of the average annual income of the Nova Scotian coal miner, which is something in the order of $4,500.

In 1950 both the company and the federal Government, accepting the recommendation of the Carroll Royal Commission on Coal, made a serious attempt to modernize coal production methods. With the aid of $7½ million from the federal Government the Dominion Steel and Coal Company embarked on an $18 million program of mechanization and rehabilitation. But despite this effort, difficulties continued which led to the 1960 Rand Royal Commission investigation. Deterioration of the situation continued, however, until it reached a point in 1965 when Dosco informed the federal Government of its intention to dispose of its coal interests and withdraw from coal mining completely in Nova Scotia. Abundant supplies of relatively low-cost oil had further undermined the long-term competitive position of coal as a source of energy, even in the Atlantic provinces. If the current offshore drilling program for oil and gas is successful, the coal situation will, of course, be further aggravated.

These, then, were the circumstances which led to the appointment of Mr. J. R. Donald to inquire into the whole situation and to make recommendations to the Government. The Donald Report was tabled in 1966, and since that time has been under study by all interested parties, and in particular by the federal Government and the Government of Nova Scotia.

By December 1966 the two governments were able to reach agreement on the basic points of policy to be followed. The formal agreement which was formally signed on June 13, 1967 is now a public document, and I believe it would be of interest to those of us who have a closer relationship to the problem to have the text of the agreement made available to them in a convenient form. At this point I would ask your permission to table a copy of the agreement signed by the Premier of Nova Scotia on behalf of the Nova Scotia Government and by the Minister of Energy, Mines and Resources on behalf of the federal Government. At the same time I would ask your permission, since it is a document of more than two foolscap pages in length, to have it printed as an appendix to *Hansard*.

(For text of agreement see Appendix "A", p. 242-3.)

More recently these agreed policy points were incorporated in the legislative form we now have before us, an act to establish the Cape Breton Development Corporation. In bringing this bill forward, the federal Government recognizes that the approach should deal with the social and humanitarian factors of the coal problems of Cape Breton, with at least equal emphasis as is placed on those of an economic and financial nature because they are closely interrelated.

We are concerning ourselves in this legislation with the social and economic future of a work force of over 6,000 wage- and salary-earners and their dependents who are concentrated in a more or less urban area and whose families for generations have lived a coal miner's family life.

In that same area is the Sydney steel industry, presently beset with market difficulties making necessary very large reductions in the number of employees. The latest estimate I saw in the press was of the order of 1,200 laid off within recent weeks.

Also in that area, as a result of improvements in operating methods at the C.N.R. terminal at North Sydney—and I am sure our friend across the way, Senator John M. Macdonald, is most familiar with this problem—hundreds of jobs will be lost in a few years.

This combination of circumstances can be regarded as presenting economic and social problems beyond the capacity of the provincial Government to meet. By presenting this bill the federal Government is accepting the challenge of a difficult task, even though it is primarily the responsibility of the provincial Government.

It has now been accepted that even on a heavily subsidized basis the realistic working life of the Cape Breton coal mining industry, as we now know it and have known it for many years, cannot be more than about 15 years. Indeed, some of the mines have already reached the end of their economic operating life. Both levels of government have agreed that this period of 15 years should be used to prepare the foundations for a new Cape Breton economy, hopefully based on relatively high labour content industrial development. For both governments to do otherwise is to sit back and await the certain arrival of economic and social disaster. This indeed might very well have been the situation without the intervention of the federal Government in financing it. However, this bill makes it possible for the Government, through a crown corporation, to start right now to plan for the inevitable and, in the meantime, for the corporation to acquire and operate those mines which can be rendered

viable through the application of capital investment at least for the duration of the phasing-out period.

Until the rationalization of the Cape Breton coal mining industry gets under way, subsidies will have to be continued. In time, however, with the phasing-out of some mines, there will be a substantial saving of subventions which can then be directed to other development needs in the area. At the present rate of subsidized coal production it is estimated that to continue these subventions for the 15-year period, without any interference in the present rate of production, would cost a total of over $400 million.

Honourable senators, I think that presents the problem in general to you, and I must confess I regard it as being in rather sketchy form. Perhaps there are some vacant areas that I have left, and I would hope that whoever might follow me would fill in a few of those areas. So, with that as a background, perhaps, I might turn to the bill and try to explain as briefly as I can a number of the parts of the bill which I consider would be the most useful to deal with.

The legislation setting up the Cape Breton Development Corporation provides for the appointment of a chairman and a president of the Corporation by the Governor in Council, after consultation with the Lieutenant Governor in Counciil of Nova Scotia. Of the five additional directors to be appointed by the Governor in Council, two shall be appointed on the recommendation of the Lieutenant Governor in Council of Nova Scotia. It is provided that the president will be the chief executive officer of the Corporation with the appropriate authority required, and of course his will be a full-time job.

I believe it is important to note that two divisions of the Corporation will be created. They will be the Coal Division, and what will be known as the Industrial Development Division. Each will be under the management of a vice-president of the Corporation who is to be appointed by the board on the recommendation of the president, to whom he will be responsible for his management functions.

I should like to proceed now with an explanation of the functions of the Coal Division. As I mentioned previously, the Corporation will be empowered to acquire the lands and personal property of the DOSCO coal companies in Cape Breton. The purchase may be by agreement with the former owner, subject to the approval of the Governor in Council, or it may be by agreed arbitration or by expropriation.

In the case of expropriation proceedings, the compensation to be paid shall be determined by the Exchequer Court. But, there are some special ground rules provided for the guidance and direction of the Exchequer Court, should this particular expropriation proceeding be necessary. The amount of the award by the court shall be based on the fair market value, if any, of the property acquired. In establishing the fair market value of the property it shall be assumed that all subsidies, subventions, and other financial assistance were terminated on June 15, 1967. In other words, a mine that has not a subvention and that has no hope whatever of getting financial assistance again may not be worth anything. A great many people believe that much of this real estate has no real value, except to someone who can put a great deal of new investment into it. There shall be deducted from the amount of the compensation or the award any outstanding balance of principal and interest owed to the federal Government under the financing agreement of 1950. The amount in default is at present about $5 million.

The Corporation will be required to submit to the Governor in Council for approval an overall plan of an efficient coal mining operation. The plan shall incorporate the progressive reduction of coal production, and the phasing out of mines that are not economically viable. Such plans, however, shall have regard to the progress made in providing employment in other industries.

Authority is given to the Corporation to make pension arrangements for its own employees, and to continue pensions now being paid to former employees of the company by the provincial Government or by the company itself. There is provision in this bill for the payment of benefits to employees who have been laid off or retired at an earlier age than normal resulting from the reorganization and rehabilitation by the Corporation of coal mining. But, all such bylaws governing benefits and pensions made by the Corporation must be approved by the Treasury Board.

The financial provisions of the bill with respect to the Coal Division of the Corporation are of course important since they will be a direct and a substantial charge on the Consolidated Revenue Fund.

In accordance with approved budgets submitted by the Corporation, amounts not exceeding in aggregate of $25 million may be paid for purposes of reorganizing and rehabilitating the coal mining operations. In

addition, authority is given for advances to be made to the Corporation for working capital not to exceed a total amount of $10 million at any one time.

Hon. Mr. Isnor: For working capital?

Hon. Mr. Smith (Queens-Shelburne): I am speaking about the federal responsibility and its impact on the Consolidated Revenue Fund of Canada.

The Province of Nova Scotia is not required under the agreement to participate in the financing of the Coal Division. This relieves the province, of course, of the very heavy financial responsibilities which are primarily theirs.

An operating budget and a capital budget for the Coal Division for the next following financial year shall be submitted for approval of the Governor in Council on the recommendation of the responsible minister—that is, the Minister of Finance—and the President of the Treasury Board. After approval the capital budget shall be laid before Parliament.

I think I should now briefly outline some of the implications of the bill with regard to the Industrial Development Division. The objects of this division of the Corporation, in the words of the bill, are as follows:

> ... to promote and assist, either alone or in conjunction with any person or the Government of Canada or of Nova Scotia or any agency of either of such governments, the financing and development of industry on the Island of Cape Breton to provide employment outside the coal producing industry and to broaden the base of the economy of the Island.

That is stating the objects in broad language, and I think it is quite inclusive.

In carrying out its objects the Corporation is authorized to lend money, make grants, or invest in shares of companies or persons proposing to make substantial contributions to the industrial development of the area. It may acquire and dispose of lands or interests in any way appropriate in attaining the objects of the Corporation. It may concern itself in the fields of advertising and promotion in general of industrial opportunities.

The Corporation is obliged under the legislation to consult and co-operate with the interested branches of both the federal and provincial governments either directly or through any co-ordinating committee which may be agreed upon by the two governments.

Then, as to the financial provisions with respect to this division: For the purposes of the Industrial Development Division, in accordance with approved budgets the Minister of Finance is authorized to pay to the Corporation out of the Consolidated Revenue Fund amounts not exceeding in the aggregate $20 million, and such additional amounts which may from time to time be appropriated by Parliament. I understand that these additions will be in the form of transfers from savings in subvention payments with the phasing-out of some of the mines, and will most likely make available rather substantial payments from time to time.

The Province of Nova Scotia, according to the agreement already entered into, is obligated to pay to the Corporation for industrial development purposes an amount of $10 million. This, I understand, is the only financial contribution to the Corporation by the province. Here again the major financial role is played by the federal Government, whereas the primary constitutional responsibility is that of the province.

It is understandable to me that there are times when federal intervention is strongly criticized in some areas and regions of Canada, but when one agrees that this is a problem of national concern I am sure this kind of intervention will be warmly welcomed by all people in the province from which I come.

As in the case of the Coal Division, the Corporation is obliged to submit an operating and a capital budget. The capital budget must be laid before Parliament by the minister, in this case the Minister of Energy Mines and Resources.

The Corporation shall submit separate annual reports for the Coal Division as well as the Industrial Development Division to the minister and to the Lieutenant Governor in Council of Nova Scotia. These reports shall be laid before Parliament within the usual limitations of time.

I think it is important to note that the mining operations of the Corporation are declared to be works for the general advantage of Canada, and thus it brings them under federal jurisdiction in so far as labour relations are concerned. It is also provided that the present certification of labour unions under the Trade Union Act of Nova Scotia will be deemed to have been certified under the federal legislation, that is, the Industrial Relations and Disputes Investigation Act.

Honourable senators, I have tried to provide sufficient information to enable you to have an understanding of the situation at

present existing in the coal mining industry of Cape Breton as well as the situation which would exist without early and perhaps drastic action by the federal authority.

In explaining some of the provisions of the bill I have dealt with perhaps less than half of the 36 sections which the bill contains, and I have no doubt that there will remain in the minds of honourable senators some unanswered questions with respect to details of the legislation. I am not sure that I am in a position to answer questions as to details, but perhaps before the debate concludes I might attempt to answer some of them. Then if further information is required I would welcome the opportunity to refer the bill to the Banking and Commerce Committee for further consideration.

Before concluding, I would remind honourable senators of the document which I asked permission to put on the record as an appendix to today's *Hansard*, because that document sets out in some detail the policy on the Cape Breton coal problem which has been agreed to by both governments. I urge those who have a special interest to read this document carefully, since it is an important supplement to my remarks. It will indicate that the provincial government of Nova Scotia is in complete agreement with the terms of the legislation which is before us.

Finally, I wish to say that in my opinion the federal Government is to be commended, perhaps quite highly, for grasping this unpleasant nettle in such a bold and comprehensive manner. I think most of us have now agreed that the time for palliatives and ad hoc measures has long passed. This kind of treatment in the past has been easy to prescribe, but the medicine is becoming increasingly expensive and it cannot effect a cure. The new approach now being taken has high hopes of ultimate success. To bring success, however, will require the earnest and sincere co-operation and assistance of all levels of government, of public organizations and of the clergy of the area, many of whom, by the way, have been deeply concerned with, and intelligently attentive to, the social and moral aspects of a deteriorating economic situation.

Morever, the ultimate success of the undertakings contemplated cannot be achieved without the personal involvement, the assistance and perhaps even the temporary sacrifice of members of the labour organizations. Whether the reasons for it are valid or not, it is my impression that in the minds of many people from other parts of Nova Scotia, and from other regions of Canada, the image of the attitudes of labour in eastern Nova Scotia is in need of improvement. During recent years there have been altogether too many labour disputes on the sites of new industrial development in eastern Nova Scotia. Most of them have been in the nature of temporary walkouts and illegal strikes, brought about through the unwise action of those who form no part of the old-established mine workers unions of this part of the province. The leadership of those old unions, with the support of their membership, should seek ways to improve the image of the total labour movement.

During the last few difficult years the restraint and evidence of responsibility on their part has been most commendable. In order to be successful in persuading new industrialists to establish in Cape Breton, good evidence of labour stability must be presented to these decision makers.

The industrialist of today does not seek cheap labour anywhere in this country. He can find that in some foreign countries, and he can find his productivity suffers because he gets cheap labour. What he does seek is a work force which will give an honest day's work for a fair day's pay. He should expect to find workers in Cape Breton who will not, without the best of reasons, use the strength of union which is theirs, to attempt to force the acceptance of unfair demands. How best to create such an image we must leave to those whose experience makes them most knowledgeable in this field.

Hon. Edgar Fournier: Honourable senators, may I ask a few questions of my honourable friend? I will put them one by one and I hope he will not think I am critical of what he has said.

First, could he tell us approximately how many people are employed at the moment in the mining industries of Cape Breton?

Secondly, approximately how many tons of coal are extracted yearly?

Thirdly, how many tons of coal are used by Dosco and how many tons are shipped to the outside markets?

Fourthly, is Dosco using any oil or imported coal in the processing of steel at the moment?

Next, are any subsidies paid by the electrical energy producing people or electric power producers?

May I mention the Nova Scotia Light and Power Company and the Nova Scotia Power Commission? Are these companies using any oil at this date?

Hon. Mr. Smith (Queens-Shelburne): I must confess right away that my good friend Senator Fournier is asking some questions which I cannot answer, particularly as to detailed statements. I would not be surprised if my colleague who sits on the other side would have this information, and if I had an opportunity to consult with him I could give an accurate figure.

I believe that the number employed in the mines in Nova Scotia is of the order of over 6,000.

Inclusive of all the coal mining areas of Nova Scotia, it is something of the order of 6,000, and it is decreasing every day.

The honourable senator asked me how much coal they have produced in a year. A few years ago it was approximately six million tons, and I understand it is now down to less than five million tons.

There was a question about the use of coal in the local area. The latest figure I have for the consumption of coal in the Atlantic provinces is of the order of two million tons a year. Senator Isnor may have something to say in this debate later on. I know he takes an interest in the operations of the power-producing companies and it may be he can help both of us in giving an idea of what percentage is used in some of the power-producing plants using both oil and coal.

I am sorry I have not got the exact information, but it is readily available and I can see that it is obtained and sent to my honourable friend.

Hon. Mr. Fournier (Madawaska-Restigouche): Thank you.

Hon. Mr. Hollett: May I ask one question? Has the Government given any consideration to the industrial development of the two islands of Newfoundland, one of which is Bell Island, where some time ago 2,000 miners resided and the operation is now closed down? Has any thought been given to the development of that area similar to what is proposed for Cape Breton.

Hon. Mr. Smith (Queens-Shelburne): All I can say in answer to the question is that that situation here, or similar situations in other parts of Canada, are not within the terms of this bill.

Hon. John M. Macdonald: Honourable senators, I listened with a great deal of interest to the very fine explanation of this bill which was given by the sponsor. Like him, I regret that my colleague from Cape Breton, Senator Urquhart, is unable to be with us today. He has a good grasp of the coal mining situation in Cape Breton and I am sure that if he were here he would make a very useful contribution to our debate. I also express the hope that he will be able to be with us in the fall, fully restored to good health.

Hon. Senators: Hear, hear.

Hon. Mr. Macdonald (Cape Breton): The sponsor of the bill dealt with the history of the coal mining industry in Nova Scotia. It is not my purpose to go into this, but I wish to bring some points to your attention.

Coal mining has been carried out in Nova Scotia for a great many years. In fact, there is a French ordinance of 1677, made at Paris, which imposed a duty of 20 sous per ton, to be extracted from any person taking coal from the pits of Cape Breton.

In 1711 Admiral Walker advised that Cape Breton in time of peace was being used in common by French and English for loading coals which are extraordinarily good here, and taken out of the cliffs with bars only and no other labour. However, it was not until 1825, with the formation of the General Mining Association, that coal began to be mined in Cape Breton on a very systematic basis, and that has been done ever since.

This bill is somewhat unusual in that its purpose is to set up and establish a new crown corporation which is to be known as the Cape Breton Development Corporation. It is to have a twofold purpose, one function being to acquire the ownership of four mines which are located on the Island of Cape Breton. One of these is in the Town of Sydney Mines, one in New Waterford and two in Glace Bay. Having become the owner of these mines, the Croporation will operate them, but with a view to their eventual closing.

The second function of the Corporation is to obtain new industry for the area where these mines are, in order to provide employment outside the coal mines and to broaden the base of the economy of Cape Breton Island. The two functions are somewhat interrelated in that while it is not spelled out in the bill, yet I think it is the hope and the expectation that new industry will be found in order to provide employment for at least some of those who will lose their employment as a result of mine closures.

Honourable senators will appreciate that I have a special interest in this bill, as I feel I represent here the area where these mines are located. Of course the question might well be asked why it is that, in effect, the Government is going into the coal mining business in this very direct way, for, as a rule, governments are not anxious to become directly involved in what is normally regarded as a private enterprise industry. There must be a reason; there must be a strong and compelling reason why these mines are being nationalized.

However, before considering the reasons for the proposed action, perhaps some further mention should be made of what has been done by governments in the past to assist the industry. In this way we can understand why further assistance by government, short of a take-over of the mines, would not solve the problems now being faced by the industry in Nova Scotia.

I think, though, it should be remembered that Nova Scotia is not the only place in Canada in which there is a coal mining industry. There is a coal mining industry in New Brunswick and another in western Canada, and they have shared in many of the actions taken by governments in the past. However, as coal mining was pretty well concentrated in Nova Scotia, it followed that the bulk of assistance went to the industry there.

Ever since 1924 such assistance has been granted in various ways. For example, there were the provisions of the Canadian Coal Equality Act, the Atlantic Power Development Act, the Coal Production Assistance Act, and the Maritime Freight Rates Act; there was assistance by coal subventions and by various governmental directives concerning coal.

Now, as has been stated, the original competition which coal companies in Nova Scotia had to meet was from coal being mined in the United States. This coal was of equal, and in many cases of better, quality than that which we produced, and it could be produced at a much lower cost. Subventions were provided to meet this competition on certain markets, and until recent years the cost to the federal treasury was not too great. However, in more recent times the picture has changed. The competition from United States coal has remained and, in addition, there has been fierce competition from oil and natural gas.

As the cost of mining coal in Nova Scotia was ever-increasing, the result was that traditional markets were lost and, notwithstanding the increasing governmental assistance, the coal mining industry in Nova Scotia faced more and more difficult problems until the survival of the industry itself was in doubt.

Some people, I suppose, felt that if the industry could not stand by itself it should not survive. But it should not be overlooked, honourable senators, that a great many industries in Canada were, and indeed are, assisted in one way or another by governments. And there is justification for such a policy. In the case of coal it was believed to be advantageous, and indeed necessary, to have a source of supply of this commodity in Canada so as not be wholly dependent on foreign suppliers.

During the two great wars a tremendous drive was made to increase the production of coal in Canada. It was not until after the last great war that the picture changed, and there was a decreasing demand for coal and, at the same time, an increasing demand for oil and natural gas. I suppose the expected development of nuclear power also had its effect.

As I said, while competition was increasing, the cost of producing coal in Nova Scotia was also increasing. In recent years two royal commissions have studied the whole problem of the coal industry in Nova Scotia: the Rand Commission made its report in 1960, and the Donald Commission made its report in 1966. Both commissions made certain recommendations, but we need to consider only the Donald Report since it is the more recent one and the bill before us is based to a considerable extent on its recommendations.

On page 1 of that report we find this very concise statement of the problem:

> The Cape Breton Coal problem is essentially the dependence of the Cape Breton economy and, to a lesser extent, that of Nova Scotia on the coal mining industry, and the cost to the federal government of sustaining these operations. The difficulties of the coal mines are those of long established mining operations confronted with mounting costs and increasing competition from other fuels and sources of energy, notably petroleum. The uneconomic nature of the operations is basically due to the problems inherent in mining coal some 3 to 4 miles out under the sea and to the limitations this imposes upon both management and labour.

Honourable senators, perhaps it would be well to mention here that since at least 1924

the coal mining industry in Canada has been recognized as the responsibility of the federal Government in so far as assistance is concerned, rather than as the responsibility of the governments of the provinces where the mines are located, although the provincial governments are responsible for legislation dealing with the operations of the mines themselves and regarding safety and methods of operation and the like.

I think it can be assumed without any question that coal mining would never have survived in Nova Scotia were it not for the assistance of the federal Government. Over the years communities grew up which were wholly dependent for employment on the coal mines. According to the 1961 census, the Town of Glace Bay had a population of 24,186; New Waterford, 10,592; Sydney Mines, 9,122; and 56 per cent of the labour force of New Waterford was engaged in coal mining, while 38 per cent of the labour force of both Glace Bay and Sydney Mines worked in the coal mines. You can well appreciate that the service industries in these localities were dependent on coal production for their existence.

Thus, over the years these communities have been built on coal. It was the coal miners who built churches, schools, hospitals and other institutions. And indeed the coal miners of Nova Scotia pioneered in prepaid medical and hospital care, having had both years before either was available in other centres.

Honourable senators, we have a situation where the economy of three communities in Cape Breton are almost wholly dependent upon coal mining, an industry which the federal Government has felt an obligation to assist and has indeed for at least 43 years assisted to keep in operation. I think it is but logical then for the federal Government to feel and to accept the obligation of assuring all these communities, and others around them, that they will not be allowed to decline into nothingness by the abrupt closing of four coal mines, and the disappearance of the employment of about 6,500 men.

How serious then is the situation? I quote the Donald Report again. At page 5 it says:

> Since 1960, the economic and competitive position of the industry has continued to deteriorate. As a result of closures, Dosco now has 5 operating coal mines compared with 9 in 1960—coal production and employment have declined. Dosco pithead costs have risen to around $12.00 per ton, subsidies have increased alarmingly and are continuing to rise.

The report also said that due to the uncertain prospects of the industry and the unprofitable nature of the operations, maintenance of the pits and equipment have been inadequate and substantial expenditures will be required to rehabilitate both underground and surface facilities.

It is interesting to note in relation to the Donald figure of $12 per ton, that the Rand Report mentioned that in 1958 the average pithead cost of Nova Scotia coal was $10.52 per ton, and when speaking to this bill the Minister of Energy, Mines and Resources stated that Dosco coal at the pithead currently costs about $14 per ton. So it is easy to understand why the problem of producing and marketing coal has intensified during the last few years, especially in the last year or two. Of course this became a matter of grave concern to the federal and provincial governments and to the people of the communities involved, as well as to those who worked in the mines. It was apparent that coal from Nova Scotia could be marketed only to the extent that the federal Government was prepared to underwrite the cost, and the future cost was impossible to estimate.

Then, as the sponsor mentioned, Dosco had informed the Government that it wished to withdraw from coal mining altogether, and offered to sell its entire coal mining interests to the Government. The minister stated the policy being followed by the Government has been influenced by several considerations, such as the intention of Dominion Steel & Coal Corporation to get out of the coal mining operations in Nova Scotia, the limited lifetime of the mines in question, which has been estimated at 15 years, the need for very large capital expenditures to modernize and rehabilitate the mines if they are to continue in operation, and the lack of markets without federal subsidies. The minister felt that to continue under the present policy would only be postponing the evil day, as it were, when a final solution must be found, and the very large expenditures necessary might be put to better advantage, as, for example, in broadening the base of the economy of Cape Breton Island.

Honourable senators, up to now the assistance provided the industry had not been unique. Other industries had been helped in various ways; for example, the gold mining industry found itself in a position where gold had to be sold at a fixed price regardless of

production costs. So in the Report on the Administration of the Emergency Gold Mining Assistance Act for the fiscal year ending March 31, 1966, we find this statement:

> Since 1948 the Federal Government under the provisions of the Emergency Gold Mines Assistance Act, has given assistance to operators of marginal gold mines to meet increasing costs of production against a fixed selling price for gold. The assistance so provided has extended the operating life of many gold mines and has given the communities which are dependent upon them the opportunity to adjust gradually to diminishing economic support.

This report also states the amounts paid to gold mine operators to March 31, 1966 for the years 1948 to 1965, inclusive, totalled $216,-184,450.15. With an estimated $14,814,000 paid in the year ending March 31, 1967, almost $231 million has been paid out by the federal Government in assistance to the gold mining industry since 1948, and the end is not yet in sight.

So, honourable senators, industry in Canada has had governmental assistance in the past for social as well as economic reasons —assistance given to aid the communities where the withdrawal of industry would cause much hardship.

And in Canada we are quite accustomed to Government ownership, through the means of Crown corporations. I suppose the first of these was the nationalization of various railways which now make up the Canadian National Railways. So, the nationalization of four coal mines in Cape Breton is not a great departure from precedent. The objectives are new but are justified by both economic and social conditions for, as stated by the minister, the nationalization of these mines is justified by the economic and social situation on the Island. Personally I commend the minister for his attitude. He has shown himself to be a man of wide understanding, a man of deep sympathy with those people and communities who suffer hardship through no cause of their own making. And I think too the agreement mentioned between the federal and provincial governments is a fine example of real co-operation between them, and both governments are to be commended for their actions in this matter.

Honourable senators, I do not propose to examine the bill in detail. The sponsor has given a very complete explanation of its provisions. And it is obvious the directors of that Corporation must be given a considerable degree of latitude and flexibility so they can deal with problems as they arise according to their best judgment. I do think the bill is based on the Donald Report and reading the preamble confirms that impression. The directors of the new Corporation are not, of course, bound by anything contained in that report but I expect they will follow many of its recommendations.

The report examined two proposals which it named "Proposal I" and "Proposal J". Under Proposal I, production would be cut to 2,143,000 tons by 1972 with the work force reduced to about 3,000. The new capital required would be about $14 million. Under the proposal, McBean mine would close in one year's time, No. 12 Colliery in Waterford in three years, and No. 20 in Glace Bay in five years. This would leave two mines operating which, until they were phased out, would produce about two million tons. Under this proposal no new mine would be opened.

Under Proposal J, production would be cut to the same figure by 1972, with the work force reduced to about 2,500. The capital required would amount to about $25.5 million. The cost per ton would be reduced to $8.77 as against $10.23 under Proposal I. The main difference would be that a new mine would be opened and be in full production in five years' time, and No. 26 colliery would then be closed.

The Donald Report recommended that Proposal I be adopted. The adoption of the proposal would reduce production to about 2 million tons in five years and, as stated by the sponsor, the Corporation would then be financed by the savings effected, which were estimated to be about $10 million a year or $150 million over the 15-year period.

The Donald Report recommended that two crown corporations be established—one to operate the mine, and the other to promote new industry in the area. I think the Government was wise in establishing the one with the two divisions, as in this way there will be greater co-operation in achieving these two purposes. Honourable senators will notice though that $25 million is being provided to the Corporation, which is about the capital required under Proposal "J". I understand that this was done because the Government in 1965 had given an undertaking to provide financial assistance for the rehabilitation of the existing mines and for the opening of a new mine at Lingan. That was before the Donald Re-

port, so while the money is being provided, the decision as to whether or not a new mine is to be opened is left to the new corporation.

Honourable senators, clause 17 of the bill provides that the Corporation must within a year submit an overall plan for the conduct of coal mining and for the progressive reduction of coal production and for the closing of some mines. The plan is to take into account what progress has been made in providing other employment. It had been hoped by many that the legislation would require that new employment opportunities be provided before old ones were done away with, but this is not to be the case. I think that unless generous pension provisions are made to cover early retirement—as I believe can be done under clause 18—much hardship will result in so far as unemployment is concerned. I think it must be realized that the amount provided for the promotion of industry will not go far to encourage the type of industry which requires a large number of employees to come to Cape Breton. We must remember also that a great deal of effort has already been made to bring new industry to that area, and while there has been some success, certainly it has not been sufficient to take care of all those entering the labour force year by year. The industry which has come there has required large capital investments.

There has been some criticism too about one mine, the MacBean in Pictou County, which is not being taken over by this new corporation. I will not comment on that, except to say that since it will be the only mine owned by Dosco, I hope its attitude towards the continuation of its operations will be made clear. If they are going to close that mine—and I expect they are—they should let it be known, so at least those who work there and the communities involved will know where they stand and can prepare for it.

There has also been some criticism because the steel works in Sydney is not also being taken over by the new corporation. There is grave concern about the future of that plant. As the sponsor mentioned, there have been many layoffs: men with over 20 years' service have been laid off. The result is that there is a great feeling of uncertainty and a real fear of what the future holds. I can understand why the Government would not want this crown corporation to take on this added responsibility at this time, but I do say that many people feel—and I am one of them—that there is a very poor future for that plant if it remains under its present ownership.

I believe it has been suggested that the federal Government should set up a royal commission to study the steel industry of Nova Scotia. We have had such commissions study the coal industry, and while they did not perhaps provide all the answers, they did give valuable information which enabled people to understand the difficulties and the problems of the industry. So, I believe a royal commission to study the steel industry would make a valuable contribution to our understanding of it.

Honourable senators, I support this legislation, and while I feel perhaps there are some parts of it that are open to criticism, I realize it is a new venture and I believe we should give the proposed corporation, when it is established, every opportunity to find solutions to the problems of employment and future employment on Cape Breton Island. If it should be that more authority or wider powers are necessary, then the legislation can be amended.

I believe that the people of industrial Cape Breton will welcome the Cape Breton Development Corporation and wish it well. I believe also it can and will give valuable assistance to our economy and industrial growth. At the same time, I am not one of those who expect too much from it, or who expect it will be the final answer to our economic and social difficulties.

I recall the statement of the sponsor regarding the steel industry and the reduction of the number of men to be employed at the Port of North Sydney, which this legislation does not touch.

Honourable senators, while appreciating the difficulties facing the Corporation, I certainly hope and trust it will be able to give valuable assistance to the people of Cape Breton.

If I may, I shall attempt to answer one or two of the questions asked by Senator Fournier (Madawaska-Restigouche). As was mentioned, the number of men employed was approximately 6,500. For the year ending December 31, 1966 the production in Nova Scotia was 4,125,989 tons of coal. The total Canadian production was just over 11 million tons.

I am not too familiar with Dosco, which uses some coal, but it is decreasing every year. They do use oil and electricity in their steel plant. In the process of trying to meet competition under the present system it just so happens our coal is not as suitable as some American coal for the making of steel, with the result that more and more United States

coal has been imported for use in the Sydney steel plant, and I expect that this year or next year no Cape Breton coal will be used in that plant.

I think one of the other points you mentioned was as to the amount used by the power plants. Just about one million tons of coal have been used by the thermal plants. The Nova Scotia Light, Heat and Power Company in Halifax used 225,000 tons, and the Tuft's Cove plant 300,000 tons. The Seaboard Power Plant at Glace Bay, now owned by the Nova Scotia Power Commission, used 180,000 tons of coal, and this year will use more on account of supplying steam to the heavy water plant. The power plant, at Trenton, owned by Nova Scotia Power Commission, used 200,000 tons, and a small plant at McCann used 50,000. If there are any other questions by honourable senators they will have to be asked of the sponsor. I thank you for your kind attention.

Hon. Mr. Smith (Queens-Shelburne): Perhaps I might be allowed to ask one short question. Would the honourable senator give me some indication as to whether he thinks any useful information would be obtained if this particular bill were referred to a committee, before which the minister and his officials could be asked to attend?

Hon. Mr. Macdonald (Cape Breton): Honourable senators, I meant to mention that point but overlooked it. I do not think any useful purpose will be served by sending this bill to a committee. It must be realized that this is a new venture, and we have now all the information that we can possibly obtain about it. We shall have to wait and see how it will work out.

Hon. Mr. Croll: What bothers me is this: who is sponsoring this bill?

Hon. Mr. Connolly (Ottawa West): It has a joint sponsorship.

Hon. Mr. Croll: That is what I thought.

Hon. Daniel A. Lang: Honourable senators, it might be useful if a senator from a province other than Nova Scotia interjected himself into this debate, and endeavoured to put the matter in the perspective of a province that is a large coal consumer and a large tax paying province.

We have today in Ontario an exceptional situation so far as the consumption of coal is concerned. Honourable senators might be interested to know that in the two electricity generating stations in Toronto, the Lakeview and the Thomas Ahearn stations, there is burned annually more coal than the total Nova Scotia production. Within ten years this consumption will rise from its present level of something in excess of 4 million tons a year to around 8 million to 10 million tons a year, notwithstanding the introduction of nuclear power.

Having said that, I can imagine many honourable senators wondering just what is the malaise that is affecting the Cape Breton coal mines in a climate of such heavy demand. I want to assure this House that the demand for coal as a source of energy in the generation of electricity is going to climb to a magnitude that is almost unbelievable. Honourable senators will recognize the fact that an industry as sick as that of the Nova Scotia coal industry in this sort of climate must be sick indeed.

I do not think I am making an over-statement when I say that the policy pursued by the Government in connection with the operations of the Nova Scotia coal industry during the last 10 or 12 years has been one of economic folly.

My honourable colleague mentioned that governments do subsidize other industries, and I recognize this. The gold mining industry was mentioned as an example. But, the economic folly that I am speaking of is not an economic folly in respect of subsidizing an industry, but economic folly in subsidizing an energy source—and gold is not an energy source—that goes completely against the logistics of a continental energy system. This has been so apparent and obvious since 1955 that any one could recognize the imperativeness of it. In spite of this, and indeed since 1960 when the Rand Report came down, we have pursued—perhaps with charitable motives—a policy of subsidizing this industry to the tune of over $100 million, and we must remember that today we are considering a bill that will involve a further expenditure of something in the nature of $400 million.

Honourable senators, I ask your permission to review some points in order to show you how bad this industry is in terms of the economy in Canada generally. In Mr. Donald's excellent report will be found figures relating to the Cape Breton coal mining industry for 1965. In that year that industry employed 7,500 men, and produced 4.3 million tons of coal. This production was at the rate of 2.8 tons per man shift. The same figures for coal from the Fairmont field in the United States coming into Canada, according to Mr. Don-

ald's report, is 11.97 tons per man shift. In other words, per man production in the United States is five times that of Nova Scotia.

Honourable senators, I know that this is attributable for the most part to a geographic situation that entails men travelling for 1½ hours each shift to and from the coal face, but if economics have any meaning whatsoever it is impossible to credit sensible men with trying to maintain an operation of this kind.

Dosco's pit-head price in 1965 was $12 a ton. Fairmont coal from the United States is laid down in Toronto at $8.98 a ton, and that is after the imposition of a 50 cent per ton tariff on that coal; so, the pit-head price must be around $4.25 a ton. When these figures are compared it can be seen what an ailing industry we are faced with, and how necessary something like this legislation is in order to salvage it, and I hope put an end to it for all time.

Let us look at the figures in respect of coal consumption by Ontario Hydro in a year. In 1965 Ontario Hydro used more than 4 million tons of coal—just about the equivalent of the Nova Scotia production. Of those 4 million tons, Ontario Hydro imported from Nova Scotia 750,000 tons. The cost to the Canadian taxpayer of bringing that coal in and laying it down in Toronto at the same price at which United States coal is laid down was $5.8 million.

Now, this may be justified on the ground of concern for the populace of Cape Breton, but we are a strong and vigorous country. I would venture to say that there is not a Cape Breton miner today who could not find employment at better wage rates in hard rock mining in Northern Ontario, or in the great coal fields of British Colombia which have the rising potential of exports to Japan ahead of them, and which will keep those mines going for many years.

We must be compassionate and have concern for these people, but we must be realistic as well. I know that some of the forebears of these same Cape Breton miners immigrated to that part of the country, and after a very short time became dissastisfied, and built themselves ships and headed for Australia. Their leader was a man who was senior in years. That was the spirit that built our country. Let us be very careful, when we are dealing with this business, to make sure that we are realistic. Let us not allow parochialism and politics to cause us to fall into the trap of economic positions that are outlandish.

I do not have to look further for support in what I am saying than the report of Mr. Donald, which I commend to all honourable senators as one of the most concise, accurate, and practical analyses I have ever read of any industry. In that report Mr. Donald says:

> Surely in the expanding economy of this country there is something better for these young men to do—
> That is, the young men of Cape Breton.
> —than to enter an industry with a limited future to produce a commodity that is not only not wanted but constitutes a heavy drain on the economy.

To that thought I say Amen. And may I remind those good people of Cape Breton that Ontario is a nice province too, and a prosperous one. We welcome the people of Cape Breton to our province. Perhaps British Columbia is even more desirable. Millions of people the world over would like to live there. Moreover, both of those provinces, like Nova Scotia, are also Canada.

Hon. Mr. Welch: May I ask the honourable senator for clarification on one point. He referred to the figure of 2.8 tons per man shift as against 11.97 tons per man shift in the United States. Does that refer to strip or deep mining?

Hon. Mr. Lang: Deep mining.

Hon. Mr. Welch: Thank you.

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. Smith (Queens-Shelburne): Honourable senators, in keeping with what seems to be the concensus, for I have not heard any objection to the procedure suggested by Senator Macdonald (Cape Breton), I suggest that the bill be not referred to a committee. Apparently it is an exercise which is not considered to be useful in this case. I move, therefore, that the bill be placed on the Orders of the Day for third reading at the next sitting.

Motion agreed to.

DOCUMENTS TABLED

Hon. John J. Connolly tabled:

Supplementary Report of The Canadian Wheat Board on the 1965-1966 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 text).

Reports of the Royal Canadian Mounted Police for the fiscal years ended March 31, 1964 and 1965. (English and French texts).

Report of Operations under the Civil Service Insurance Act, for the fiscal year ended March 31, 1967, pursuant to section 21(2) of the said Act, chapter 49, R.S.C., 1952. (English and French texts).

Copies of Ordinances, Chapters 1 to 23 inclusive, made by the Council of the Yukon Territory at its 1967 First Session held from March 28 to May 19, 1967, 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. 1967-1285, dated June 22, 1967, approving same. (English text).

Texts of speeches delivered by the Right Honourable Lester B. Pearson, the Honourable Sydney J. Smith, the Honourable John J. Connolly, P.C., the Honourable Lionel Choquette and the Honourable Mariana B. Jodoin on the occasion of the unveiling of the bronze portrait of the Honourable Mariana B. Jodoin, the first French-speaking woman appointed to the Senate of Canada, in the Senate Antechamber on June 14, 1967.

PRIVATE BILLS

PRINCIPAL LIFE INSURANCE COMPANY OF CANADA—AUTHORITY TO PRINT COMMITTEE PROCEEDINGS

Hon. Salter A. Hayden, Chairman of the Standing Committee on Banking and Commerce, presented the following report of the committee on Bill S-11, respecting Principal Life Insurance 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 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 ADOPTED

Hon. Mr. Hayden reported that the Standing Committee on Banking and Commerce had considered Bill S-11, respecting Principal Life Insurance Company of Canada, and had directed that the bill be reported with the following amendment:

Page 1, clause 1: Strike out line 17 and substitute therefor the following: "purposes whatsoever,".

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 explanation of the amendment is simple. There was a company by this name, Principal Life Insurance Company, incorporated about two years ago. Within two years of incorporation a company must, of course, procure its certificate of registration from the Superintendent of Insurance. The company has been delayed in getting into operation and has come back this year and presented this bill, which in effect was to extend the life of the original act or charter for a further period of two years. However, the bill was drafted in such a way that the life of this company, the moment this bill was passed, would last only until June 30, 1969, overlooking the fact that if the company secures its certificate of registration in the meantime it can go on forever as long as it is enabled to secure annual renewals of registration. So, all we have done is strike out that limiting provision in the bill.

Report adopted.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Burchill, for Hon. Mr. Cameron, moved that the bill be placed on the Orders of the Day for third reading at the next sitting.

Motion agreed to.

BRITISH NORTHWESTERN INSURANCE COMPANY—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 the Bill S-14, intituled: "An Act respecting British Northwestern Insurance Company", has in obedience to the order of reference of June 13, 1967, 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.

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.

SEABOARD FINANCE COMPANY OF CANADA—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 the Bill S-15, intituled: "An Act to incorporate Seaboard Finance Company of Canada", has in obedience to the order of reference of June 13, 1967, 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.

Report adopted.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Hayden: Honourable senators, I move, with leave of the Senate, that this bill be placed on the Orders of the Day for third reading at the next sitting.

There is a desire on the part of some senators not to proceed with third reading until the printed report of this morning's committee meeting is available. If the report is not available tomorrow, some senator could ask that the order for third reading stand.

Motion agreed to.

HON. MARIANA B. JODOIN

SPEECHES AT UNVEILING OF BRONZE PORTRAIT—PRINTED AS APPENDIX

Hon. John J. Connolly: Honourable senators, I move, with leave of the Senate, that the speeches delivered by the Right Honourable Lester B. Pearson, Prime Minister of Canada, the Honourable Sydney J. Smith, Speaker of the Senate, the Honourable John J. Connolly, P.C., Leader of the Government in the Senate, the Honourable Lionel Choquette and the Honourable Mariana B. Jodoin, on the occasion of the unveiling of the bronze portrait of the Honourable Mariana B. Jodoin, the first French-speaking woman appointed to the Senate of Canada, in the Senate antechamber, on June 14, 1967, which were tabled today, be printed as an appendix to the *Debates of the Senate* of this day.

Motion agreed to.

(*For text of speeches see Appendix "B", pp. 244-5.*)

DIVORCE

FINAL REPORT OF JOINT COMMITTEE—CORRECTION OF STATEMENT

On the Orders of the Day:

Hon. Allister Grosart: Honourable senators, may I ask your indulgence, perhaps under our Rule 35, to make a correction in some of the remarks I made yesterday evening and which are reported on page 215 of Senate *Hansard*.

My correction of course does not affect the principle which I asserted at that time, of the importance of the maximum of freedom of the press to carry out its important function in the parliamentary process. It is merely a matter of giving credit where credit is due.

I am afraid I was misled, as were other senators perhaps, by the mention of the date, Wednesday, June 21, as the occasion of the first disclosure of the intentions of the mem-

bers of the Joint Committee on Divorce. Senator Roebuck mentioned that date. I believe he had the same impression as I had, that this was the first occasion of disclosure. However, my current information from the Press Gallery verifies what Senator Croll suggested, that the first disclosure in fact took place the night before, on the evening of June 20.

My correction is that the first disclosure was made by Mr. Tom Gould of the C.B.C., who obtained the information directly, by his own efforts and from his own sources.

I have on occasion been critical of the C.B.C. in other aspects of its programming and I take this opportunity to give credit to the enterprise in this case of Mr. Gould and the C.B.C.

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE CONTINUED

The Senate resumed from Wednesday, June 14, consideration of His Excellency the Governor General's speech at the opening of the session, and the motion of Hon. Mr. Desruisseaux, seconded by Hon. Mr. Nichol, for an address in reply thereto.

Hon. John J. Connolly: Honourable senators, as Senator Argue, in whose name this order stands, is not in the chamber at this time, would it be agreeable that Senator Inman be allowed to take his place?

Hon. Senators: Agreed.

Hon. F. Elsie Inman: Honourable senators, we have entered the second session of Canada's 27th Parliament since Confederation. This is Canada's 100th birthday, it is our centennial year, and it is also the year of Expo, a proud year for all Canadians.

I would like to extend my congratulations to the Right Honourable Roland Michener, our new Governor General. Those of us who were privileged to serve on committees with him, when he was a member of the House of Commons, know well the depth of his knowledge and keen insight. He was a very distinguished and popular Speaker of the House of Commons. His success as High Commissioner to India is well known. Those qualities which made his career outstanding in these other positions make him eminently suitable to be Her Majesty's representative in Canada. In all of his successes he has been assisted most ably by his charming wife. Mrs. Michener's personal attainments in academic, as well as in social and cultural fields, make her well qualified to be the châtelaine of Rideau Hall. I am sure that her kindness and help to lady parliamentarians, and to wives of parliamentarians, as wife of the Speaker of the House of Commons, are well remembered by those of us who benefited from her advice and assistance.

I wish at this time to congratulate the Speaker, the leaders, and deputy leaders of the Senate. It gives us great pleasure to see them all in their accustomed seats. My congratulations are offered also to the mover and seconder of the address in reply to the Speech from the Throne. They gave excellent speeches and we look forward to hearing them speak often in this chamber.

I wish also to congratulate Senator O'Leary (Carleton) and Mr. NacNeill who recently had honours conferred on them.

Hon. Mr. Connolly (Ottawa West): Hear, hear.

Hon. Mrs. Inman: I extend a warm, well-deserved welcome to our new senators, and I wish to say a very special word of welcome to Senator Mary Kinnear. We have been friends for a long time and I know that she brings to this chamber a wealth of experience in public affairs. It is a pleasure also to see my friend of long standing, Senator Thomas J. Kickham, join us in the Senate. Senator Kickham comes from a long line of parliamentarians and has himself served both in our provincial legislature and in the House of Commons.

Honourable senators, I wish to speak for a few minutes about the United Nations. Since the end of World War II, Canada has played an ever-growing prominent role in the field of international affairs. Canada was one of the fifty nations represented at San Francisco in 1945 when Mr. Mackenzie King, then the Prime Minister of Canada, signed the charter of the United Nations.

On January 1, 1948, Canada was elected a member of the Security Council for a two-year term. In 1952 the Honourable L. B. Pearson, then Secretary of State for External Affairs, was President of the United Nations Assembly. Canada is a permanent member of the Atomic Energy Commission, and Canadians have served some three-year terms on the Economic and Social Council.

One of the chief functions of the Economic and Social Council is the co-ordination of the activities of the specialized agencies of the United Nations. Canada has membership in all of those agencies, namely, the World

Health Organization, the Food and Agriculture Organization, the International Labour Organization, the International Bank for Reconstruction and Development, the International Monetary Fund, and the United Nations Educational, Scientific and Cultural Organization. There are other programs, such as the Colombo Plan, Technical Assistance, Canada West Indies Aid, UNESCO and UNICEF, in which we participate.

The Special Industries Service program, quite a new form of economic aid to developing countries, is one of the most successful projects of the United Nations. In the past year more than one hundred countries have turned to UNIDO, the United Nations Industrial Development Organization, for advice and help in some of their industrial problems.

Last year we were fourth in rank among the United Nations Development program and International Development Association, third in contributions to the United Nations Relief Works Agency, and second only to the United States of America in contributions to the World Food Program—quite a record for a country of only 20,000,000 people.

Honourable senators, it was my privilege and pleasure to be the observer from this chamber to the 21st Session of the United Nations General Assembly for the first two weeks of October 1966, and I wish here to express my sincere thanks to our Prime Minister the Honourable Lester B. Pearson, and to Senator John J. Connolly for having given me this opportunity.

The representative from the House of Commons and I arrived in New York on Monday, October 3, and were met by Mr. Moffat from the Canadian mission, after which we went to meet the Canadian Ambassador to the United Nations, His Excellency Mr. George Ignatieff, a very gracious and charming gentleman.

I would like to express my grateful thanks to His Excellency George Ignatieff, Ambassador of the permanent mission of Canada to the United Nations, and to the staff at the Canadian mission for the courtesy extended to me while in New York. I do feel that the staff were dedicated young people, very helpful and co-operative in every way, who took a keen interest in their work at the United Nations. I know many of them look forward to careers in the diplomatic service.

After a half-hour briefing by His Excellency we went to the United Nations.

Our ambassador and his wife are gracious and charming. It is a pleasure indeed to know them. I must say his thoughtfulness and kindnesses contributed much to the pleasure of my sojourn at the United Nations.

Our ambassador has great responsibilities. First, of course, he must represent and speak for Canada on any matters concerning Canada which come before the United Nations. He also has many social obligations which often necessitate, so he told me, his appearing at perhaps three functions in one evening. I had that experience on one occasion while there and I would not wish to have it happen too often. I attended a Holy See Reception, a violin recital and afterwards a reception to meet the artist at the Consul General's residence. It made a very full evening. One realizes that our ambassador and his wife are extremely busy people seven days a week from morning till early next morning.

Because many members of the Senate have already attended sessions of the United Nations as delegates and observers, I will not go into much detail regarding the charter and statute of the International Court of Justice, the judicial organ of the United Nations, except to state that the purposes and principles of the United Nations are: first, to maintain international peace and security; second, to develop friendly relations among nations, and thirdly, to co-operate internationally in solving international problems of an economic, social, cultural, or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language, or religion.

I would like to tell honourable senators that I was very proud of my colleagues from the other place who went to the United Nations as observers. They were very loyal in their attendance at the General Assembly and at the various committees to which they were appointed. I know full well from observation and conversation that Canadians have the full confidence and respect of other members of the United Nations.

At the briefing each morning we were assigned to the General Assembly or to committees of our choice. I attended the General Assembly meetings every morning as I found it very interesting to hear the viewpoints of the delegates from the different countries regarding the many subjects that came before the General Assembly. There are six committees with one member from each country represented at the United Nations.

The general debate in the General Assembly Hall was continued at 10.30 a.m. Four countries took part on October 3: Greece, Bolivia, Nepal and Afghanistan. Mr. Toumbas of Greece congratulated Mr. Pozwak of Afghanistan on his election as President of the current session.

I was impressed with the President of the United Nations at that time; he was an East Indian and an outstanding personality. I met him at a luncheon and found him to be a very charming and delightful person.

Mr. Toumbas gave great credit to the United Nations for what it had already accomplished in the social, economic and humanitarian fields, as well as in those of education, literature of peoples, human dignity and human rights. He did stress that much remains to be done, particularly in economic, financial and technical aid to the developing countries. This was a very excellent speech, I thought, and it covered many subjects. Yet it was fair and gave credit where credit was due.

The Bolivian representative came next and I was impressed with his appeal for peace and Christian unity. Guyana had just become a new South American state which was a cause for great rejoicing as was also the re-admission of Indonesia.

The Nepal representative, Mr. Bista, among other topics, praised the United Nations for the handling of the India-Pakistan conflict last year, with special words of thanks to the Secretary General U Thant. Mr. Bista expressed great concern for the situation in Viet Nam, and understandably so since they are almost neighbours. He also spoke of the People's Republic of China and thought she should have representation at the United Nations. He was very positive about this.

At the plenary sessions of the General Assembly, representatives from Belgium, Yugoslavia, India and Dahomey spoke and all stressed disarmament, also the lack of peacekeeping, and were quite critical of United Nations achievements and all talked about Viet Nam. The consensus seemed to be, among those countries at that time, so far as I could tell, that the Western World should not have interfered in this war.

Mr. Mazid spoke for Afghanistan. He too welcomed Guyana and Indonesia. He spoke of the slow progress in the application of the declaration on the granting of independence to colonial countries and peoples. He brought up the question of South Africa, Southern Rhodesia, Angola and Mozambique. He spoke at some length on this subject, as did many others during the time I was attending the meetings. But I must say the bitterest attacks I heard were in the Third Committee. There seemed to be great criticism of the attitude of Great Britain towards the Rhodesian situation. I listened to this particularly in the Third Committee.

It was a thrill to sit in the General Assembly and listen to our External Affairs Minister, the Honourable Paul Martin, address the United Nations from the podium. Mr. Martin is always a forceful and convincing speaker.

Mr. Donald Macdonald, M.P., also spoke for Canada on one occasion during my tour and gave an excellent address.

Mrs. Fullerton of London spoke in the Third Committee and brought honour to Canadian women. I was indeed proud to be a Canadian.

I was very impressed with women from Africa and the Eastern countries. They were well briefed in the affairs of their states and were good speakers.

Of course, it was not all just attending meetings and observing. There is a social side also which can be enlightening, besides being delightful. It was a distinct pleasure to attend the reception of the representative of the Holy See at the Waldorf Astoria. He was most gracious and he was interested to know that I came from Canada. It was one of the outstanding social functions I attended.

I will say here that I attended as much as possible the receptions given by the peoples of the African and Eastern countries because it was very enlightening to hear them being able to speak English so well and to listen to their ideas. I might just say here that this was at one of the conferences. I was surprised and asked why so few women were with them, since so many African countries had quite a large representation of women. The answer was that next year they would have twenty who were presently being trained. These women come as delegates, observers and staff, and are well trained and well aware of their responsibilities.

From my observations at the United Nations, I realize that women have a very important role to play in world affairs and I do think the women of the developing countries are perhaps more aware of this situation than we of the Western World are. Perhaps we have taken too much for granted in our way of life. Life has been easy for us in these later years. I do know that these women of the Afro-Asian countries are very serious

about their position in government: what they can do, what they stand for and what they can control. They no doubt represent the views of their countrywomen and their interests, and they are very sincere in their efforts to make life in their countries happy and productive of the things that make living worthwhile.

I think we Canadian women have let opportunities slip by because while an observer at the United Nations I realized that other countries and especially the developing countries of Africa are very cognizant of the value of women in government. It was brought to me very clearly that we women of the Western hemisphere have not exercised our potential to the full.

I had the experience of meeting a doctor and his wife from Nigeria and also a doctor and his wife from Malowa. I still correspond with the doctor from Malowa and I understand that he is coming with his wife and three children to Prince Edward Island. I asked this man what he was going to do and he said he was going back to work with his own people. He said "Of course, we expect a lot of help from you Canadians." I said we were very willing to help all developing countries but they must not forget that they must also help themselves to some extent. I pointed out that we were still a young nation and had much developing to do ourselves.

The experience of attending the United Nations as an observer is something one will always remember. Even as an observer one feels a part of this tremendous organization, a part of our international family which, like most families, has its disagreements on occasions, only on a very much larger scale.

You work, talk, and consult with those who control the destiny of a country. It is of course a responsibility, which one cannot fail to accept as a delegate to these conferences, that one must be careful in the use of words.

It was an opportunity, as observer, to become aware of what this huge organization is doing in shaping the destiny of its member countries. It is trying to bring understanding, tolerance and peace to the various nations and the countries who have joined the UN, and to date we must say the United Nations has had some measure of success. We hesitate to think what could have happened on many occasions if there had been no United Nations.

I am not going into a lengthy speech about my observations at the United Nations, for I realize that today most intelligent people, and I am sure the members of this chamber are very intelligent, have acquainted themselves with the aims, hopes and ideals, of the United Nations. When one has had the very interesting experience of attending the session as an observer, even for a short period, one feels that the world has grown much smaller on account of fast travel and communication. Countries have problems which they should share with one another. The solution for unity and peace is co-operation and a recognition of each other's rights and privileges in human existence.

In speaking with some of the delegates and observers from these emerging African countries, I found that they have a great ambition to be recognized by the Western World. They are proud of their newly found independence and look forward to becoming an influential factor in an African Commonwealth. I do not feel that they have ambitions other than this—I got the impression that they know Africa is a great continent and as such will in time be considered of the same importance as other continents.

Honourable senators, perhaps this is the year to assess ourselves. We can look back a hundred years, and now we must look to the foreseeable future. Canada has progressed from being a dependent colony a hundred years ago to its present position in the world.

The Speech from the Throne gives great encouragement for the future progress and development of Canada; better programming by the C.B.C., more good Canadian features, upgraded and of more cultural and educational value; housing programs are of prime importance; a new department—a Department of Consumers Affairs; a more adequate and expanded communications system, and many other matters to benefit the people of Canada.

The world of tomorrow is even now dawning and anyone can listen today by way of radio and television to what is taking place in all corners of the world. Tremendous advances have been made and are being made each day in the sciences and cultures so that predictions for the future are paving the way for the forces of progress.

Honourable senators, we are a prosperous country and we are on our way to greatness. That greatness is in the hands of our youth today. We must hope that they will recognize their responsibility and I think they will. The beards, the mini-skirts, the rock and roll, which is even now passé, are a phase. In the days of the Roaring Twenties, as those years were called, they danced the Charleston, wore

skirts above the knees and drank pink champagne and silver fizzes. It was fun, but when the time came the youth of that day settled down and did their duty to their families and to their country. Life became serious again during the depression years and people accepted the fact. Then World War II came and it was not easy to see our teenage sons go to fight; it was a time of testing. Again I feel that our young people of today will face up to the issues of tomorrow and accept their responsibilities with courage and ability.

On motion of Hon. Mr. Connolly (Ottawa West) for Hon. Mr. Lamontagne, debate adjourned.

The Senate adjourned until tomorrow at 3 p.m.

APPENDIX "A"

(*See p. 223.*)

CAPE BRETON DEVELOPMENT CORPORATION

AGREEMENT BETWEEN CANADA AND NOVA SCOTIA

JUNE 13, 1967

This Agreement made this 13th day of June 1967.

BETWEEN

THE GOVERNMENT OF CANADA,

hereinafter called "Canada",

and

THE GOVERNMENT OF NOVA SCOTIA

Hereinafter called "Nova Scotia",

Whereas Canada and Nova Scotia agreed on certain basic principles concerning future policy for Nova Scotia coal, as announced on December 29, 1966, in Ottawa by the Prime Minister of Canada and in Halifax by the Premier of Nova Scotia, and as described in Appendix "A".

Now, therefore, in consideration of the premises and the Agreements contained herein and in the aforementioned Appendix "A", the parties agree as follows:

1. The Corporation

(1) The Crown Corporation referred to in Appendix "A" shall be called the "Cape Breton Development Corporation".

(2) The Chairman and President of the Corporation shall be appointed by the Governor-in-Council following consultation with Nova Scotia. The Chairman may serve on a part time basis and is to hold office for a period not exceeding seven years. The President shall serve full time as the Chief Executive Officer of the Corporation and shall hold office for a period not exceeding seven years.

(3) The Corporation shall have a Board of Directors consisting of seven members, of which two shall be the Chairman and President of the Corporation, all to be appointed by the Governor-in-Council. Three of the five remaining Directors shall be nominated by Canada, and the remaining two Directors shall be appointed on the recommendation of the Lieutenant Governor-in-Council of Nova Scotia, all to hold office for periods not exceeding five years.

(4) The Corporation shall have two main divisions—a Coal Division and an Industrial Development Division—each under a Vice-President. The two Vice-Presidents may attend meetings of the Board of Directors but will not have voting privileges.

(5) The Corporation shall submit annual capital and operating budgets for both its Coal Division and its Industrial Development Division, to the appropriate Minister for approval by the Governor-in-Council, in such detail as the Governor-in-Council may require, including but not limited to, a statement of the relationship between industrial development and the target phase-out timetable for the coal mines.

(6) The Corporation shall submit an annual report to both Canada and Nova Scotia, in such form and detail as the Governor-in-Council may require, including but not limited to, an accounting of expenditures for the year and of progress in meeting the target phase-out timetable.

(7) The Corporation shall maintain adequate accounting records to reflect the operations of its Coal and Industrial Development Divisions, respectively.

(8) Nova Scotia shall consent to the transfer to the Corporation of all the rights of Dominion Coal Company, Limited, and Nova Scotia Steel and Coal Company, Limited, under any lease granted by Nova Scotia to those companies in Cape Breton Island and shall also grant to the Corporation for a nominal consideration its interests in all lands used by those companies or subsidiaries in Cape Breton Island, which lands have never been granted or leased by Nova Scotia.

(9) Canada shall provide working capital through loans to the Corporation to a maximum of $10 million at any one time.

(10) The cost of the acquisition of the Cape Breton coal mining and related interests of Nova Scotia Steel and Coal Company, Limited and Dominion Coal Company, Limited shall be borne by Canada.

(11) The amounts to be made available to the Corporation for industrial development,

in accordance with Appendix "A", shall be paid to the Corporation as required, Canada and Nova Scotia making pro rata payments in accordance with such needs.

2. Co-ordination of Economic Development

(1) Canada and Nova Scotia shall enter into an agreement, at an early date, respecting the undertaking of economic development activities, specifying the extent to which each will undertake such activities through their respective departmental and agencies programs.

(2) Canada and Nova Scotia shall establish a Cape Breton Coordinating Committee, hereinafter called the "Committee", charged with the co-ordination of economic development activities on Cape Breton Island.

(3) The Committee shall be composed of 9 members—5 appointed by Canada, 3 by Nova Scotia, and one by the Corporation. Members shall be selected from federal and provincial departments and agencies which are involved in development programs on Cape Breton Island.

(4) The Chairman of the Committee shall be appointed by Canada and shall be the senior federal official responsible for the co-ordination of federal activities on the Island.

(5) The Committee may establish an Advisory Council, including representatives of local areas, to advise the Committee.

3. Existing Subsidy and Loan Programs

(1) Immediately the Corporation acquires the Cape Breton coal mining and related coal works and coal undertakings of Nova Scotia Steel and Coal Company Limited and Dominion Coal Company Limited, Canada shall withdraw Order-in-Council PC 1966-54 dated March 23, 1966, which provides for the payment of subventions in respect of coal produced in Nova Scotia, insofar as these subventions relate to the coal mines being acquired by the Corporation and to the independent coal mines, it being understood by both Canada and Nova Scotia that the McBean Mine in the County of Pictou is not an independent mine.

(2) Effective December 29, 1966, no further loans shall be made to coal producers in respect of coal mined in Nova Scotia, under the terms of the Coal Production Assistance Act.

4. General

Nova Scotia shall recommend to the Legislative Assembly of Nova Scotia the implementation of such of the terms of this Agreement as may require legislative approval.

In Witness whereof The Honourable Jean-Luc Pepin, Minister of Energy, Mines and Resources, has hereunto set his hand on behalf of Canada, and The Honourable Robert L. Stanfield, Premier of Nova Scotia has set his hand on behalf of Nova Scotia.

SIGNED on behalf of Canada by
The Honourable Jean-Luc Pepin,
Minister of Energy, Mines and
Resources, in the presence of

(Witnessed)

Jean-Luc Pepin

SIGNED on behalf of Nova Scotia
by The Honourable Robert L.
Stanfield, Premier of Nova
Scotia, in the presence of

(Witnessed)

R. L. Stanfield

APPENDIX "B"

(*See p. 236.*)

UNVEILING OF BRONZE PORTRAIT OF HON. MARIANA BEAUCHAMP JODOIN

IN THE SENATE ANTECHAMBER,

WEDNESDAY, JUNE 14, 1967

The Hon. the Speaker of the Senate: Madame Jodoin and members of your family, the Right Honourable the Prime Minister, my colleagues of the Senate, and ladies and gentlemen: We are particularly happy, after many postponements, some because of illness and others by reason of recesses of Parliament, to be able finally to confer this mark of honour upon our old colleague, Madame Jodoin.

I am delighted to extend a particular welcome to the Prime Minister, who has consented to officiate at this ceremony. I shall not enlarge on my introduction of the Prime Minister. He is a busy man, and we appreciate very much his taking the time to be with us on this occasion.

Ladies and gentlemen, I present to you the Right Honourable Lester B. Pearson, Prime Minister of Canada.

The Right Honourable Lester B. Pearson: Mr. Speaker, Madame Jodoin may be your old colleague, but she looks awfully young to me.

I do not need to tell you, I am sure, of how happy I am to be here on this occasion when we honour Madame Mariana Beauchamp Jodoin who herself had the honour in 1953 of being the first French-speaking Canadian lady called to the Senate.

However, that is only one of the many honours that have been conferred on Madame Jodoin during her lifetime of service to her city, Montreal, her province, Quebec, and her country, Canada. They are honours that she has certainly well deserved because of her dedication to public service throughout her life. Indeed, during all her life—I have been looking up her record this afternoon, and I have learned much about her—she has been active in charitable, social and political activities. But, her achievements have not all been in public activity.

Elle a été en même temps l'épouse d'un membre fort occupé du Barreau et la mère dévouée de quatre enfants. Il serait trop long d'énumérer ici en détail toutes les organisations et les associations dont madame Jodoin s'est occupée au cours de sa vie.

Perhaps I should mention one or two in order to demonstrate what a versatile person she has been in women's organizations. She has worked in the rehabilitation of the deaf and the dumb, la Société des Femmes Universitaires, le Cercle des Femmes Journalistes, the Business and Professional Women's Club, and, of course, the World Association of Women Executives.

During World War II, Mr. Speaker—and you may not know this—Senator Jodoin served as a "dollar a year man" for six years with the Wartime Prices and Trade Board. She has always been busy, and she has always been charming too.

In unveiling this bronze bust by a well-known sculptor, Sylvia D'Aoust, whom we are delighted to have with us this afternoon, we are recognizing Madame Jodoin's services to her country, and the distinction of being the first French-Canadian lady called to the Senate of Canada.

I take great pleasure in unveiling this bust.

(*The bronze portrait was unveiled*)

The Hon. the Speaker of the Senate: Before I call upon Madame Jodoin, I am sure we would like to hear from the Leader of the Government in the Senate.

Hon. John J. Connolly: Mr. Prime Minister, Madame Jodoin, and ladies and gentlemen, there is very little one can add by way of embellishment of what the Prime Minister has already said about Madame Jodoin. Upon her retirement from the Senate, or, immediately after her retirement, we there paid her a tribute that all of us felt from our hearts she deserved. I can only add today that we enjoyed her company in the Senate and we miss her very much.

Madame Jodoin is the daughter of a great jurist, she was the wife of a jurist, and she is the mother of a fine family. As the Prime Minister has said, she has occupied herself in charitable, philanthropic, and patriotic work throughout her lifetime, and we are indeed most happy to be here on this occasion when she becomes not a senator again, but a continuing permanent member of the Senate.

The Hon. the Speaker of the Senate: It is our pleasure to have with us the acting Leader of the Opposition in the Senate, Senator Choquette. He is here representing Senator Brooks, who is unavoidably absent from the city. We would all like to hear from Senator Choquette.

L'honorable Lionel Choquette: Monsieur le premier ministre, madame Jodoin, mesdames et messieurs, c'est à regret que mon chef, M. Brooks, a dû s'absenter pour se rendre à une autre cérémonie au Nouveau-Brunswick. Il m'a demandé de le remplacer et surtout de transmettre un message à madame Jodoin. Il m'a dit: tu pourras la rassurer que je l'ai toujours trouvée une femme très charmante; chaque fois qu'elle parlait, je savais qu'elle dirait quelque chose de constructif et qu'elle le dirait très bien. Il utilisait toujours son appareil auditif pour écouter la traduction simultanée.

En 1958, lors de ma nomination au Sénat, on m'a dit que je devrais hésiter à accepter parce que, entouré de vieillards, je vieillirais à vue d'œil. Je me suis aperçu qu'ils n'avaient pas raison, mais, aujourd'hui, je constate qu'ils avaient raison parce que, depuis que madame Jodoin nous a quittés, elle semble avoir beaucoup rajeuni.

Je félicite les dames d'avoir organisé cette belle fête et d'avoir su immortaliser les traits de madame Jodoin dans un buste qui prendra désormais place dans l'antichambre du Sénat.

The Hon. the Speaker of the Senate: Now, Madame Jodoin, we will give you a chance to reply.

L'honorable Madame Mariana B. Jodoin: Monsieur le premier ministre, monsieur le président du Sénat, chers collègues, chers amis, il y a un an je quittais le Sénat emportant avec moi le souvenir ineffaçable de votre amitié et des bons égards que vous avez toujours témoignés à la première Canadienne française nommée au Sénat par le Très Honorable Louis St-Laurent.

Je viens vous donner la preuve de mon attachement au Sénat, où, par la pensée, je revois souvent vos personnalités attachantes, en reprenant ma place non loin de vous. Cet honneur que j'apprécie hautement, croyez-le bien, je le dois tout particulièrement à l'honorable Sydney Smith, président du Sénat, qui a bien voulu faire ce geste gracieux d'honorer, en ma modeste personne, la première Canadienne française et lui accorder l'hospitalité dans l'entrée de la Chambre Haute du Parlement canadien où règne la plus cordiale affabilité.

Mr. Prime Minister, thank you very much for your kind remarks. You have always in your life proved that you are a great man, and a great diplomat. I admire you very deeply, and I appreciate very much your presence here today. It will be a great souvenir for my family and myself.

Je remercie également le leader du Sénat pour les belles paroles qu'il a eues à mon égard, ainsi que l'honorable M. Choquette, leader suppléant de l'Opposition, mais en ce moment je crois qu'il n'y a pas d'opposition, alors j'en suis très reconnaissante.

Accompagnée par madame Flore Jutras, l'instigatrice de cette idée de perpétuer, par cette effigie, la présence de la femme canadienne-française à la Chambre Haute, ma gratitude envers elle est sans borne, car elle témoigne de sa valeur personnelle qui d'ailleurs dépasse les bornes de la province de Québec.

A l'artiste canadienne Sylvia D'Aoust, sculpteur de grand mérite, je dis un merci bien profond, pour avoir réussi, par ses talents inspirateurs, à voiler un peu les années accumulées sur ma tête.

Merci à vous tous chers sénateurs qui, par votre présence, me rappelez de bien beaux jours passés sous ce toit. Entourée de ma famille et d'amis très sincères, ce moment est pour eux et pour moi un jour mémorable et nous en sommes très émus.

En leur nom et au mien, je vous dis le plus profond merci!

THE SENATE

Thursday, June 29, 1967

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

Prayers.

HER MAJESTY THE QUEEN

ADDRESS OF LOYALTY AND APPRECIATION OF PRESENCE ON CENTENNIAL ANNIVERSARY

The Hon. the Speaker: Honourable senators, I have the honour to inform the Senate that the following message has been received from the House of Commons:

> Resolved: That a humble Address be engrossed and presented to Her Majesty the Queen by the Honourable the Speaker on the occasion of the celebration of the Centenary of Confederation, 1st July, 1967 in the following words:
>
> To Her Most Excellent Majesty:
>
> Elizabeth The Second,
>
> By the Grace of God of the United Kingdom, Canada and Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith:
>
> Most Gracious Sovereign:
>
> We, Your Majesty's dutiful and loyal subjects, the. . .Commons of Canada in Parliament assembled, wish humbly to convey to Your Majesty this expression of our deepest loyalty, affection and respect, and of our appreciation of the presence in Canada of Your Majesty and His Royal Highness the Prince Philip at the celebration of the Centenary of Confederation.
>
> We pray that Your Majesty may continue to reign for many years as our gracious and beloved Sovereign.
>
> Ordered: That a Message be sent to the Senate informing Their Honours that the House of Commons had passed the said Address and requesting Their Honours to unite with this House in the Address by inserting therein the words "Senate and".
>
> Attest.
>
> Leon-J. Raymond
> The Clerk of the House
> of Commons

Honourable senators, when shall this message be taken into consideration?

Hon. John J. Connolly, with leave of the Senate, moved, seconded by honourable Senator Brooks, P.C.:

> That the Senate do agree with the House of Commons in the said Address by filling up the blank spaces left therein with the words 'Senate and".

Motion agreed to.

Hon. Mr. Connolly (Ottawa West): I now move, seconded by honourable Senator Brooks, P.C.:

> That the said Address be engrossed, that the Honourable the Speaker do sign the said Address to Her Majesty the Queen on behalf of the Senate and that the said Address be presented to Her Majesty on the occasion of the Centenary of Confederation, July 1, 1967, by the Honourable the Speaker on behalf of the Senate.

Motion agreed to.

DOCUMENTS TABLED

Hon. John J. Connolly tabled:

Report of the Farm Credit Corporation, including its Accounts and Financial Statements certified by the Auditor General, for the fiscal year ended March 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 Maritime Commission for the fiscal year ended March 31, 1967, pursuant to section 13 of the Canadian Maritime Commission Act, chapter 38, R.S.C., 1952. (English and French texts).

Supplementary Estimates (A) for the fiscal year ending March 31, 1968. (English and French texts).

Statutory Orders and Regulations published in the *Canada Gazette* Part II, of Wednesday, June 28, 1967, pursuant to section 7 of the Regulations Act, chapter 235, R.S.C., 1952. (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, 1967, pursuant to sections 85(3) and 87(3) of the Financial Administration Act, chapter 116, 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 Materiel), for the fiscal year ended March 31, 1967, 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, 1967, pursuant to sections 85(3) and 87(3) of the Financial Administration Act, chapter 116, R.S.C., 1952. (English and French texts).

PRIVATE BILLS

CO-OPERATIVE TRUST COMPANY LIMITED—FIRST READING

Hon. David A. Croll presented Bill S-20, respecting Co-operative Trust Company Limited.

Bill read first time.

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

Motion agreed to.

CABRI PIPE LINES LTD.—REPORT OF COMMITTEE

Hon. T. D'Arcy Leonard, 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-16, intituled: "An Act to incorporate Cabri Pipe Lines Ltd.", has in obedience to the order of reference of June 13th, 1967, 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. Leonard: 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. J. Harper Prowse moved that the bill be placed on the Orders of the Day for third reading at the next sitting.

Motion agreed to.

VAWN PIPE LINES LTD.—REPORT OF COMMITTEE

Hon. Mr. Leonard, 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-17, intituled: "An Act to incorporate Vawn Pipe Lines Ltd", has in obedience to the order of reference of June 13th, 1967, 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. Leonard: Honourable senators, 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. Prowse moved that the bill be placed on the Orders of the Day for third reading at the next sitting.

Motion agreed to.

ADJOURNMENT

Hon. John J. Connolly: Honourable senators, I move, with leave of the Senate, that when the Senate adjourns today it do stand adjourned until tomorrow, Friday, June 30, 1967, at 10.30 o'clock in the morning.

Motion agreed to.

THE ESTIMATES

FINANCE COMMITTEE EMPOWERED TO EXAMINE AND REPORT—SUPPLEMENTARIES (A)

Hon. Jean-Paul Deschatelets moved, with leave of the Senate:

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 31st March, 1968; and

That the Committee be empowered to send for persons, papers and records, to print its proceedings upon the said Supplementary Estimates (A) and to sit during sittings and adjournments of the Senate.

Motion agreed to.

FEDERAL COMMISSIONS OF INVESTIGATION

NAMES, PURPOSES, COSTS, ETC.—INQUIRY STANDS

On the Notice of Inquiry of Hon. Chesley W. Carter:

That he will inquire of the Government:

1. How many Royal Commissions, commissions or other special investigating bodies has the federal Government appointed in the last 20 years?

2. What, in each case, is (a) the name, (b) the purpose, (c) the year of the appointment and the year of termination; and (d) the cost to date of such Royal Commissions, commissions or other special investigating bodies?

Hon. Mr. Connolly (Ottawa West): Stand.

Hon. Jean-François Pouliot: Honourable senators, I wish to make just one observation respecting this inquiry, which is of a much wider scope than the inquiry I placed upon the Order Paper of the Senate a few months ago. This concerns investigations made by royal commissions, but it embraces all royal commissions that have been appointed in this country during the last 20 years. My inquiry was in respect of only the royal commissions and the lawyers appointed to them over three years, and for the Province of Quebec only. The information I received was shapeless, and 84 Crown companies and government agencies did not comply with the order of the Senate which had been conveyed to them by the Secretary of State.

In order to know something of the amounts paid to each firm, the records of each department had to be checked and the information put on pieces of paper and then arranged in alphabetical order. That work was done in my office under my direction, and I returned the file with the revised answer to the honourable Leader of the Government.

I must warn Senator Carter to be very careful and very wise, because in many departments no attention is paid to the orders that are received from either the Senate or the House of Commons. I must tell my honourable colleagues that on one occasion I asked a question of a former Deputy Minister of National Revenue, who was one of the top civil servants, Mr. David Sim. A bureaucrat of some kind submitted his answer to my question to the attention of Mr. Sim. Mr. Sim looked at it, and said, "This is most unsatisfactory. Mr. Pouliot will not accept such an answer. Go and draft it again, and make it complete.

I am afraid that Senator Carter will have the same experience.

The inquiry stands.

CRIMINAL CODE (HATE PROPAGANDA)

APPOINTMENT OF SPECIAL JOINT COMMITTEE

Hon. John J. Connolly, with leave of the Senate, moved:

That a Special Joint Committee of the Senate and House of Commons be appointed to study and report upon amendments to the Criminal Code relating to the dissemination of varieties of "hate propaganda" in Canada as set out in Bill S-5, intituled: "An Act to amend the Criminal Code";

That the following senators be appointed to act on behalf of the Senate on the Special Joint Committee, namely, the Honourable Senators Belisle, Bourque, Choquette, Croll, Lang and Roebuck:

That the committee have power to call 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, and to sit during sittings and adjournments of the Senate; and

That a message be sent to the House of Commons requesting that house to unite with the Senate for the above purposes, and to select, if the House of Commons deems advisable, some of its members to act on the proposed Special Joint Committee.

He said: Honourable senators, I gave notice of this motion two days ago. It simply re-establishes the committee.

Motion agreed to.

CAPE BRETON DEVELOPMENT CORPORATION BILL

THIRD READING

Hon. Donald Smith moved the third reading of Bill C-135, to establish the Cape Breton Development Corporation.

Motion agreed to and bill read third time and passed.

PRIVATE BILLS

PRINCIPAL LIFE INSURANCE COMPANY OF CANADA—THIRD READING

Hon. Donald Cameron moved the third reading of Bill S-11, respecting Principal Life Insurance Company of Canada.

Motion agreed to and bill read third time and passed.

BRITISH NORTHWESTERN INSURANCE COMPANY—THIRD READING

Hon. Hartland de M. Molson moved the third reading of Bill S-14, respecting British Northwestern Insurance Company.

Motion agreed to and bill read third time and passed.

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 Hon. Mr. Desruisseaux, seconded by Hon. Mr. Nichol, for an address in reply thereto.

[*Translation*]

Hon. Maurice Lamontagne: Honourable senators, I should like in the first place to thank my colleague, Senator Deschatelets, for having temporarily lent me his desk, so that I could more easily follow my notes.

[*English*]

I want my first words in this house to be a tribute to my distinguished predecessor, the Honourable A. K. Hugessen. During his active public life, Senator Hugessen made a lasting contribution to the Senate, although he did not seek publicity. He was truly a wise man, and as such perfectly qualified for the sober second thought.

I remember vividly the speech he made on the Coyne affair. His contribution was, in my view, the best of the entire debate in both houses. He was deeply attached to our democratic institutions and to the principle of human rights on which they are founded. I do hope that his retirement will not prevent him from continuing to serve our country for many years to come.

Hon. Senators: Hear, hear.

Hon. Mr. Lamontagne: I want also to congratulate the mover and seconder of the address. The time at my disposal does not allow me to comment in detail on their speeches. I merely want to say that both of them have fulfilled their honourable task with intelligence and dignity.

Before dealing with my main topic, I want to express my most sincere gratitude to all honourable senators who have congratulated me, either orally or in writing, upon my appointment to this chamber.

I intend to concentrate my remarks today on the paragraphs in the Speech from the Throne dealing with our scientific effort. In the long run, and apart from the issue of peace and war, this is in my view the most important area of our national policy, because if our scientific effort fails or is inadequate we will not be able to adjust as a nation to the formidable challenges of the new society which is now rapidly emerging.

Since the beginning of the nineteenth century we have witnessed two major technological revolutions. The first was based mainly on coal and steel; the second, which appeared at the beginning of the present century, was characterized by substitutes for coal as sources of energy and by substitutes for steel, which had been up to that point the main industrial material. This second industrial period has also been described as the age of electricity.

Now a third major technological revolution has begun. The new era will become the atomic age, the space age and, what is perhaps more important for our planet, the age of cybernetics, that is, the joint application of automation and electronic brains.

Ever since the invention of the steam engine we have produced better and better machines, which have been wonderful extensions of our bodies. Today we have machines able to reproduce the most intricate and most complicated movements of the human body—only they do it more rapidly and with fewer mistakes.

What is even more amazing is that we are now inventing "intellectual" machines, which are becoming the frightening extensions of our minds. They can learn; they can detect and correct their own mistakes. They can think as originally as a man of average skills. The new era will be primarily a revolution in methods and techniques of production. The physical and intellectual work done by man today will, in the future, be performed more and more by machines. Children born today will live in a "cyberneticized" world when they enter the labour force.

If scientific progress were now to stop, the full consequences of the new inventions already made would be far-reaching and all-embracing, but the terrifying fact is that scientific progress will proceed in the future at a much more accelerated pace than the unprecedented rate experienced in the last 25 years.

There are approximately 1,500,000 researchers in the world today. They represent more than 90 per cent of all those researchers who have lived since the beginning of humanity. The United States alone is spending about $25 billion annually on research and development. This means that scientific research has ceased to be an isolated and rare phenomenon. Progress and discoveries have ceased to be fortuitous events. They have become a regular process determined by the level of exenditures devoted to research. For the first time in its history, humanity is entering into an era of permanent scientific revolution.

We must also realize that science and technology now live closer together; that research and development have become a continuous process. Technical progress leading to innovations is much more directly related to scientific progress than before. Even the time lag which used to exist between the two has been greatly reduced. Thus, the permanent scientific revolution will generate what I call a permanent technological revolution.

Finally, the spreading of innovations in the economic flow is much more rapid than before. Technological information is more abundant and more readily available. Better communications, the increasing role of the scientist in industry, the breaking of geographical barriers between markets, and more active competition within industries are all factors contributing to the more rapid diffusion of innovations. Thus the permanent technological revolution is producing finally a permanent industrial revolution.

Humanity itself is being propelled into orbit by its own scientific achievements and it will remain in perpetual motion for the foreseeable future. The world is condemned to change radically, rapidly and constantly. This is unprecedented in our history. Up to now, because our evolution was relatively slow, we could let the past determine the present. From now on we will have to look at the future to decide the present, if we do not want to be always and more and more late, and if we do not want to solve problems which have already disappeared. Thus, at a time when we are required to adjust to affluence, we must face the much greater challenge of the permanent industrial revolution.

[*Translation*]

With the permanent technological revolution and the constant transformations that ensue for humanity, the creation of a dynamic and balanced science organization and policy is to my mind becoming an urgent and absolute necessity at least in industrial countries. At a time when scientific and technical progress determines to an ever-increasing degree the pace and direction of growth and conditions of affluence, the collective research effort in the field of physical sciences becomes of basic importance. It bears directly upon productivity, the standard of living of the population and the competitive position of an economy. It forms in a way the basis, the starting point of the new society.

But the scientific endeavour of a nation must not stop there. It must also extend to the sciences of life. More and more advanced research on plant and animal life are essential to the progress of agriculture, fishing and the forest industry. It also brings a valuable contribution to the science of human life, as it has often been shown.

In this latter field, research must be intensified because affluence and the evolution of mankind require the renewal of medicine and related sciences. Infectious diseases have been defeated. Now, degenerative diseases or what we call the "diseases of civilization" must be dealt with. The knowledge of the properties and of direct and indirect effects of new drugs is clearly inadequate. Diseases of the soul are spreading fast but remain quite mysterious. Rapid changes in living conditions threaten the psycho-effective balance of man. The dehumanization of labour, crowding, restraints, boredom, affluence itself, bring on psychoses and depressions, possibly easier to prevent than to cure. And yet, research and preventive medicine are still being neglected.

Finally, a general scientific policy must have a third dimension: that of human sciences, the social sciences. We are gradually making the discovery of which the rich man has long been aware that "money is not happiness." And we are not prepared as a community for this discovery. In the past, we used to believe that if mankind could achieve plenty, man would find happiness. It is to a large extent because of this belief that we have promoted by means of substantial grants the development of natural sciences but neglected the human sciences. Natural sciences could bring us affluence. Once this was

achieved, what could human sciences bring to a human race that was supposed by then to have achieved happiness?

Now that we have affluence and a scientific society, we discover that man—his environment and also his institutions—must be altered more and more rapidly, that his efforts to adapt himself affect his whole behaviour, that he needs compensations to avoid wandering off the path upon which he is being led by the new society. We realize that it is not easy to organize constant change, and economic, social and political problems are becoming complicated instead of being eliminated.

In short, it is a three-dimensional scientific society that must first be evolved, if we want to prevent a promising future from becoming catastrophic to man. To achieve that aim, we must try to make the most of the results of research conducted in other countries and avoid useless duplications. But in our own interest and because of our peculiar problems, we cannot be satisfied with that parasitical condition. We have already achieved much by ourselves, especially since the second world war. We must now hasten to do more.

[*English*]

In the field of the physical and life sciences the research effort in Canada has for a long time been markedly inferior to that of most other industrialized countries. According to a report prepared by the O.E.C.D., in 1961 the United States appropriated approximately 3.5 per cent of their gross national product to research and development expenditures. That percentage reached almost 2.5 per cent in the United Kingdom, and approximately 1.5 per cent in Sweden, Western Germany, the Netherlands, Switzerland, Japan and France. In Canada it was only 0.8 per cent.

While in most other countries the percentage of research and development expenditures in relation to total expenditures had increased rapidly in the fifties, and while this trend did not give signs of slowing down, in Canada that ratio was relatively stable. Based on a rough estimate, it hardly exceeded one per cent in 1964-65. I wish to emphasize, however, that the Government substantially increased its assistance to research agencies, both public and private, since that time. But the fact remains that, on the admission of the Minister of Industry, the Honourable Mr. Drury, who takes so much interest in this problem, the amounts we are spending on research, even now, are far from adequate.

Several factors contributed to restrict our scientific development. Our universities were forced for budgetary reasons to concentrate on teaching. Some of our industries merely exploited our natural resources. Others, most of which were subsidiaries of American firms, resorted, sometimes with some delay, to a technology developed in the United States, but which was not always adjusted to Canadian conditions. In the public sector, provincial governments showed little interest in scientific research. Finally, at the federal level, research and development expenditures rose but slowly after the Second World War, particularly when compared to the increase in our national income. Under such conditions, the progress achieved is amazing.

Although our research program in the field of the physical and life sciences is too restricted, it appears gigantic as compared with our effort in the field of the human and social sciences. Here, even the assessment of research and development expenditures is still to be done. The Dominion Bureau of Statistics and similar provincial departments surely make a valued contribution through their surveys. The public and private sectors increase their development expenditures quite rapidly by using more and more experts in the human sciences for the development of their new projects and policies.

Royal commissions give sporadic encouragement to applied research. Several government agencies have made marginal contributions, and recently the Canada Council has devoted half of a far too limited budget to the human sciences and the humanities. What we have done for the human sciences in particular is, therefore, completely inadequate. That inadequacy is all the more acute as the results of research done abroad are usually applicable in Canada in the case of the physical and the life sciences, while they do not always apply in the field of the human sciences. Little wonder that our understanding of our economic, social and political problems and their solution is so limited.

In short, our scientific effort has grown rapidly in the last few years, yet it remains clearly inadequate compared with other industrialized countries. We now spend approximately one per cent of our gross national product on research and development, while most of the other Western countries averaged 2 per cent and some have even exceeded that percentage. With the era of the permanent scientific revolution, the rate and content of our development will inevitably suffer from that deficiency. Already we lose each year too many of our scientists. Eventually it will be

the Canadian people as a whole who will suffer.

In my view we must double our effort in the field of scientific research as soon as possible. That objective is not exaggerated since it will not enable us to come even near to catching up with most of the industrial countries. To achieve that without waste during the next few years, we must, right now, put to efficient use all our available resources and increase them as quickly as possible in terms of researchers as well as equipment. That is a gigantic task in which we, as a nation, cannot afford to fail.

Honourable senators, not only are we not doing enough in the field of scientific research, but the very structure of our scientific society at present, especially at the government level, is deficient. The creation of the National Research Council in 1916 was for us a most important step, and that agency remains a model of its kind throughout the world. However, a high proportion of our total research program has gradually become the by-product of the activities of various government departments. These scattered scientific activities result in imbalance, prevent co-ordination, lead to inefficiency, and create isolation, at a time when scientific research becomes more and more interdependent. Those observations have already been formulated by the Glassco Commission. They are probably even more valid today.

In the field of the physical sciences, in 1964-65, seventeen different organizations within the federal Government spent $80 million on applied research, and eight devoted $34 million to basic research. The researchers within these organizations were submitted to very different administrative systems. Some of them came under crown corporations, enjoyed more freedom, and worked in a climate favourable to research; others were in the armed forces or in government departments. Each organization had its own research program, and often also its own system of grants. It is very likely that the quality of research varied from one organization to the next.

In the field of the life sciences, in 1964-65, 17 federal agencies appropriated a $43-million budget for applied research, and nine earmarked $18 million for basic research. Agricultural sciences received $33 million, biological sciences $16 million, and medical sciences $12 million. Furthermore, 15 various agencies showed an interest in biological sciences, and five in medicine. Research in the field of the life sciences was still more scattered than in the field of the physical sciences and programs appeared even more unbalanced.

Finally, there was very little fundamental and applied research done within the federal Government, in the field of the human sciences, except in the Economic Council of Canada and, occasionally, by royal commissions.

Canada will not have the dynamic, efficient and balanced scientific society which it needs, as long as our effort, especially at the level of fundamental and applied research, is organized on the basis of subjects such as agriculture, fisheries, forestry, rather than on the basis of scientific disciplines.

The re-organization of our scientific effort is urgently required. The recent establishment of the Science Secretariat and the Science Council of Canada will no doubt contribute to an improvement of the situation, but I think that the reform needed is much more drastic.

I am sure we all agree that our scientific society must be pluralistic and that the private and public sectors can complement each other in their role. The contribution of universities and industry is essential, but in the end I think that we shall find, as other countries have realized, that we shall have to rely more and more on what the Government does, either directly or indirectly, through incentives and subventions.

All countries entrust their central government with the prime responsibility of the state in the field of scientific research. The same applies even for those countries which have a federal constitution, such as the United States, West Germany, Switzerland and Australia. Canada is no exception to that rule. Several reasons justify such an arrangement.

Because of its responsibility in the field of external relations, the federal Government must normally be the main centre of scientific information, accumulating all possible data on research being carried out in Canada and in other countries. Then, the role played by the federal Government in the fields of defence, space control, atomic energy, agriculture, fisheries, transport and communications, and overall economic growth, compels it to make massive and extensive research efforts to be equal to its task. Finally, a main centre of co-ordination and financing of scientific policy is extremely desirable if we want to save money and manpower, which is already scarce, if we want to avoid gaps and duplications, and maintain a proper balance between the various sectors of research.

If an efficient scientific policy requires a main centre, it certainly does not exclude the active participation of provincial governments which must ensure that an increasing portion of university budgets is devoted to research. They must also take an interest in development research to help small enterprises and industries which are mostly provincial in scope. Provincial governments must set up appropriate agencies to carry out efficiently those new tasks.

On the other hand, the main responsibility of the federal Government in the field of research is not seriously questioned in our country, except by a few extremists. But then our Government has the obligation to play its role fully, as efficiently as possible. That means, first of all, that it must be ready to double its effort during the next few years, and this will eventually imply an additional expenditure of more than $300 million a year. That means also a basic revision of the structures designed to formulate and implement our scientific policy.

What is needed most of all, within the federal Government, is the centralization and better co-ordination of scientific policy, at the level of basic research and applied research in the three fields of the physical, the life and the human sciences. To achieve that centralization and to carry out that integration it will be necessary, in my opinion, to create three institutes which will become the centres of basic research and, especially, applied research in the three fields I have just mentioned, and which will also make grants, for those purposes, to industry and universities.

In this new context, the National Research Council, by giving up its activities in the field of the life sciences, would become the Physical Sciences Research Institute. The greatest possible integration within this institute of all federal endeavours in the field of the physical sciences would be most desirable. The same would apply to the Life Sciences Research Institute which would also assume the responsibilities of the Medical Research Council, which the Bladen Commission has already recommended. Finally, the Human Sciences Research Institute, by establishing its own research program, would answer a great need in our country. It would also manage the grant program, now handled by the Canada Council, in the field of the human sciences. Those three institutions would complete the work of the universities in basic research, while dwelling more specifically on applied research.

The Science Council should be above those three institutes and should be assisted, as it is more and more now, by a permanent secretariat. The Council would study all the aspects of scientific policy and make recommendations to improve it. Its disinterested advice, based on a comprehensive knowledge of research programs in Canada and other countries, would make it easier to propose an overall scientific budget, to establish priorities and to distribute the work between the private and the public sectors.

Finally, with the integration and merging of the Government's main scientific activities the time has come to create a federal department of scientific affairs. Great Britain, France, Germany, and Italy already have such departments. In Canada, as in Belgium and Sweden, the Prime Minister is responsible for scientific matters, although this function is shared by several other ministers whose departments are particularly involved in certain scientific and technical questions. A cabinet committee tries, without too much success, to ensure co-ordination.

Experience proves that this arrangement is inefficient. A Prime Minister is so overworked that even though he should like to be concerned with scientific policy, he has not the time required to deal with it in detail. The Glassco Commission suggested that this responsibility be turned over to the President of the Treasury Board. This solution is contrary to the experience of several other countries which are seeking to remove scientific policy from the nerve centre of budgetary control.

The establishment of a department of scientific affairs is the only efficient formula, since we must not only co-ordinate but unify and consolidate our scientific efforts. This department would include the three research institutes I have suggested, the Science Council, and a permanent scientific secretariat. It would have the overall responsibility for scientific policy, including assistance programs to the private sector. Finally, the minister of scientific affairs would preside over the committee on scientific policy.

Honourable senators, I would like to conclude my speech by making a concrete proposal to this chamber. In the course of my remarks I have criticized our present scientific policy and I have shown how it could be improved. I certainly do not pretend that my criticism is fully justified, or that the blueprint I have put forward should be implemented immediately, without further discussion. I hope, however, that the two following propositions will remain unchallenged.

Firstly, as we enter the era of the permanent industrial revolution, our collective scientific effort becomes of vital importance for our future prosperity, and even for our future independence. Secondly, our federal scientific policy should be carefully and systematically reviewed and investigated at this most appropriate moment. Both its structural organization and its content should be considered in order to appraise its priorities, to detect the areas of duplication and gaps, and, generally speaking, to evaluate its adequacy and efficiency.

The proposed investigation of our scientific policy should be undertaken by the Senate during the present session. I am not too impressed by most of the criticisms I hear about our Chamber. I feel, however, that the Senate has not been using its wide powers of investigation enough. We should use this prerogative more systematically, and concentrate on the consideration of long-term problems which do not receive enough attention in our country. The other Chamber is unfortunately, but almost inevitably, too much involved with day-to-day and short-term questions. Here we have the time, the talent and the detachment which are necessary for the proper consideration of more fundamental and perhaps less urgent issues.

Our scientific effort is certainly one of those, and I do hope that the investigation I have proposed will soon be undertaken by a committee of this Chamber, assisted by a qualified staff. If, at the end of our hearings and discussions, a realistic but imaginative report is issued, this could mark the beginning of a radical reform of the structure of our central government, which is so urgently needed if that government is to fulfill adequately the important tasks required by the new emerging society.

Hon. Senators: Hear, hear.

Hon. Mr. Pouliot: Honourable senators, I move the adjournment of this debate, if it is to be resumed after the summer recess of Parliament.

Hon. Mr. Connolly (Ottawa West): Would the honourable senator mind if Senator Argue continued the debate very briefly tomorrow morning, after which he could move its adjournment? Perhaps Senator Pouliot would give way to Senator Argue, on that understanding.

Hon. Mr. Pouliot: I have no objection. I move the adjournment of the debate on behalf of Senator Argue. Will the debate be continued until after the recess?

Hon. Mr. Connolly (Ottawa West): Yes.

On motion of Hon. Mr. Pouliot, for Hon. Mr. Argue, debate adjourned.

Hon. Mr. Connolly (Ottawa West): I understand that all honourable senators are agreed that the remaining items on the Order Paper stand.

Hon. Senators: Agreed.

The Senate adjourned until tomorrow at 10.30 a.m.

THE SENATE

Friday, June 30, 1967

The Senate met at 10.30 a.m., the Speaker in the Chair.

Prayers.

DOCUMENTS TABLED

Hon. John J. Connolly tabled:

Order in Council P.C. 1967-1269, dated June 22, 1967, amending Order in Council P.C. 1967-1098, dated June 1, 1967, which authorized the Export Credits Insurance Corporation, pursuant to section 21A of the Export Credits Insurance Act, to vary certain of the requirements for repayment of its loans made to the President of India, 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. 1967-1290, dated June 27, 1967, authorizing, under section 21A of the Export Credits Insurance Act, long-term financing by the Export Credits Insurance Corporation for the purchase from Northern Electric Company Limited of telecommunications equipment, goods and services by the Post Telegraph and Telephone Administration, Ankara, Turkey, pursuant to section 21B of the said Act, chapter 105, R.S.C., 1952, as amended 1960-61. (English text).

Report of the Canadian Commercial Corporation, including its Accounts and Financial Statements certified by the Auditor General, for the fiscal year ended March 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 on the Administration of the Small Businesses Loans Act for the year ended December 31, 1966, pursuant to section 11 of the said Act, chapter 5, Statutes of Canada, 1960-61. (English and French texts).

Report on the Administration of the Veterans' Business and Professional Loans Act for the fiscal year ended March 31, 1967, pursuant to section 13 of the said Act, chapter 278, R.S.C., 1952. (English and French texts).

Report of the Atlantic Development Board for the fiscal year ended March 31, 1967, 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. (English text).

Communique, dated June 23, 1967, issued following the eleventh meeting of the Joint Canada-United States Ministerial Committee on Trade and Economic Affairs, held at Montreal, June 20-22, 1967 (English text).

Report of Crown Assets Disposal Corporation, including its Accounts and Financial Statements certified by the Auditor General, for the fiscal year ended March 31, 1967, 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).

ADJOURNMENT

Hon. John J. Connolly: Honourable senators, I move, with leave of the Senate, that when the Senate adjourns today it do stand adjourned until Friday, July 7 next, at 3 o'clock in the afternoon.

Hon. Mr. Brooks: I take it you anticipate that that is when the Appropriation Bill will be available for our consideration, and that there is no other business to come before us?

Hon. Mr. Connolly (Ottawa West): As I am advised at the present time, the only matter to come before us at that time will be final supply on the ten departments agreed to in the other place, interim supply for four months on the remaining departments for which final supply has not been granted, and four months' interim supply on the supplementaries tabled yesterday. There may be additional items in certain of the departments to cover seasonal expenditures, but this is customary in supply bills.

I would draw to the attention of honourable senators the fact that the Finance Committee will be meeting on Friday morning, probably at 10 o'clock; in any event, notices will be circulated. At that meeting any items honourable senators desire to inquire about in respect of the bills in question will certainly be open for discussion.

Motion agreed to.

PRIVATE BILLS

CABRI PIPE LINES LTD.—THIRD READING

Hon. A. Hamilton McDonald, for Hon. J. Harper Prowse, moved the third reading of Bill S-16, to incorporate Cabri Pipe Lines Ltd.

Motion agreed to and bill read third time and passed.

VAWN PIPE LINES LTD.—THIRD READING

Hon. Mr. McDonald, for Hon. Mr. Prowse, moved the third reading of Bill S-17, to incorporate Vawn Pipe Lines Ltd.

Motion agreed to and bill read third time and passed.

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 Hon. Mr. Desruisseaux, seconded by Hon. Mr. Nicol, for an address in reply thereto.

Hon. Hazen Argue: Honourable senators, my first words in this debate are to congratulate His Excellency on his appointment as Governor General. I know he will bring great distinction to this office, and in doing so he will enjoy the help and encouragement of his talented and gracious wife.

I also extend my congratulations to the mover and the seconder of the address in reply to the Speech from the Throne, both of whom, I thought, made outstanding contributions to this debate.

The press of Canada often deal harshly, unfairly and sometimes in the most extravagant terms with our national political leaders, but never I think more unfairly than in an article by Peter C. Newman in *The Canadian* magazine early this year, wherein he likened the Right Honourable Lester B. Pearson and the Right Honourable John G. Diefenbaker to two neurotic, troublesome zoo animals in the care of an animal psychiatrist; and again, in making a would-be joke, Mr. Newman said that if the two were going down on a sinking ship the country would be saved.

In what surely must have been a mental black-out, Mr. Newman referred with approval to the United States having changed leaders three times during the period of the Pearson, Diefenbaker leadership. A strange reference, when leadership in the United States was not changed by the ballot but, in the case of President Eisenhower, by the Constitution which prevented him from seeking a third term, and in the case of President Kennedy by an assassin's bullet.

I think senators on both sides of this chamber deplore this kind of journalism.

In spite of attacks of all kinds, progress has been made in our country during the leadership of both the Right Honourable John G. Diefenbaker and the Right Honourable Lester B. Pearson.

Because of this attack and others, I want at this time to make a brief review of the major accomplishments of the Pearson Government since it took office. Remember, whatever the accomplishments, they have been achieved under the most difficult circumstances, a minority government throughout the whole of its period of office, facing as it has a multiple, vocal and sometimes intransigent opposition. The opinions as to the achievements of this Government, of course, vary greatly. Some have seen it as weak, indecisive and floundering. Others have said the Prime Minister of this country, with the achievements of his government, will go down as one of the great Prime Ministers of all time. What does the record show?

From a standpoint of national unity these have been very trying years. We have had outbursts of separatism in the Province of Quebec. There has sometimes been violence. There have been irresponsible outbursts in other parts of Canada. Extremist elements have formed a separatist party in one place, a Bulldog party in another.

During this period of time, the Pearson Government has endeavoured to bring about quiet reform, has given sympathetic understanding to the legitimate aspirations of Quebec, as well as the other provinces. Not only have Canadians of French origin found an improved climate in the federal Civil Service and in industry, but there has been in general across the country an almost spontaneous action by provincial governments to improve the knowledge and use of the French language. Important steps have been taken to strengthen unity in our country. Very much remains to be done, but it seems to me that there has been a vast improvement in understanding throughout our country. There has been a real strengthening of national unity, and the voices of the extremist elements are neither as loud nor as dangerous as they were a few years ago.

And as we have spoken of the two founding races, English and French, greater attention has been drawn to the enormous contribution

to our strength and culture by people from the many lands of Europe and from other still more distant countries.

The foundations of our nation are truly being secured and strengthened.

One of the greatest forward movements by the Pearson Government has been in the field of social security legislation in old age and in retirement pensions. There has been a rapid and almost revolutionary advance in the whole old age pension and old age security system. This can be stated briefly as follows:

First, the basic old age pension itself has been increased from $55 to $75 per month in two stages. Starting January 1, 1966, the eligible age for the old age security pension was reduced from 70 to 69 years, and then provision was made for a one-year reduction each year so that by January 1, 1970 everyone in Canada aged 65 or more will be entitled to the basic security pension of $75.

Second, by new legislation passed last year, all those people in receipt of the old age security pension are guaranteed a minimum income of $105 a month. This means that everyone in receipt of the old age security pension who has little or no income will be guaranteed a supplement of the amount necessary to provide a basic minimum income of $105 a month.

A further major advance in retirement pensions was brought about by passage of the Canada Pension Plan. This is based on the belief that each person capable of earning an income should make a contribution to his or her pension, and the size of the pension should be related to the individual's earnings. The Canada Pension Plan is in general all-embracive and includes all people earning incomes. It came into operation January 1, 1966, and after it has been in operation for a period of ten years it will be fully operative, in that those who retire will receive the full pension just as though they had been contributing to the plan over a full working lifetime.

An increased old age security pension, a guaranteed minimum income to pensioners of $105 per month, together with the Canada Pension Plan, constitute gigantic steps forward in the whole field of old age security.

For many years, organizations, political parties and others have been demanding, promoting and promising suitable symbols of Canada's nationhood. For a long time, political parties promised to deal with the question of a suitable national flag for Canada. It was left to Prime Minister Pearson and his Government to take the initiative in asking Parliament to adopt a suitable national flag for our country. It is to the credit of the vision, tenacity and courage of Prime Minister Pearson that in the face of much filibuster, ranging over a long period of months and strong opposition in certain parts of the country, the maple leaf flag was adopted.

As one travels the cities, the highways and by-ways of this country, it is obvious that Canadians have taken to their new flag as they seldom have taken to a new thing in the past. It flies not only from Government buildings of all kinds but from the buildings of private companies and schools, and is in the yards and homes of very many Canadians. It is a symbol only, but an important one, of our nationhood and our growing unity.

Parliament has agreed unanimously that we should have a national anthem and we are in the process of adopting music and lyrics that will have meaning for Canadians from coast to coast. Our old age security system, our flag and our new national anthem will all have an important and permanent place in the future development of this country.

In agriculture there have been major achievements. Fluid milk producers received $2.92 a hundredweight for milk in 1963. This has steadily increased through Government policy until today it has reached $4.75 per hundredweight.

For the wheat producer whose own accomplishments of increased efficiency have been phenomenal, exports have increased from a one-time normal of 300 million bushels per year to consistent exports in each of the last three years in excess of 500 million bushels. And in the last three years, the Wheat Board final payments have ranged between 38 and 48 cents per bushel, bringing the farmers a net price at the farm of between $1.63 and $1.73 per bushel for No. 3 northern wheat. Moreover, barring unforeseen circumstances, there is the prospect of a further net increase of from seven to 10 cents per bushel in the final payment next year.

One of the most serious problems facing our nation at this time is to bring about greater efficiency in government itself and a reduction of expenditures wherever possible. It is very easy for a government facing constant political pressures to take too often the easy road of saying yes when the answer should be no, or of failing to bring about economies, because somebody invariably gets hurt. In this whole field it seems to me that the Pearson Government is making major advances.

One that comes to mind is the unification of Canada's armed forces. In taking this step, Canada has led the rest of the world. The Government and the Minister of National Defence, the Honourable Paul Hellyer, believe that the unification of the armed forces will result in greater value for the defence dollar. This action has been a break with tradition, and has encountered strong, honest and sincere opposition. The Government and the minister are to be congratulated in maintaining a consistent policy that will lead to what many are convinced will be an improvement in efficiency in this important area of Canadian activity.

A royal commission set up under the previous Government led by the Right Honourable John G. Diefenbaker to inquire into the operation of transportation facilities in this country made its report to the Pearson Government. It would have been easy in this complicated area to let this report gather dust. Instead after full inquiry and further examination, the Government proceeded with legislation, and after much discussion and many further amendments a new transportation policy is now the law of the land. It is my own personal view that further changes to transportation policies will probably be required to protect the legitimate interests of certain parts of the country.

The objectives of the Government to bring about measures of competition between the modes of transportation to relieve the Government, and thereby the taxpayers, of heavy subsidies paid to the railways, and to remove the albatross of automatically increased Government subsidies every time the railways granted wage increases are laudable. The Government has been courageous in bringing about this new transportation policy.

Another major royal commission report is on the doorstep of the Government. The Carter Royal Commission, inquiring into the taxation policies of this country, has found duplication, overlapping, inefficiency, a general hodgepodge of taxes and exemptions that everyone admits require major changes. It seems to me that the simple theme of the Carter Report is that taxation duplication and overlapping should be removed.

A major proposal to bring about this new concept is to provide taxation on all incomes whether earned or not, whether wages or salaries or capital gain. The prospect of the capital gains tax is disturbing to certain industries and to certain businesses, but the present situation seems to be grossly unfair in that if an individual by using his brain and his brawn exerts his own personal energy to obtain an income he is subject to the full income tax. The man who is already wealthy and whose investments experience a rapid capital gain has initially little or no tax to pay.

The easiest way for the Minister of Finance, the Honourable Mitchell Sharp, would be to say, "The Carter Commission was set up by another Government, and we will ignore it." Instead he has taken the position that this report deals with an exceedingly complicated and important problem, that its main features and recommendations should be considered by the Government and by a parliamentary committee, and after considering all further representations the Government should then introduce appropriate legislation.

I have enumerated in a brief and cursory fashion some of the major accomplishments of the Pearson Government. Although this Government has accomplished a great deal to date, it is today in the active process of pioneering new action on controversial questions where, in the judgment of the Government, it is time for enlightened action. The Government is opposed to capital punishment and has made this crystal clear not only by the fact that since taking office no one has been executed, but the Government has now accepted the responsibility of bringing in a measure to abolish capital punishment.

The Government has also decided that the time has come to broaden the grounds for divorce in Canada. One can truthfully say that up until this time such action would have received much greater opposition from many important parts of our nation. One can also say, however, that just as soon as it appeared possible to embark on this reform, the Government indicated its intention to do so; and, of course, no institution has played a more distinguished part in this whole field than the Senate of Canada, and in the Senate no individual a more distinguished part than the honourable Senator Roebuck.

The Pearson Government has announced that it is prepared to study the advanced concept of a guaranteed annual income. Some have seen this idea as just another means of giving people money whether or not they are prepared to work.

Hon. Mr. McCutcheon: Hear, hear.

Hon. Mr. Argue: On the other hand, the guaranteed annual income will remove much of the duplication of the present hodgepodge

patchwork system of social welfare and other income measures. The guaranteed annual income may well mean the consolidation of such things as Old Age Security, Old Age Assistance, Canada Assistance Plan, Unemployment Insurance, Family Allowances, etc.

The Pearson Government will give the guaranteed annual income the fullest study and, based on that study, may well lead the world in legislation providing a guaranteed annual income. The Pearson Government has used the role of government to improve our free enterprise system and to strengthen individual welfare, freedom, initiative and opportunity. The Pearson Government has acted to increase competition in the field of banking, railroads and airlines and in the manufacture of drugs. I suggest that the Pearson Government has proven itself in tune with the times. This is a government that thinks young and acts young. It is a government of action, intelligence and enlightenment. When the toughest of problems have confronted the Government, whether of national unity, manpower training, social reform, taxation, transportation or banking, the Government has acted. Whatever Mr. Pearson's future plans may be, I indeed wish him many more years of service to his country, and I think that we can all agree that our centennial Prime Minister has already acquired a place in history among the greatest of Canada's prime ministers.

On motion of Hon. Mr. O'Leary (Antigonish-Guysborough), debate adjourned.

PUBLICATION OF STATUTES ACT

BILL TO AMEND—SECOND READING —DEBATE ADJOURNED

Hon. John J. Connolly moved the second reading of Bill S-18, to amend the Publication of Statutes Act.

He said: Honourable senators, in the first place, may I say that it is not the intention to proceed with this bill at this stage of the session beyond the explanatory stage which normally takes place on the motion for second reading. I also understand there is considerable interest in the subject matter of the bill, particularly on the part of the members of the legal profession. When the appropriate time comes, I shall propose that it be referred to a committee of the Senate—likely the Banking and Commerce Committee.

Before I come to the bill itself, I think it might be helpful were I to give a little background by way of a review of two statutes that are on the statute books of this country.

The first one to which I would refer is An Act respecting the Revised Statutes of Canada, chapter 48 of the 1964-65 session, 13-14 Elizabeth II. I might summarize that statute briefly by saying that at that time, in 1965, Parliament established a Statute Revision Commission to be called The Commission and to consist of the Minister of Justice and five other members to be appointed by the Governor in Council. The act sets out the duties of the commission and generally follows the pattern of acts which have been passed by Parliament from time to time when the statutes are to be revised. It states the powers of the commission as to alterations, tables to be prepared by the commission, proclamations declaring the statutes in force as a result of the revision, the effect of the proclamation, and many other similar matters peculiar to the problems attendant upon the revision of statutes.

I would particularly draw the Senate's attention, however, to section 13 of that act, and for the record I will read it. It is as follows:

> The laws relating to the distribution of the printed copies of the statutes, and to the style of printing and binding of statutes, do not apply to the Revised Statutes, but the same shall be distributed in such numbers and to such persons only as the Governor in Council directs and shall be printed and bound in such style or form as the Commission deems best suited to the Revised Statutes.

I draw that particularly to the attention of the Senate because there is a broad power given by the act with reference to the form in which the Revised Statutes will appear, and the ultimate authority in respect of this has been left to be exercised by order in council.

I should like to turn to the act which it is now proposed should be amended by this bill. It is chapter 230 of the Revised Statutes of Canada of 1952, and is called the Publication of Statutes Act. Briefly, it deals with the publication of the annual statutes. It sets out the requirements and procedures to be followed in respect of the publication of statutes passed by each session of each Parliament. It provides, for example, that the Clerk of the Parliaments—who is the Clerk of the Senate—is to have custody of certain original documents. There is provision for a seal. There is provision for copies for the Registrar General. Section 9 deals with the requirement of furnishing certified copies to the Queen's Printer for the purpose of printing the bills passed by Parliament in the Annual Statute Book.

Section 10 is one of the sections to be amended by the bill now before the Senate. It is in part reproduced on the right-hand side under the explanatory notes and is the section with which we are most concerned. It provides that:

> The Acts of the Parliament of Canada shall be printed in two separate Parts, the first of which shall contain such of the said Acts and such Orders in Council. Proclamations and other documents, and such Acts of the Parliament of the United Kingdom, as the Governor in Council deems to be of a public and general nature or interest in Canada and directs to be inserted.

Those are the more general enactments, the more general public statutes which Parliament passes annually. The section continues:

> —and the second Part shall contain the remaining Acts of the session, and shall be printed after the first Part.

Honourable senators who are members of the legal profession, and others who have occasion to consult the statutes, realize that the private acts fall into this second category and are usually placed in the second section, towards the end of the volume.

The section also provides by subsection 2 that these two parts shall be bound together in one volume, unless it is impracticable to do so.

The section which is to be amended is section 10(3), and this is reproduced on the right-hand page of the bill before honourable senators. It presently provides that:

> 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 . . .

And here I am paraphrasing: in the first place, Members of Parliament and, in the second place, certain departments and other agencies of government.

Section 11 also provides for the form and character of the print that is to be used in the publication of the annual statutes. I draw attention to the fact that this bill also amends section 11. Section 11, which is set out at the bottom of the explanatory notes to the bill, presently reads:

> The Statutes shall be printed in royal octavo form on fine paper, in eleven point type, not more than four and three-quarters inches wide—

I need not read the rest because this is purely a technical provision that is perhaps best known to people who are familiar with the printer's trade.

Honourable senators will see on examination of the bill that section 10 (3) not only provides now for the printing in English and in French, but for distribution as set out now in the section. The requirement as to the printing in the two languages is now deleted from this section. It will appear in the next section. It is now provided:

> 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 . . .

And then there follows the present subsections (a) and (b) which mention members of the two Houses of Parliament, Government bodies, and others.

The second clause of the bill repeals section 11 of the act and substitutes therefor:

> (1) Subject to this section, 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 important point of the explanation is right here. What is sought to be accomplished by subsection (1) of section 11 is to give authority to make the form of annual statute books conform as closely as possible to the wide provisions, or the discretionary provisions, of section 13 of the Act of 1965 with respect to the printing of the Revised Statutes of Canada.

I need not deal with the two other subsections, one of which speaks about marginal notes and the size of print, and the other requires that if possible the annual statutes be printed in a single volume.

What I have given so far is the background of the legal instrument that we have before us for consideration. From a practical point of view, the purpose of this amendment is to achieve conformity. This bill provides for conformity in the form of the annual statutes

with the form that the Commission charged with the publication of the Revised Statutes of Canada shall adopt.

I can say that it is proposed that when the revised statutes are printed it is the hope and expectation that each page will have two columns, one in English and one in French. Therefore, this bill makes it possible for the annual statutes to be published in the same form. Whether this is a desirable step to be taken depends a great deal, I think, upon the information that is to be gathered when this matter reaches the committee stage.

I am informed that the print that will be used for both the revised and the annual statutes will be somewhat smaller than the print in the present annual statutes and Revised Statutes of Canada, and the paper will be lighter. Putting both the French and English versions together on the same page will result in the addition of one volume to the revised statutes.

I am informed that the only other jurisdiction in which the statutes are required to be printed in both languages is the Province of Quebec. For years they have been publishing their statutes in this way. Based on the experience that was gained at the time that the Statutes of Quebec were revised in 1940 it was thought that with the lighter paper and the smaller print only one extra volume would be required.

I am informed that there are some 340 or so statutes to be included in the revision. Of course many statutes, by the time the revision occurs, are spent. Many statutes passed annually are replaced, and many statutes passed by Parliament are temporary.

Aside from those, there are other major omissions from the Revised Statutes of Canada. For example, the Criminal Code is not now included because it is constantly subject to revision. For that reason few lawyers would go to the revised statutes, as a preference, in order to read and consider a provision of the Criminal Code in which they were interested. The same applies to the Income Tax Act. I do not think a lawyer, an accountant, or a private citizen would go to the Revised Statutes of Canada to look at the provisions of the Income Tax Act, because they are changing from year to year, and sometimes oftener. As a result of this experience it is customary to omit certain of these larger and more voluminous statutes. That is one of the reasons why it seems to be reasonable to say that only one extra volume will be added.

There may be some advantage in having both the French and English versions on the one page. I am informed that at the present time the practice is to write the statutes in English and then translate them into French, but that practice is not to be continued. The English version, as passed by Parliament, will be drafted in English, but the French version will not be a translation of the English. It will be a French version of the law. It will have the same force and effect, of course, but it will be drafted as a French statute rather than being a translation from the English. I think that for the purpose of clarifying obscure meanings of sections, it is often helpful to the courts, to the legal profession and to other interested persons, to look at both French and English versions. Therefore, there may be some value in giving serious consideration to the proposal to print both French and English versions on the same page in narrow columns. This has proved to be successful in the Province of Quebec. It may very well be a useful procedure to be followed not only for the Revised Statutes of Canada but as well for the annual statutes.

Hon. David Walker: Honourable senators, since most of us have had an opportunity of looking at this proposed bill only since yesterday, may I respectfully suggest to the Leader of the house that the matter might stand.

Hon. Mr. Connolly (Ottawa West): Do you wish to move the adjournment of the debate?

Hon. Mr. Walker: If I have the consent of the house.

Hon. Mr. Connolly (Ottawa West): Certainly.

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

BRITISH COLUMBIA-YUKON-NORTHWEST TERRITORIES BOUNDARY BILL, 1967

SECOND READING—DEBATE ADJOURNED

Hon. John J. Connolly moved the second reading of Bill S-19, respecting the boundary between the Province of British Columbia and the Yukon and Northwest Territories.

He said: Honourable senators, I am sorry to inflict myself upon the Senate so soon again. However, this bill is a short one and readily understandable. I wish to say immediately that there may be a fairly wide interest in the measure, and therefore I propose at this stage that an explanation only be given; then the

debate can be adjourned, and in due time the bill can be referred to committee, if the Senate so desires.

Briefly, the purpose of the bill is to confirm a series of surveyed monuments which have been placed to mark all but 39 miles, I believe, of the northern boundary of British Columbia. Altogether 622 miles of this boundary have been marked off on the ground between the years 1899 and 1959. The most westerly 39 miles have not been marked. Again, I think a little background is required in order to understand this measure.

In the year 1866 the British Parliament passed an act, being chapter 47, *Anno Vicesimo Nono & Tricesimo, Victorie Reginae* section 7 of which deals with the boundaries of British Columbia until the union of British Columbia with Canada. It reads as follows:

> Until the Union *British Columbia* shall comprise all such Territories within the Dominions of Her Majesty as are bounded to the South by the Territories of the United States of *America*, to the West by the *Pacific Ocean* and the Frontier of the *Russian* Territories in *North America*, to the North by the Sixtieth Parallel of North Latitude, and to the East from the Boundary of the *United States* Northwards by the Rocky Mountains and the One hundred and twentieth Meridian of West Longitude, and shall include *Queen Charlotte's Island* and all other Islands adjacent to the said Territories, except *Vancouver Island* and the Islands adjacent thereto.

There has obviously been a great change in boundaries, the territorial extent, of British Columbia since that time, but it is clear from this section, which has never been amended in this respect, that the northern boundary of British Columbia is the sixtieth parallel of north latitude.

The Yukon Act of 1952-53, as amended in 1958, chapter 9, refers in the schedule to the boundary of the Yukon territory, in this way:

> The Yukon Territory shall be bounded as follows: On the south, by the province of British Columbia and the United States Territory of Alaska; on the west,—

So, in effect, under this act the boundary set by the original British act for the Northern Boundary of British Columbia is adopted as the southern boundary of the Yukon Territory.

The Northwest Territories Act, which is the Revised Statutes of Canada, chapter 331, provides in section 2, subsection (i), in the first paragraph:

> (*i*) 'Territories' means the Northwest Territories, which comprise
>
> (i) all that part of Canada north of the Sixtieth Parallel of North Latitude, except the portions thereof that are within the Yukon Territory, the Province of Quebec or the Province of Newfoundland,—

and certain other exceptions in Hudson Bay.

Honourable senators for many years no marks existed on the ground to indicate where the sixtieth parallel north latitude was. It was obvious, too, that at some stage there would be need in the interests of prospectors, miners, hunters, and the provinces themselves, to know precisely where the boundaries were for British Columbia and the Yukon and the Northwest Territories, and the province and the federal Government responsible for administering or controlling the development in the area certainly had to know where the boundaries began and ended.

In that remote part of Canada, the development came in three stages.

In 1898 with the advent of mining in the western section, particularly during the Klondike gold rush, there was great concern about the location of the boundary. In 1943, when the Alaska Highway was being built, in the central section there was some concern as to where these boundaries were. In 1947, when exploration for petroleum and natural gas began in the eastern section, again the question of the markings became important.

In each of these periods, the responsible ministers, both federal and provincial agreed that a survey should be arranged. The first of these surveys was undertaken in the year 1898 when the federal Department of the Interior, after discussion with the provincial authorities, undertook to survey the most westerly 165 miles of the boundary. This survey took from 1899 to 1908.

In 1943, the Government of Canada, with the concurrence of the Province of British Columbia, established the British Columbia-Yukon-Northwest Territories Boundary Commission. That commission was charged with the responsibility of surveying the boundaries and reporting to Parliament. The commission consisted of the Surveyor General of Canada and the Surveyor General of British Columbia. The survey began in 1945. As I have already

indicated, with the exception of 39 miles, it was completed in 1959.

This survey included a rechecking of the 165 miles which had been surveyed between 1899 and 1908. In all, 622 miles of the boundary were surveyed and marked on the ground as a result of the work of that commission. The commission prepared its report, dated February 15, 1966. That report includes an atlas of the maps, which I show to honourable senators, and, if they are interested, I would be glad to let them have copies, especially if they are thinking of going up there to look over the situation. The maps in the atlas show the position of the boundaries by showing where the monuments are erected. The report was tabled in the Senate on December 14, 1966. This happens to be a particularly interesting report and, on the eve of the Centenary of our Confederation, it might be appropriate if I were to read briefly from the foreword prepared by the Dominion Archivist, Dr. W. K. Lamb. He says that the 60th parallel:

> ..."is thought to be the longest visibly marked parallel of latitude in the world." Extending from the Panhandle of Alaska to the western shore of Hudson Bay, its length is over 1,500 miles. The report which follows describes the immense and dramatic task of marking the far western segment of this boundary—661 miles miles in length—which divides British Columbia from the territories.

Dr. Lamb goes on to say that:

> The 60th parallel became the northern boundary of British Columbia in 1863, but it remained a purely imaginary line until the Klondike gold rush made it necessary to locate it with some precision in the region west of Teslin Lake...A long pause then followed until the construction of the Alaska Highway made further work necessary, and widespread prospecting for oil and natural gas led to a decision to survey and mark the entire British Columbia boundary.
>
> The rugged terrain and extremes of climate in the region made the task a daunting one. The limited early surveys had required five seasons; the much more comprehensive later ones absorbed no less than seventeen seasons—and this in spite of the great help given by the most modern equipment. In the early days a surveyor was compelled to do much of his travel on foot, with some help from dog teams and pack horses. Later survey parties were frequently transported and supplied by airplanes and helicopters. But the elements can still have the last word, and the report of the final season's surveys notes that "adverse weather retarded the work beyond all premeditation."

Dr. Lamb goes on to say that the survey is not yet complete. He mentions that the 38 miles—although I am told it is 39—at the extreme western end have not been marked, but are remote, lofty and ice-bound, and that at the moment their accurate demarcation would serve no practical purpose.

If honourable senators would look at this report, they would see what troubles these surveyors must have encountered going through forests as thick as forests could possibly be, crossing lakes, crossing mountain ranges, crossing bogs and crossing ice fields. Nevertheless, the monuments were erected. For the most part this was accomplished by the steel chain method.

But the pictures are completely fascinating, showing a part of the country that probably very few people, except the surveyors themselves, have ever seen, although there are areas now, particularly in the region of the Alaska Highway, where civilization has pushed forward. In fact, there are settlements shown here, and there are mills, some new and relatively modern and some old. But it is a very interesting story of a section of our history about which very few of us know much.

I should now refer to the fact that Section 3 of the British North America Act of 1871, which was passed by the United Kingdom Parliament, has this provision:

> The Parliament of Canada may from time to time, with the consent of the Legislature of any Province of the said Dominion, increase, diminish, or otherwise alter the limits of such Province, upon such terms and conditions as may be agreed to by the said Legislature, and may, with the like consent, make provision respecting the effect and operation of any such increase or diminution or alteration of territory in relation to any Province affected thereby.

At this stage I would refer to an act passed by the Legislature of the Province of British Columbia, read the first time on March 3 1967, and assented to on March 23, 1967 Rather than read the whole document, I would ask for permission to have it placed on the record after I have given a summary of it.

Hon. Senators: Agreed.

Hon. Mr. Connolly (Ottawa West): By this act, the Legislature of the Province of British Columbia consents that the Parliament of the Government of Canada do declare the line surveyed, marked, and shown in the manner referred to in the preamble to be the boundary-line between this Province and the Yukon and the Northwest Territories, whether or not the same increases, diminishes, or otherwise alters the territory of this Province.

That last part simply repeats the language that is in the Imperial statute of 1871.

(*The Act passed by the Legislature of British Columbia follows*)

Certified correct as passed Third Reading on the 3rd day of March, 1967.

I. M. Horne, *Law Clerk.*

Hon. Minister of Lands, Forests, and Water Resources.

BILL

No. 3] [1967

An Act of Consent Representing the Adoption of the British Columbia-Yukon-Northwest Territories Boundary

Preamble.

Whereas by Imperial Statute dated the twenty-eighth day of July, 1863, the north boundary of the Colony of British Columbia was fixed as the sixtieth parallel of north latitude between the eastern and western boundaries of the Colony:

And whereas the legal description of the boundaries of British Columbia as defined by sections 7 and 8 of the Imperial Act of 1866 (29-30 Vict., c. 67) remained unaltered in 1871 when the Colony of British Columbia became a Province of the Dominion of Canada:

And whereas section 14 of the *Act to Amend the Yukon Territory Act,* assented to on the twenty-third day of May, 1901, defined the said territory as bounded on the south, in part, by the Province of British Columbia:

And whereas the district of Mackenzie, Northwest Territories, is described in Order No. 655 of the Privy Council of Canada, dated the sixteenth day of March, 1908, as being bounded on the south by the sixtieth degree of north latitude:

And whereas that portion of the boundary between British Columbia and the Yukon Territory from Teslin Lake west to the westernmost crossing of the Tatshenshini River was surveyed and marked on the ground by the Department of the Interior of Canada in the years from 1899 to and including 1908:

And whereas, in order to continue the survey and demarcation of the boundary between British Columbia, the Yukon, and the Northwest Territories, a Commission to undertake the same and designated the "British Columbia-Yukon-Northwest Territories Boundary Commission" was appointed and authorized by Order No. 5355 of the Privy Council of Canada, dated the fifth day of July, 1943, and by Order No. 1015 of the Lieutenant-Governor in Council, dated the seventeenth day of July, 1943, and further by Orders of the Privy Council of Canada numbered respectively 4895, dated the twenty-eighth day of November, 1946; 3074, dated the eighth day of July, 1948; 2616, dated the sixth day of May, 1952; and 1954-706, dated the thirteenth day of May, 1954, as required for a continuous succession of Commissioners:

And whereas the said Boundary Commission in the years from 1943 to and including 1959 caused the survey and demarcation of the remainder of the said boundary except the westernmost thirty-eight miles, more or less, to be completed, and has caused the same together with that portion of the boundary surveyed by the Department of the Interior of Canada during 1899 to and including 1908 to be duly shown on thirty-six map-sheets entitled "British Columbia and the Yukon and the Northwest Territories Boundary," and signed by the Commissioners, which map-sheets have been printed and copies thereof deposited in the office of the Surveyor-General of this Province.

And whereas it is expedient that the lines surveyed and marked as aforesaid by the Department of the Interior and the British Columbia-Yukon-Northwest Territories Boundary Commission should be established as the boundary between this Province and the said Yukon and Northwest Territories:

And whereas by section 3 of the *British North America Act, 1871,* it was enacted that the Parliament of the Dominion of Canada may from time to time, with the consent of the Legislature of any Province of the Dominion, increase, di-

minish, or otherwise alter the limits of that Province upon such terms and conditions as may be agreed upon by the said Legislature, and may, with the like consent, make provision respecting the effect and operation of any such increase or diminution or alteration of territory in relation to any Province affected thereby:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title

1. This Act may be cited as the *British Columbia-Yukon-Northwest Territories Boundaries Act, 1967.*

Legislative consent

2. The Legislature of the Province British Columbia consents that the Parliament of the Government of Canada do declare the line surveyed, marked, and shown in the manner referred to in the preamble to be the boundary-line between this Province and the Yukon and the Northwest Territories, whether or not the same increases, diminishes, or otherwise alters the territory of this Province.

When similar acts were passed last year with respect to Saskatchewan and Manitoba, our colleague Senator Benidickson told about flying over that area and seeing, when he was not beyond the tree line, the cuts that were made for the purpose of the survey. These cuts now extend practically all the way across, between the northern boundary and the western provinces, and between the western provinces and the territories. The only other thing I have to add is that it is my understanding that the markings on the ground delimiting the boundaries of Alaska from the adjacent parts of Canada have not yet been made, and we are not concerned with that in this measure.

Hon. Mr. Brooks: Honourable senators, I am not rising to object to this bill. The leader has given a very thorough explanation and, of course, this measure simply deals with the completion of a survey which has been made of a boundary which has already been determined between the Northwest Territories and the provinces of Manitoba, Saskatchewan, and Alberta.

I understood from the leader that this bill will be sent to a committee at a later stage. Is that correct?

Hon. Mr. Connolly (Ottawa West): Yes, that will be my suggestion.

Hon. Mr. Brooks: I also take it that there has been no opposition and that there has in fact been agreement between British Columbia and the federal Government as to the boundaries?

Hon. Mr. Connolly (Ottawa West): Yes.

Hon. Mr. Brooks: I think it is a good idea to send this to committee. While this bill may seem to be one that does not require very much study, I would like to point out that when bills originate here we have very little opportunity to get the background of them. Such a bill is not in the same position as one coming to us from the House of Commons where they have had long debate and consideration in committee. For that reason I am glad that this bill is being stood over until the fall. There is much to be studied about the Northwest Territories, an area which comprises one-third of the territory of Canada, and there is great interest among members of the House of Commons and members of the Senate and the people in general as to what is going on in that area. For that reason I am pleased that we will have the opportunity to study this in committee. It is not only the boundary which is of interest, but the economy of the country, the population increase and recent change of government, and where perhaps there may be a further change.

Therefore, honourable senators, I move the adjournment of the debate.

Hon. Mr. Connolly (Ottawa West): Before the motion is put I would like to express my agreement with what the Leader of the Opposition has said. I shall see that his remarks are sent to the appropriate authority so that the officials who can give us this kind of information will be present. It is my hope that not only will we have some explanation as to the development that is going on there, but also, because of the character of this particular survey, that some of the pictures and photographs of the terrain will be made available to members of the committee.

Hon. Mr. Grosart: Before the motion is put, may I ask the honourable leader a question? As I read the third paragraph of the preamble, commencing at line 20, I gather that the Legislature of the Province of British Columbia has consented to this. I realize this is a constitutional necessity. On the other hand, the sponsor of the bill did not make any reference to the consent of or consultation or discussion with the people of the Yukon and Northwest Territories or their legislatures. I

would now ask him if they have consented or if they have been consulted on this.

Hon. Mr. Connolly (Ottawa West): The responsibility for these matters, and I made a special inquiry on this point, lies with the federal Parliament, and not with the Territorial Councils either in the Yukon or in the Northwest Territories. However, this point also can be dealt with in committee. For further explanation on this point, we will arrange to have one of the law officers of the Crown present in committee to give us full details.

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

PRIVATE BILL

SEABOARD FINANCE COMPANY OF CANADA—THIRD READING—DEBATE ADJOURNED

Hon. A. Hamilton McDonald, for Hon. Salter A. Hayden, moved the third reading of Bill S-15, to incorporate Seaboard Finance Company of Canada.

Hon. David A. Croll: Honourable senators, this bill was read a second time in this house on June 13 and was sent to committee. The committee considered the bill on Wednesday, June 28. Following along the lines suggested by Honourable Senator Brooks in the previous order, it is sometimes worth while to inquire into some of the details that are not quite so obvious at the time that second reading to a bill is given in this house. That, in fact, is the purpose of study in committee. Arising out of that, I would like to give you some of the facts that came to light in the course of the Committee hearing.

The Seaboard Finance Company of Canada was incorporated in Ontario in 1955, and it has 134 branches in Canada. Its assets in Canada are about $73 million, $30 million of which is loaned out under the Small Loans Act, which is a Dominion statute under which the Dominion grants a licence for loans made under certain conditions up to $1,500. Another $30 million approximately is put out by the corporation by way of other loans almost entirely to its subsidiaries.

Now, this $73 million in assets is made up in this way: $13 million was loaned from banks in Canada, $27 million came from short-term notes sold in Canada, and $24 million came from the parent corporation in the United States. The $30 million loaned out under the Small Loan Act brought a gross income of $4,900,000 and a net profit of $559,000. The $25 million that was loaned out mainly to subsidiaries brought a gross income of $1,800,000, and a net profit of $86,000. I am sure the question will come to your minds as to why there should be such a great differential; one return of profit has six times the other. This was covered to some extent in the evidence before us, that it had resulted from more favourable loans to their own subsidiaries. Then the question arose: what was paid for services from the parent company in the United States for research and management?

I turn now, honourable senators, to page 17 of the report, copies of which you already have, and there you will see that Mr. Humphrys said, "The total expenses charged against the small loans account were $4.4 million," which left $559,000 by way of net profit. Then I stated:

> ...but we were speaking of what went to the States for services rendered and management fees.
>
> MR. HUMPHRYS: I have no figures on that.

Mr. Berteaux, the president of the company, then stated:

> Last year it was something in the neighbourhood of $200,000—maybe $225,000 or $230,000.
>
> SENATOR CROLL: Approximately $200,000 for management services rendered by the parent company in the United States?
>
> MR. BERTEAUX: Yes.
>
> SENATOR CROLL: What did they consist of?
>
> MR. BERTEAUX: I suppose the supervision. They handle all our accounting. The individual branch reports on a daily basis to the data processing system in Los Angeles. All reports are processed by IBM equipment and are sent out on a monthly basis. A certain amount of advertising comes out of the advertising department in Los Angeles. I suppose a general, overall part of the business is really under their control.

Senator Thorvaldson followed that up on page 18 and asked:

> Can you tell us if there is a standard practice among these Canadian companies to pay management fees to the foreign owner?
>
> MR. HUMPHRYS: No, I would say it is unusual.
>
> SENATOR THORVALDSON: That is, in regard to companies that your department knows of.
>
> MR. HUMPHRYS: Yes.

SENATOR THORVALDSON: It is unusual?

MR. HUMPHRYS: It does happen, but it is not a usual custom. If the parent company is in the United States then sometimes the Canadian subsidiary will make use of the computers and the high speed, but very expensive, data processing equipment. It will use the equipment in the head office of its parent, and it will pay for that. This type of thing goes on, and it is increasing to some extent. However, we have not thought that it represents any problem at the present time.

Then I went on and asked some other questions. I asked him how many branches they had in Canada, and he said they had 134. I asked:

Is there any justification for not having the accounting done in this country?

And Mr. Berteaux, the president, answered:

No, not really, other than as Mr. Humphrys has pointed out, the expense of these high speed computers et cetera can be very great.

SENATOR CROLL: But there are many companies with far fewer branches and which do less business that have their computer arrangements in this country. If we close our eyes to this sort of process how are we ever to get computers established here?

THE CHAIRMAN: Surely, that is a judgment decision, which will be based upon the economics of it.

SENATOR CROLL: Yes, but I will be outspoken about it.

MR. HUMPHRYS: I think this point is well taken. In our view the Canadian company should have its books of account here, and have its accounting done here. We have found in our administration that it is rather difficult for us to take that view with a Canadian company, and tell it that it must go down the street and use the services of a data processing company and have its computer work done there, and that it cannot use the machines in its head office.

However, we have not objected to their having their data processed through their head office so long as we have access to the full records, and the books of account are kept in Canada.

Then Senator Thorvaldson goes on.

This was all very well ten years ago when computers were very rare, but will the same argument hold true throughout history? These data processing services are being developed in the United States instead of in Canada. I think this is a situation which deserves a general review, having regard to the hundreds of Canadian companies that are wholly-owned by foreign parent companies.

MR. HUMPHRYS: I agree with your view, senator.

The point I want to make now is that from reading the evidence, and having heard it, it is obvious that our Canadian subsidiary is only a dot, possibly a dash, and more likely a cypher, in the data processing machinery in Los Angeles. This, in my view, is carrying the branch plant mentality further than I have seen it carried heretofore.

What we were getting at—and Senator Thorvaldson and I suspected—was that they were siphoning off profits for the purpose of sending the money to the States under the guise of management, research and what-not. Here you have a company with 134 branches having their accounting and bookkeeping done in Los Angeles.

I went on and said:

As Senator Thorvaldson has pointed out, there was an excuse some time ago for having this work done in the United States, but that is not valid today.

MR. HUMPHRYS: Not so much, senator. They were doing more of their accounting in Canada before the computer systems came into being.

There is quite a trend now in corporations that have a wide-spread branch office system to use central data processing and to send data in from the branch office on a daily basis through leased wires overnight, have it tabulated and processed and back to the branches ready for the morning. This goes on to an increasing extent, and it creates many problems in relation to the point Senator Thorvaldson was raising, that the Canadian subsidiary very often is treated as another branch and gets swept up in this sort of branch operation.

Unless there is some vigilance by someone, therefore, it can result in a situation where the records in the Canadian company are practically non-existent.

This is Mr. Humphrys speaking.

The question was asked why it was they wanted federal incorporation. They had been incorporated, as I indicated, in Ontario and were carrying on business.

MR. HUMPHRYS: They desire federal incorporation to give recognition to the fact that they do business all across the country; therefore, federal incorporation is appropriate in the circumstances. They are interested also in protecting their name, and I think they believe that there will be some additional prestige through their status as a federally incorporated company.

There is nothing to interfere with their right to carry on business or with the use of their name, and no one could attempt to take it from them, but, of course, what they want is the prestige of a federally incorporated company. We must ask ourselves if we can afford to lend prestige to a corporation that, in my view, is operating in a manner that rings of eighteenth century mentality and colonialism. In these circumstances, it appears to me that it is not the sort of corporation which should be entitled to that assistance from us.

We went into the matter a little deeper. I asked the question on page 21:

Mr. Humphrys, you said there were five companies incorporated under the federal charter.

That is, five companies operating a similar sort of business.

What are their names, please?

Mr. Humphrys replied:

Beneficial Finance, Brock Acceptance, Canadian Acceptance, Household Finance, Laurentide Finance.

SENATOR CROLL: How many of those are American?

What I meant was, the parent company being American.

MR. HUMPHRYS: Beneficial is, Canadian Acceptance is, and Household Finance.

They do, I think, about 80 to 85 per cent of that sort of business in Canada, and they do it within the law and there is no complaint about that. I am not opposed to that. I do not share Walter Gordon's views on American capital or any other capital that comes into this country. I am one of those who welcome it, but I feel that when it comes into this country it ought to be integrated in this country and ought to become Canadian in every sense.

This raises a question we have not looked at hard enough in the past. They have 134 branches in this country; the bookkeeping and accounting is all done in the United States. How much of that sort of thing goes on in this country? It is about time we knew. We ought to do something about it when the circumstances are such as appear from the record which is available to all of you. We should urge on the Government that it take action in some form to bring this sort of thing to an end.

Hon. Gunnar S. Thorvaldson: Honourable senators, I should like to make a few remarks in regard to this matter. One of the reasons why I asked questions in committee of Mr. Humphrys and the other persons present representing the company was that I was shocked to learn again of the extent of the small loans business in Canada and the volume of loans made under this act.

It has always been my feeling that the Small Loans Act is the cause of what I call legalized usury. It permits interest rates of 24 per cent to be charged on loans of up to $1,500, and that is 2 per cent a month. In my opinion, that is outrageous.

Hon. Mr. Roebuck: Hear, hear.

Hon. Mr. Thorvaldson: I sometimes wonder whether we should not take a very good look at this whole situation in respect of small loans in Canada with a view to endeavouring to stop usury of this kind.

I, for one, feel that part of the reason for such a tremendous volume of this kind of business in this country is that the banks have been hamstrung by legislation of this Parliament in respect of the interest rates that they are permitted to charge on loans. I am positive that there is not nearly as much of this type of lending in the United States. The reason is obvious: It is because the banks in the United States have a much wider latitude in their carrying on of a legitimate banking business.

Some may say that it is a good thing to place a limit on the interest rates that banks may charge. I do not believe it is a good thing at all. If we had done less limiting in the past few years, the banks to a much greater extent would have taken over this type of business, and at a much lower rate of interest to the public.

This company is one out of 80 such companies in Canada licensed to do business under the Small Loans Act, and yet it has 134 branches in this country, and it has $30 million out in loans which come under the provisions of this act. Let us look at the figures that Senator Croll mentioned as to the

tremendous income this company derives from the lending of $30 million. Its gross income on this lending was apparently $4.9 million. Of course, the operating expenses of this type of business are large. However, that indicates to me that it is a completely uneconomic type of business. It may employ many people, but it is a completely uneconomic employment of people, and it does not contribute anything to the economy. That is just one aspect of this business.

As I say, I "see red" when I think about these companies that operate under the Small Loans Act, and are authorized by law to charge a fantastic rate of interest on their loans.

Hon. Mr. Roebuck: Did they give any figures as to bad debts?

Hon. Mr. McCutcheon: Yes, and they were quite heavy.

Hon. Mr. Thorvaldson: There were really no figures given on bad debts. There was a slight reference to that, but there was nothing very exact given in the testimony of the officials of the company. I assume, of course, that the bad debt load is quite heavy, but I do not know. There is little to indicate that in the record from which Senator Croll read, namely, the verbatim report of the meeting of the Bank and Commerce Committee.

Senator Croll referred also to the question of management fees—that is, management fees paid by Canadian companies to their American owners. This has always raised a question in my mind as to just what the real situation is in respect of management fees that are passed across the border from Canadian companies to the American parents. One wonders whether there is really any control over that in this country.

I presume that the Income Tax Department exercises some supervision, but a question that occurs to me is: Are there abuses in the matter of the payment of management fees to American companies? Here, for instance, the president of the Canadian company said that $235,000 was paid in management fees to the American company. How do you or I know whether the payment of these management fees to the United States parent company is right or wrong, or whether it is a good or bad thing for Canada? This practice may be one of many factors causing the standard of living and incomes in the United States to be approximately 25 per cent higher than in Canada.

I have never opposed foreign investment in Canada, and I do not intend to do so now. Foreign investment builds up Canada in the same way that it built up the United States a hundred years ago. At the same time, I am not one of those who say that we must be blind to the abuses that can result from uncontrolled foreign investment in any country, including our own.

We know as a fact that there are many countries in the world that do not allow foreign investment as freely as we in Canada do. For instance, if a foreigner wishes to invest in a company in Mexico he is allowed, by the laws of that country, to invest in only up to 49 per cent of the equity or voting stock of a company. In other words, voting control of companies must reside with nationals of the home country. I cite this as an example of what some other countries are doing in respect to exercising supervision, and greater supervision than we do, over foreign capital investment.

Hon. Mr. Deschatelets: Most countries are doing this.

Hon. Mr. Thorvaldson: Yes. As Senator Deschatelets says, most countries are now taking a closer look at foreign investment and how it should be supervised.

I am not suggesting that there are too many abuses, but it occurs to me that this question of management fees paid to foreign companies is something that should be looked at by the Government of Canada.

Honourable senators, that is all I have to say in this debate, but it is rather interesting to realize that our thoughts have gone in this direction because of a relatively unimportant bill that has come before this house. Nevertheless, this bill did generate these thoughts in my mind, as it did in the mind of Senator Croll and other members of the committee.

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

The Senate adjourned until Friday, July 7, at 3 p.m.

THE SENATE

Friday, July 7, 1967

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

Prayers.

APPROPRIATION BILL NO. 5, 1967

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-146, for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1968.

Bill read first time.

SECOND READING

Hon. Jean-Paul Deschatelets, with leave of the Senate, moved the second reading of the bill.

He said: Honourable senators, Bill C-146, known as the Appropriation Act No. 5, is one of the two supply bills we have to consider today. The bill will be distributed to honourable senators in a few moments. I wish to put into the record immediately the fact that the Standing Committee on Finance dealt with this bill this morning with Dr. Davidson and his assistant Mr. Glashan as witnesses.

Bill C-146 will grant full supply for a certain number of departments whose estimates have been approved in committee of supply in the other house. These departments are: Atomic Energy; Defence Production; Energy, Mines and Resources; Fisheries; Indian Affairs and Northern Development; National Defence; National Health and Welfare; National Revenue; Post Office; Solicitor General; and Transport. The form of the bill is the usual one for supply bills.

May I say, honourable senators, that the fact that we are asking for full supply at this time of the year for a certain number of departments is not unusual. That was done last year and, I am told, also in 1957. I will agree that as a general rule it was a tradition to grant up to eleven-twelfths of the expenditures of a department and to keep the remaining one-twelfth for the last appropriation bill. However, we must take into consideration the fact that in the other place there was an all-party agreement to vote the supply for these departments in full at this time, and in view of this it was found more appropriate to ask us to vote this supply in full.

I must also point out that these are not new items. All these votes are recorded in the Blue Book, and in fact on two occasions when we granted one-twelfth for the month of April, and two additional twelfths for the months of May and June, we had the good fortune on those two occasions to discuss and deal with these items in our Finance Committee, and of course in the Senate itself.

To appreciate the effect of the present bill on the main Estimates, may I draw to the attention of honourable senators the following figures in a financial statement for the Estimates of 1967-68, which I understand is before you. As honourable senators know, the main Estimates amount to $10.1 billion. We will have today in the other bill supplementary estimates for expenditures amounting to an additional $95.5 million. If we consider the payment from the Old Age Security Fund, which amounts to $1.4 billion, the total of the estimated expenditures to date amounts to $11.6 billion, of which $4.1 billion are statutory and $6 billion are to be voted.

As I said before, we have already voted three-twelfths, generally, of all the items in the Blue Book—one-twelfth for the month of April and an additional two-twelfths for May and June. With this bill—which amounts to $2.4 billion—we are granting the full balance of the main Estimates for these departments. The passage of this bill, will leave a balance of something over $2 billion to be voted.

The votes and details in this bill C-146 correspond to the votes and details for these departments in the Blue Book, and I do not think I need explain further.

The passage of this bill, granting full supply for several departments mentioned in the bill, means technically that these items and these votes are no longer subject to our review in the Finance Committee. I can only give my own undertaking, but I do so without any hesitation, and say that if any senator wishes to ask questions or seek further explanation concerning these departments, though supply be voted in full today, I, as Chairman of the Finance Committee would welcome such questions and would give any explanation required.

Having said that, honourable senators, if there is any further explanation desired I shall surely do my best to give it.

Hon. Allister Grosart: Honourable senators, first of all, may I congratulate the sponsor of

the bill, who is also chairman of the Finance Committee. He has followed the precedent set by Senator Connolly (Ottawa West) of giving us for the record a fairly detailed explanation of the items before us today. The former chairman of the Finance Committee is seated on his right hand, and I congratulate both of them on the promotion that appears to have come to them today.

Honourable senators, once again we are being asked to give pro forma consideration to the appropriation of very large sums of money, amounting to well over $3 billion. This is an exercise we go through under some compulsion every now and then. Very often we complain about the speed with which we are required to do it, and the compulsion under which we act. When I was asked to take Senate responsibility from this side, of commenting on this bill, the question came to my mind: How long has this been going on?

First of all, I take some solace from the fact that the treatment of these Estimates in the other place has been just as perfunctory. It is a remarkable fact that these three appropriation items, the appropriation on the main Estimates, on the supplementaries and on the interim supply, went to the Committee of Ways and Means in the other place, then to the Committee on Supply and then back to Ways and Means, and the total pagination in their *Hansard* devoted to that exercise is actually less than three pages. Perhaps we might do a little better than that today.

It is also interesting—certainly, it was news to me and I think to some of the members of the other place—that no debate was allowed. Indeed, the bill was not distributed to all members in the other place. When they did get copies they found that the pages were not numbered. Finally, one exasperated member said, "Well, we are not allowed to speak on it; at least, perhaps we will be allowed to read it." In that respect, honourable senators, we are a little better off.

However, when I attempted to find out how long this practice had been going on, one of the authorities I consulted indicated that it has been going on since Confederation. I refer to Professor Norman Ward, whose book, *The Public Purse,* is perhaps the only definitive history of public finance in Canada.

In this book of some 334 pages, Professor Ward discusses many aspects of the procedures by which public moneys are voted, but he says that the reader will notice two omissions in his book. In the first place, he does not discuss the Committee of Ways and Means, because he says it is outside the context he has chosen for himself. The second omission is that he does not discuss the Senate, and he explains why on page 8:

> The Senate's role in parliamentary control of finance, as the term is employed in this book, also receives little attention for the very good reason that it is negligible, and has been since Confederation.

He goes on to say that the Senate has:

> ...generally held itself aloof from the process of appropriating and accounting for public money outlined above, beyond hinting darkly from time to time that it could take a more active part if it chose.

And he adds that:

> ...while the committee work is often well done, and has occasionally been an interesting reflection on the House of Commons (which was not doing similar work), it is nonetheless outside the main stream of parliamentary control.

The author goes on to say that:

> ...although the Senate itself has asserted that—

With some exceptions, which I will not detail.

> —its powers in financial matters are the same as those of the Commons, the Senate has not acted as if they were.

Again, and I am skipping, Professor Ward says:

> Having early eschewed participation in the parliamentary audit, the senators equally early found themselves deprived of any extensive participation in the granting of supply to the Crown, not necessarily because of constitutional limitations, but because of the facts of parliamentary life.

Then, and this will be my final quote in which honourable senators will find an interesting echo in the present circumstances, Professor Ward has this to say:

> Today it is accepted as a normal practice for the Senate to be notified of an impending visit of the deputy of the Governor General for the giving of royal assent to sundry bills, including appropriation acts, and then to receive from the Commons a bill appropriating many hundreds of millions of dollars—

Today, of course, to update it we must say "billions of dollars". This book was written in 1960.

> —to which the Senate is clearly expected to give all three readings within an hour or two, or else keep the Governor General's deputy waiting.

Now, naturally, honourable senators, I have to ask if this is necessary. Professor Ward says it has been going on since Confederation. Does that mean it has to go on until we celebrate the next anniversary 100 years from now—assuming this institution is still here?

This morning in the Senate Finance Committee I asked the same question of one of the most eminent authorities in the field, Dr. George Davidson, the Secretary of the Treasury. Without going into all the details of his reply, I will say that I was certainly encouraged to hear him say that the Senate had, or could have, a very important role in the scrutiny of the public finance.

I specifically asked him about the long history of the scrutiny of a bill such as this. It of course started with the department, went to the Treasury Board, from there to the Commons and from the Commons to its Committee of Supply and Committee of Ways and Means and then to standing committees. I think all of the departments except two have been referred to and reported on by the standing committees. But, as I have said, and as Dr. Davidson also said, nobody seems to be looking at the overall impact, and he referred to that extraordinary happening in the House of Commons last evening when at 9.30 the bills were called and put through with less than three pages of comment in *Hansard* of that house.

Now I am not going to say that the Senate should attempt to assume a dominant role in appropriation or supply aspects of public finance, but I do believe, and I was encouraged to do so by Dr. Davidson's remarks, that we have a role to play, perhaps on the audit or performance side. A very good start has been made in our Finance Committee under Senator Leonard and now under Senator Deschatelets. I think this role should be expanded as a matter of public interest, and as a matter of self-respect on the part of the Senate.

Naturally, one may ask how can we do this. My first comment would be, where there is a will there is a way. If honourable senators have the will to assume a responsible and important role in the scrutiny of public finance, I am sure a way can be found. One suggestion I could make is that we should begin immediately to take one department a year and subject the spending of that department to intense scrutiny, even if it takes us a whole session to do so. I have discussed this with some of the officials, and they tell me it is practical and they believe it would be beneficial.

Hon. Mr. Deschatelets: Will the honourable senator permit me a question? Is he proposing that we should examine one department a year? Is that the intention?

Hon. Mr. Grosart: That was my suggestion, and I believe Senator Leonard has had it under consideration. I believe we could start with one a year, and then as we became more proficient, as we undoubtedly would, we could take three or four departments. In this way the departments concerned would be taken by surprise because we would call upon them at very short notice and ask them to come and answer some questions. Honourable senators might wonder what questions we should ask them. Well, this morning we had certain $1 items which I shall discuss at length later on another bill. But, there is the matter of transfer within votes. Apparently once a vote has been approved, the department concerned can make a transfer from one vote to another.

We had an interesting talk about this this morning, and an excellent example will be found in Vote 15a of the next bill, if I may mention that as it impinges upon the main Estimates. As I said, honourable senators, Vote 15a is a good example of where a department has found a very large sum of money to put up some buildings here in Ottawa. I do not have all the relevant facts before me, but it involves the sum of $1½ million. Where did they find this money? What particular projects approved by Parliament have not been proceeded with or where were the savings that made this possible? We were told, in effect, in committee that one does not get the answer to that question in the Finance Committee; one gets it from the officials.

This is the kind of thing that would be dealt with if we were to undertake such an examination. So beclouded is the question with respect to transfers that we had some fun in committee this morning when we asked about this, and we were referred to the French word used by scholars which is *virement*, to describe this process, yet I venture to say that few parliamentarians have ever heard it used in this connection. It is

done ordinarily without any check until the matter comes out in the supplementaries.

Then, there is the question of planning public expenditures on a project basis. We have been told over and over again that there is a new look in public financing, and that from now on we are going to appropriate sums for projects rather than on an individual vote basis. We have been told by Dr. Davidson that we must go in this direction. This is the kind of thing our Finance Committee could examine. We have been told by Dr. Deutsch we must institute five-year planning, and here again is the kind of thing the Senate committee could scrutinize and examine. It could ask these officials, "How are you making out on this plan? How close are you coming to completion on time? How close are you coming to meeting the objectives you gave Parliament?"

Another matter that might well be discussed is the subject matter of the item in the Main Estimates on page 590, "Loans, Investments and Advances." We discussed this very briefly this morning. The situation is that there are two views as to how this should be handled. Some of us object to items being shown as assets when they certainly are not. The Auditor General objects because he is required to certify the statements of the assets and liabilities of Canada, and he has said on several occasions that some of these figures that are before us in these Main Estimates are not in keeping with proper accounting.

The Public Accounts Committee in the other place has said the same thing. Speaking, in this particular case of Expo grants—and I make it clear I am not opposed to the grants, but to the principle of the accounting—the chairman of the committee said:

> We have discussed this matter on various occasions. This concerns money which has been advanced to "Expo" or the National Capital Commission in the form of a loan when, in fact, it was an outright grant, and the Committee felt that it should be treated as a grant and appear as a budgetary expenditure.

The Public Accounts Committee is an important body, and one would assume that the Department of Finance would act with some expedition on its comment. The fact of the matter is that for over a year now the committee has been complaining of non-response from the Treasury Board, and the Auditor General has taken up the complaint. I mention this, honourable senators, to indicate that there is an area of scrutiny and investigation that may well be open to the Senate.

This whole matter is discussed in the Auditor General's report for 1966 at page 122. The Auditor General states that in the Statement of Assets and Liabilities of the Department of Finance as at March 31, 1966 the principle is laid down that only realizable or interest- or revenue-producing assets should be offset against the gross liabilities. He continues:

> This explanation reflects a policy established by the Minister of Finance in 1920, that assets to be included in the Statement of Assets and Liabilities should be confined to those which are readily convertible or which are revenue-producing.

He goes on to state:

> The Minister had immediately implemented this policy by removing from the Statement of Assets and Liabilities a substantial amount in loans, etc., which could not meet this test.

He said that the rule began to be broken in 1957-58. By mentioning that period, honourable senators will be assured that I am not being partisan in this matter. He continues:

> This policy has been followed by successive Ministers of Finance ever since but a major exception was introduced in 1957-58 (in respect of) the National Capital Commission...

He goes on to say that the Public Accounts Committee has on two occasions requested the Department of Finance to review the existing practice, but nothing has happened. He says that there was a further major exception to the policy. This was in 1964-65 in respect of the Canadian Broadcasting Corporation; and there was another one in 1965-66 in connection with Expo. He further states:

> In its Seventh Report 1966 presented to the House on October 26, 1966 the Public Accounts Committee stated that it was disturbed to learn that not only was no review undertaken by the Department in the case of the National Capital Commission but that the practice was continued and further extended in 1964-65 when the House was asked to approve loans to the Canadian Broadcasting Corporation.

Honourable senators, again I say I hope this indicates to you there are areas where the Public Accounts might be looked at with

a little more assiduousness than has been the case in the past.

I must say, honourable senators, it does give me some satisfaction to say that the Main Estimates that are now before us have been before the Finance Committee for a number of months. They have been discussed, and the opportunity has been given, and has been exercised, for questions to be asked. We have had answers from responsible officials. While I am not entirely satisfied that we know all we should about the Estimates, certainly it is reason for some satisfaction that a committee of this house has given the time it has to them.

Also, as Senator Deschatelets has said, it is most fortunate that this particular bill was before the committee for two hours or more this morning. Again Dr. Davidson, and also Mr. J. G. Glashan, the Director of Estimates and Supply Procedures of the Treasury Board, were there to answer questions, and they answered them well. However, I remain unconvinced that these important matters of public finance are being given the scrutiny they deserve in the other place or here—certainly, not the scrutiny that sums of this magnitude would receive in the private sector of the economy.

While it is not for me to suggest what action might be taken in the Commons, it is a good sign and greatly to their credit that they have adopted the practice now of referring departmental Estimates to standing committees, and they are getting scrutiny of a kind there. Unfortunately, however, it tends quite often to be political rather than actuarial, but I believe we in the Senate have an equal opportunity. After all, public finance is today and every day acquiring a much more important place in the economy of the country, which means in the well-being of every citizen of Canada. This is a new phenomenon of our times, and I would suggest that we can forget what happened in the past. Whether it can be justified or not does not matter. I believe a great opportunity faces us now in these new circumstances, and I trust that consideration will be given to the future role of the Senate with respect to bills such as this.

Hon. Gordon B. Isnor: Might I inquire of the honourable senator who has just spoken: In his judgment, how would he charge up the amount he mentioned in connection with the advances made to Expo? Would they be regarded as a loan, an advance, an investment, or an expenditure, capital or otherwise?

Hon. Mr. Grosart: I can only reply to the honourable senator—who has shown a very keen interest in this matter and whose business experience is much greater than mine—that I do not know, because I do not know the terms of the instrument under which those advances were made. I do not even know what they were. There is nothing in the document before us to say whether they were loans, advances or investments. I would suggest that in future when we have documents such as this lumping together loans, investments and advances—and it is quite a job even to remember the title from time to time—it should at least be signified whether they are loans, investments or advances; what are the terms of repayment of principal, payment of interest; and what security is there for repayment? As all honourable senators know, we are often, in fact every year, in the ridiculous position of appropriating money for the Canadian Broadcasting Corporation, to pay back interest on the money we have already appropriated and some part of the principal. I do not know under what item I would put it, because I have not the information and I do not think anyone in Parliament has.

Hon. Mr. Isnor: Honourable senators, I inquired of the honourable senator in respect of that question because there is a doubt in my mind, and I think we in the Senate should appreciate the interest taken by Senator Grosart and other members of the Finance Committee.

I know the Deputy Leader of the Government will forgive me for referring to the period before he took over as chairman of the Finance Committee, but I have particularly in mind the splendid work done by Senator D'Arcy Leonard as chairman of the Finance Committee.

I also think that credit should go to the Senate as a whole for the careful manner in which the senators follow the expenditures as reported, and the manner in which they take into consideration the Auditor General's criticisms. It is a good thing that we have such a fine Auditor General as Mr. Henderson.

I have been interested in this subject and, like Senator Grosart, I sometimes wonder whether the capital expenditures are outright gifts or loans on which interest willl be paid, or are investments. I perhaps look on Expo in a slightly different light than a good many senators do. I believe it is a wonderful thing for Canada that we are able as a nation to invest that amount of money to bring so

much outside revenue into Canada through the tourist industry and visitors to Expo. I would not put it under the heading of write-offs, because I think it has already returned good revenue to us, and I believe we will realize a fairly large amount from the sale of buildings and other assets on which this money has been spent.

I thought I should say this, largely because I wanted to pay tribute to the work being done by the Finance Committee. We sincerely appreciate the remarks of Senator Grosart as a financial critic.

Hon. Jean-Paul Deschatelets: Honourable senators—

The Hon. the Speaker: Honourable senators, may I remind the house that if the honourable Senator Deschatelets speaks now, it will have the effect of closing the debate.

Hon. Mr. Deschatelets: Honourable senators, perhaps I might add just a word of explanation in response to Senator Isnor's queston concerning Expo.

In connection with Supplementary Estimates, (A) Vote L40a, he mentioned that the Government of Canada was acquiring securities issued by Expo, and this is the way in which they get their working capital operations. Whenever they need money to meet their expenditures they sell to the Federal Treasury some securities issued by the World's Fair Corporation. When Expo winds up and revenues are in, the expenditures counted and the salvage values estimated, the government of the Province of Quebec will share in the deficit to the extent of 37½ per cent, the City of Montreal 12½ per cent, and the federal Government share will be 50 per cent of any deficit resulting even from the purchase of the securities issued by Expo.

Hon. Mr. Walker: May I interject a question to the honourable Acting Leader? What are the total advances to Expo so far by the federal Government.

Hon. Mr. Deschatelets: I would not like to give an incorrect reply—I will have the information the honourable senator wishes in a minute or two. Even if the bill has been passed, I will inform him as to exactly what amount of money has already been advanced by the federal treasury to the World's Fair Corporation.

Hon. Mr. Walker: Thank you.

Hon. Mr. Deschatelets: Honourable senators, I should compliment Senator Grosart on the constructive suggestions he made following the meeting we had this morning and the presentation of this bill this afternoon. He must know that some of the views he has expressed are shared by many other senators.

When he asks how long this will go on, what answer can I give? I do not know if this will satisfy him, but as chairman of the Finance Committee I am planning, when the Senate resumes in the fall, to have an informal meeting of that committee. We have in its membership many honourable senators who have many years' experience. They have their own ideas about improvement, and if we could meet informally at the beginning of the session we could examine all these suggestions. This is what I have in mind, and I hope it will meet the approval of honourable senators.

Motion agreed to and bill read second time.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Deschatelets: Honourable senators, with leave of the Senate, I move the third reading of the bill now.

Motion agreed to and bill read third time and passed.

APPROPRIATION BILL NO. 6, 1967

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-147, for granting to Her Majesty certain sums of money for the public service for the financial year ending 31st March, 1968.

Bill read first time.

SECOND READING

Hon. Jean-Paul Deschatelets, with leave of the Senate, moved the second reading of the bill.

He said: Honourable senators, Bill C-147 is known as Appropriation Bill No. 6, and is the last appropriation bill we shall have to consider today. This bill was examined in the Senate Finance Committee this morning, at which meeting Dr. Davidson and his assistant Mr. Glashan were witnesses.

May I bring to the attention of honourable senators clause 2, which provides that four-twelfths of the total of the amounts of the items set forth in the main Estimates be paid

to defray certain expenses of the public service, and this will cover generally the needs for the months of July, August, September and October. Honourable senators will recall that we have already voted one-twelfth for April, plus two-twelfths for May and June, and now we are asking for four-twelfths generally. If this bill is passed, it means that we shall have voted seven-twelfths of all the items of the Blue Book. Since there are certain expenses for which we are asking for more than four-twelfths, I shall give a few short explanations.

If honourable senators will refer to Schedule A of the bill under Public Works, Vote 65, I will explain the reason why we are asking here for more than four-twelfths. Additional proportions are required because of the high proportion of construction projects at this time of the year, together with the associated repayment of the loans made in previous years for the acquisition of properties which were expropriated for the Centennial, such as the Colonel By Drive, the Ottawa River Parkway, and the Confederation Square projects.

On page 5, Schedule B, under Legislation, Vote 15, additional proportions are required here for the following reasons. First: Membership assessments of $75,000 are due and should be paid shortly to certain international parliamentary associations, such as Canada-United States Interparliamentary Group, and the Commonwealth Parliamentary Association. These associations operate on a calendar-year basis and require funds to meet their operating expenses; secondly: expenses of two delegations from European parliaments which are visiting Canada must be paid, in the sum of $25,000; thirdly: a sum of $10,000 is required to cover the cost of special parliamentary visitors arriving within the next few months.

If honourable senators will now turn to Schedule C, under External Affairs, Vote 10, additional proportions are required here to complete the purchase of property in Paris, France, which will be used as a cultural centre. This purchase was recently approved with the understanding that the purchase of this building would be completed as soon as possible.

Also under Schedule C, Vote 35, additional proportions are needed here to meet the major part of the cost of the Centennial observance during the summer months. Under Vote 40, additional proportions are required to meet increased costs, the carry over of accounts from 1966-67, and peaking of expenditures which occur during the summer months.

Schedule C, Secretary of State, Vote 45: additional proportions are required to meet anticipated commitments under these programs. The major portion of these projects will be completed early in the year, thus grants must be made in accordance with the formal agreements.

Schedule C, Trade and Commerce, Vote 29: an additional proportion is required to make final payments to performers participating in the special events, contractors, and other administrative and operational expenses, having to do with the 1967 World Exhibition.

Referring now to Schedule D, under Agriculture, Vote 55: this vote provides for the administration, operation and maintenance necessary to meet requirements of the Prairie Farm Rehabilitation Act. An additional proportion is requested to meet the usual peak period of operations during the summer months.

Under Municipal Grants, Vote 10, an additional proportion is requested to meet eight large interim payments which will be required shortly. The largest payment, totalling approximately $7 million, will be made to the cities of Ottawa, Toronto and Vancouver.

Under Vote 1, National Film Board, an additional proportion is required to cover the usual peak expenses of the summer filming schedule.

The last is Schedule E. vote L40a, under Loans, Investments and Advances. Additional proportions are required to meet forecast cash requirements for the corporation, having to do again with the Canadian Corporation for the 1967 World Exhibition. Revised cash estimates indicate requirements of at least $26.8 million, and possibly higher.

Vote L112a provides the authority for the Canadian Government to give financial assistance in the form of a loan to the British West Indian Airways to meet its immediate financial obligation.

Honourable senators, having given you some explanations of why we are asking Parliament to grant more than the general four-twelfths on certain votes, may I say that this bill was examined in the Finance Committee this morning, and I think we had a very good discussion. In past meetings, under the chairmanship of my colleague the honourable Senator Leonard, certain criticisms were expressed to the Government for not projecting a more complete financial picture

of the expenditures in the Blue Book. This criticism was expressed quite often, and we are told now that Supplementary Estimates (A) are for a lower amount than in any preceding year. This means that the objective expressed by these criticisms has been achieved, at least in part. I am sure honourable senators will appreciate this.

Furthermore, this morning we had a fruitful discussion on certain $1 items. This is not the first time criticism of this kind was expressed. Again we have to admit that there is at least a certain improvement in the Supplementary Estimates (A) which we have to consider. I personally must agree that it is not a wise thing to use the device of the $1 item to avoid the regular legislative process.

In the bill we have now, as far as the $1 items are concerned, in most cases the money has been voted already. All the Government is trying to do, by the device of the $1 item is seek the authority to spend this money for certain other purposes. The reason of course is the matter of urgency.

Honourable senators will agree that because of unexpected or unforeseen circumstances something has to be done. If the Government had to wait for the regular legislative process it might take five, six or eight months. This is the explanation we had this morning. The criticism expressed this morning has been well taken, as honourable senators know, and in the future there will surely be an attempt to avoid this situation as much as possible.

If any honourable senator desires further explanation, I shall be pleased to give it if I can.

Hon. Mr. Grosart: May I ask the honourable sponsor of the bill if I am correct in assuming that both Bill C-147 and the supplementary Estimates are now before us?

Hon. Mr. Deschatelets: I hope so. Yes, these items are before us. The Supplementary Estimates (A) were distributed at least a week ago.

Hon. Mr. Grosart: My question, if I may put it more explicitly, is whether there is before us at this moment for debate the supplementary Estimates as well as Bill C-147?

Hon. Mr. Deschatelets: Yes, they are in this bill.

Hon. Mr. Grosart: Honourable senators, the remarks I have already made on the main Estimates apply to both the items before us now. Interim supply is of course merely the drawing of moneys for purposes which have been approved by Parliament already.

We can assume that these amounts are needed in the proportion of twelfths in which they are asked. We are all aware that departments do not spend at the same rate per month, and therefore the requirements in some, particularly in those departments which are especially active in the summer months, will be greater than in others. That explains the difference we are asked to vote.

As honourable Senator Deschatelets has told us, the supplementary Estimates are greatly improved this year. We were told this morning, in the Standing Committee on Finance, by Dr. Davidson, the Secretary of the Treasury Board, that this is the lowest amount that we have ever been asked to vote in supplementary Estimates in June, the reason being that the Treasury Board has now instructed the departments that they are simply not to carry on the old practice of holding out anything they like for supplementary Estimates. They are being told now, as he told us, to make the main Estimates much more realistic than in the past. I for one feel that the Senate Committee on Finance deserves some of the credit for this. Under Senator Leonard's chairmanship, this was one of the things drawn to the attention of the Treasury Board, and I have no doubt that we had some influence in making this very desirable improvement.

We can assume that the supplementary Estimates now are realistic in that they are required only in regard to certain emergencies which arise.

We cannot all agree, as Senator Deschatelets has said, about the method in which these emergencies are handled. He referred to the $1 items. There is the most notorious example ever seen of statutory amendment by the fictional $1 vote in the supplementaries before us. Particularly for my legal friends, I would like to read into the record Vote 17a on page 11:

> To provide that, effective the 1st day of July, 1967, the definition of "civilian" for the purposes of Part XI of the Civilian War Pensions and Allowances Act be read and construed as though for paragraph (g) of subsection (1) of section 75 of the said Act there were substituted the following:
>
> (g) a person who served in the United Kingdom with the Newfoundland Overseas Forestry Unit during World War II
>
> (i) for a period of more than six months, or

(ii) for any period, if the service was terminated on medical grounds.

Naturally I have no objection to this item appearing in the supplementary Estimates, as far as its purpose goes. This is something that my colleagues from Newfoundland have asked for. The interesting thing is that the act is amended. We could find no assurance in the committee this morning that there is any procedure laid down by which this would be referred to the Commission on Statutory Revision or even that it would automatically go into the office consolidation of the act.

One would wonder how any person, seeking to ascertain his rights, by a reading of the act would know about this change. It might be a veteran from Newfoundland who would hear of $250,000 being available, but reading the act he might feel that he is not entitled. He might go to a lawyer who would say "The Act says you are not entitled."

I suggest some method should be devised—and I am sure there are enough brains in the Treasury Board and elsewhere which can devise it—by which we will stop amending Acts of Parliament by $1 votes in supplementary Estimates. I say it is not a proper procedure, and it is not to me an excuse to say that this was done last year or the year before or that this has always been so.

This happens to be a particularly glaring example. I do not say that all the $1 votes come into this category. They do not. There are nine of them here and some are in quite explainable categories. This one I suggest is not.

Again we have the situation in regard to Loans, Investments and Advances. In case I have been misunderstood, I would like to say that whatever the amount advanced for or invested in or loaned to Expo, I would be inclined to put it under the middle part of the title and say that it is just about the best investment in Canada that the Government has ever made. I do not know what the amount is, but the last figure I saw was $143 million for all governments; I believe it is considerably in excess of that now. I might say that the total to date of loans, investments and advances is being increased by the $46 million we are voting today, to $625 million.

Again I say we have no details. There is nothing here before us to show what we are voting, to indicate what kind of instruments these are, or whether there is any assurance that there are interest rates. I suggest that in future this be set forth clearly in the Estimates, the supplementary Estimates or elsewhere before we are again asked to pass these items.

That is all I have to say at this time, honourable senators, except once again to congratulate the sponsor on the excellent explanation he has given.

Hon. Muriel McQ. Fergusson: Honourable senators, there is one expenditure in which I am particularly interested. Perhaps the members of the committee will remember that this morning in committee, when supplementary Estimates were being discussed, I mentioned the subject of the expenses allowed for the Royal Commission on the Status of Women in Canada. I am greatly pleased that the Government heeded the requests of the many national women's organizations throughout Canada and established the Royal Commission on the Status of Women.

During its sessions, ever since it was established in 1948, the United Nations Commission on the Status of Women has, through reports made to it and investigations made by it, discovered that discrimination against women does exist in many places in the world. The United Nations Commission on the Status of Women supports the establishment of such commissions in member countries, and a number of these have been set up, one of the latest being the one established in Canada.

Many countries have few laws that deliberately discriminate against any persons on the ground of sex, and Canada, I believe, is one of these. But, notwithstanding this, in those same countries there exist many traditions and customs which have been accepted and followed for many years that obstruct the appointment and promotion in business, in the professions and in the Public Service of members of the female sex, even when they are adequately qualified for such appointment or promotion.

Honourable senators, I would like to illustrate this point by telling you of an incident in which I was involved. In the late 1940s I was elected an alderman of the City of Fredericton. One of the first matters to come before the council was the subject of an increase in salaries for the staff. A committee was appointed which held meetings, and when they made their report they recommended that each male employee should get an increase of $100 and each female employee should get an increase of $50.

Hon. Mr. Isnor: Were they doing the same work?

Hon. Mrs. Fergusson: The work was comparable, and about the same number of males and females were involved. Mind you, everybody would not be doing the same work, but there were both men and women doing senior jobs, and men and women doing junior jobs. The recommendation, however, was simply for $100 for men and $50 for women.

Honourable senators will probably realize that I could not accept that, and I raised quite a strong objection. The matter was sent back to committee for reconsideration and they brought back a report that all employees should get an increase of $100. Their explanation was that they had nothing against the women who were employed on the staff. In fact, they thought they were being good to them. But it had always been the case that women received less than the men; they got lower salaries and smaller increases. The committee was just following the custom that had been established for years.

I think that this following of tradition and custom is the reason why so few women are in senior positions in Canada, in business, public service and the professions.

This is not only a loss to women but it causes great difficulty for women who have to earn a living, for many of them have to support large families just the same as men do, and it costs them just as much to buy food and clothing and pay for the rent as it does for male employees. They should be paid the same amount for the same work. I grant you that we have legislation for equal pay, but I still think that holding these prejudices and sticking to old customs often prevents appointments and promotions, despite our legislation for equal pay.

In the July 1966 issue of the *Chatelaine* magazine there was an editorial by Doris Anderson in which she said that, although Canada ranks near the top in the number of women with higher education, we rank near the bottom of all western nations in the percentage of women in the professions or in managerial jobs.

I hope, honourable senators, that the Royal Commission on the Status of Women will bring these matters to the attention of the public, for I really believe that the knowledge and realization of the existence of such discrimination will be all that is necessary to do away with it in Canada. I trust that the Royal Commission on the Status of Women in Canada will be given every assistance, financial and otherwise, to make a very thorough study of this matter.

Hon. Mr. Deschatelets: Honourable senators—

The Hon. the Speaker: I would remind honourable senators that if the honourable Senator Deschatelets speaks now it will have the effect of closing the debate.

Hon. Mr. Walker: May I interject to ask the Acting Leader if he is prepared at this time to answer the question that I raised earlier?

Hon. Mr. Deschatelets: Honourable senators, I am prepared to do so. I wish first of all, however, once again to thank Senator Grosart for his constructive contribution to this debate, and, secondly, to take this opportunity to say to Senator Fergusson how much we all have appreciated the remarkable work she has done, not only this year, but all through the years, especially for the women in the Public Service.

Some Hon. Senators: Hear, hear.

Hon. Mr. Croll: Senator Fergusson is discriminating.

Hon. Mr. Deschatelets: Now, honourable senators, I have the answer to the question asked by Senator Walker covering the federal financing for Expo. We have first of all the grant authorized by the original act which was $20 million. That was in 1962, I believe. However, I do not believe that it has anything to do with the securities of Expo. This is an original grant of $20 million. Later during 1966 and 1967, securities were purchased amounting to $131 million, and we have provision in the 1967-68 Estimates for the purchase of additional securities amounting to somewhere in the neighbourhood of $30 million, making a grand total at this date of $181 million.

Hon. Mr. Walker: How do you differentiate? You said that one was a grant and the other was a purchase of securities and you lumped them together.

Hon. Mr. Deschatelets: My only intention was to give complete information. My honourable friend will remember that the federal Government subscribed $20 million under the Act creating the Canadian World Exhibition Corporation. This was a grant, and it is not recoverable. Neither is it shared, because the Province of Quebec subscribed a certain amount, which I have forgotten, and the City of Montreal subscribed some $5 million.

Hon. Mr. Fournier (De Lanaudière): I would like to know exactly when the $20 million contribution from the federal Government was decided.

Hon. Mr. Deschatelets: It was in 1962 under the previous administration when they passed the act creating the Canadian World Exhibition Corporation.

Hon. Mr. Fournier (De Lanaudière): Perhaps honourable senators will permit me to say a few words, because I have a little experience in this field. In my opinion when we first made application to the international board in Paris we had to disclose the contributions of the federal, the provincial and the municipal governments, and so far as I can remember that was before 1962. Would the Acting Leader kindly check that?

Hon. Mr. Deschatelets: I am sure it was before 1962, but what I say is that the act was passed in 1962. What the honourable Senator Fournier means is that the commitment was made prior to that. It might even have been in 1959.

Hon. Mr. Walker: The honourable Senator Fournier was Mayor of Montreal at the time the original commitment was made to get the fair started. Is the other $161 million, which is the sum involved in the purchase of the securities, an advance by the federal Government?

Hon. Mr. Deschatelets: Yes, I think the act provides that these securities must be purchased by the federal Government alone. There is no private concern which could buy or have access to them.

Hon. Mr. Fournier (De Lanaudière): Just for the record, I should mention that while we were in Paris discussing some of these matters—and at that time Mr. Diefenbaker was Prime Minister, and there was a Union Nationale Government in the Province of Quebec and a different administration in Montreal—at a certain moment there was some difficulty and the Honourable Paul Beaulieu, who was the member of the Legislative Assembly for St-Jean, noticed some hesitation on the part of the officials of the Department of Trade and Commerce from Ottawa. I was present when he told them, "If you don't want to pay the $20 million, we will double the contribution of the Province of Quebec." So it was already voted. I think that should be cleared up for the record. I think Mr. Diefenbaker deserves some credit, and some credit should go to Mr. Duplessis and to Mr. Beaulieu. It seems to me that all these people are being forgotten today.

Hon. Mr. Langlois: And to Sarto Fournier.

Hon. Mr. Fournier (De Lanaudière): No. I just want to make the record clear that the money was already voted by Ottawa. There was $20 million from Ottawa, $15 million from Quebec and $5 million from the City of Montreal. Today it is amazing to see that all those people who were there at the start are completely forgotten. I feel it my duty to state that for the record.

Hon. Mr. Deschatelets: Well, I am sure that when the story is written the name of Sarto Fournier will surely be on the record.

Hon. Mr. Fournier (De Lanaudière): That is very kind and I appreciate it, but everything was done in 1962. It was not the start of it; it was the end of it.

Hon. Mr. Langlois: C'était un fait accompli.

Motion agreed to and bill read second time.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Deschatelets: 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.

ROYAL ASSENT

NOTICE

The Hon. the Speaker informed the Senate that he had received the following communication:

GOVERNMENT HOUSE
Ottawa
7 July 1967

Sir,

I have the honour to inform you that the Hon. Roland A. Ritchie, Puisne Judge of the Supreme Court of Canada, acting as Deputy to His Excellency the Governor General, will proceed to the Senate Chamber today, the 7th July, at 5.30 p.m., for the purpose of giving Royal Assent to certain bills.

I have the honour to be,
Sir,
Your obedient servant,
A. G. Cherrier,
Assistant Secretary
to the Governor General.

The Honourable
The Speaker of the Senate.

PRIVATE BILL

UNITED INVESTMENT LIFE ASSURANCE COMPANY—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 incorporate United Investment Life Assurance Company.

Bill read first time.

SECOND READING

Hon. T. D'Arcy Leonard, with leave of the Senate, moved the second reading of the bill.

He said: Honourable senators, first of all may I thank the Senate for giving unanimous consent to proceeding with second reading. Perhaps I should start, therefore, by explaining the reasons for asking for second reading of this bill at this time and also for asking for leave, which I shall do later if the bill receives second reading, to expedite the further steps towards its enactment.

Over a year ago a bill to incorporate the United Investment Life Assurance Company was introduced in the Senate, received first and second readings, and was referred to the Standing Committee on Banking and Commerce. Mr. Humphrys, the Superintendent of Insurance, appeared before that committe and explained the bill, including who were the controlling shareholders behind the company. It was then reported out of the committee, passed by the Senate, and referred to the House of Commons.

The bill did not pass the House of Commons at the last session. The question of the non-resident ownership of the controlling interest in the company arose, and among a number of other bills in which the same question arose, it died with the last session of Parliament.

The bill was reintroduced in Parliament this session, but this time it started in the Commons rather than in the Senate. On second reading in the House of Commons the company indicated, through the sponsor of the bill, what it was prepared to do in connection with increasing the extent of Canadian ownership of the company. The bill therefore received second reading in the House of Commons. It was then referred to the Standing Committee on Finance, Trade and Economic Affairs, and in that committee was amended by the addition of a clause dealing with the extent to which the company was prepared to go in changing its degree of Canadian ownership.

I may say that the bill as introduced in the House of Commons was the same as that introduced and passed by the Senate last year, but in committee an additional clause was added, which is now clause 8 of the bill. That bill, as amended, was reported out of the committee and received third reading in the House of Commons on Tuesday last. So, in the normal circumstances, had we been sitting on Wednesday and Thursday, the bill as amended would have been before us then.

Perhaps I should go back and briefly explain the bill itself before coming to the amendment. The bill proposes to incorporate a life insurance company in the usual, standard form. It will have $500,000 of capital and $500,000 of surplus paid in before it starts business. The life insurance company is associated with a group that is connected with the United Accumulative Investment Fund in Canada. The actual ownership of the life insurance company will be in a Canadian company that has been operating for some time as the manager of the United Accumulative Investment Fund. This is one of the largest mutual investment funds in Canada, having assets of more than $300 million, but the control of the management fund which will own the shares of the life insurance company is 80 per cent in the hands of residents of the United States. This is in accordance with the act. The company comes under the Canadian and British Insurance Companies Act, but because of this question of Canadian ownership arising in the House of Commons, the amendment to which the company has agreed in clause 8 provides for a gradual diminution of the interest of non-resident owners.

There are three steps to be taken. Within two years the company controlling the life insurance company itself will offer to Canadian shareholders 25 per cent of its interest, and at the same time also the company in the United States which controls the management company here will also divest itself of 25 per cent of its interest in the management company, and this will reduce the non-resident ownership, direct or indirect, to about 56¼ per cent of the company. Then, within a period of 10 years a further offering of shares to Canadian shareholders will result in the ownership of non-residents, or at least of those who presently control it, being less than 50 per cent—49 per cent of the company. There is always the possibility within these 10 years that certain Canadian residents might move to the United States, which would have some effect on these particular percentages,

but that is something over which the company itself has no control. In so far as there is control over it, the intention of those sponsoring this company is that within 10 years over 50 per cent will be in the hands of Canadian shareholders.

Honourable senators, this is the explanation of the bill. This is the explanation of why I am asking leave of the Senate to proceed with it today. It passed the Senate a year ago, when we were satisfied with the 100 per cent ownership of the company by a Canadian company which was, in turn, controlled by a United States company. The only additions now are to bring about a further degree of Canadian ownership in the company. The sponsors are agreeable to this; this is in accordance with their own intentions; and it is now spelled out in the legislation.

Honourable senators, I realize that time is short. We probably have the better part of an hour before royal assent, and I do not think there is very much more on the Order Paper. So, if honourable senators are satisfied to give this bill second reading now, I would propose that it be referred to the Standing Committee on Banking and Commerce. For that purpose, I may also ask for leave to dispense with the usual seven days' notice that is required. The chairman of the Standing Committee on Banking and Commerce has agreed to call a meeting of the committee commencing when the Senate adjourns during pleasure, and Mr. Humphrys is available to attend that meeting, as also are the officers of the company.

Honourable senators, with this explanation I ask you to give second reading to the bill; and if it is satisfactory to you, I would then move that it be referred to the Standing Committee on Banking and Commerce.

Hon. Lionel Choquette: Honourable senators, I do not know whether anyone insists that this bill be referred to the Standing Committee on Banking and Commerce. I know of no one on this side who is insisting on it. In view of the fact the bill previously passed the Senate and that it has now passed the House of Commons with a minor amendment, which has been clearly explained to us by the sponsor, I would suggest that it be not referred to committee. I do not see any necessity for it.

Hon. Mr. Hayden: Suspend the rule.

Hon. Mr. Choquette: Yes; suspend the rule.

Hon. David Walker: Honourable senators, this bill which we considered carefully some months ago and approved unanimously, died because the Commons did not pass it during the last session. As the honourable Senator Leonard has pointed out, it has now been amended by the addition of clause 8 increasing the degree of Canadian ownership; and if it was all right then, surely it is even better now.

I agree with my honourable friend the Acting Leader, and see no necessity to have it submitted to the Committee on Banking and Commerce, even though I always like to hear the honourable chairman of that committee explain the measure.

Hon. Mr. Leonard: I may say that I am in the hands of the Senate, and if the suggestion of Senator Choquette and Senator Walker represents the unanimous feeling of this chamber, I would accept that and move whatever motion is necessary to dispense with the reference to the Committee on Banking and Commerce.

Hon. Mr. Benidickson: Honourable senators, I have the greatest respect for the chairman of the Banking and Commerce Committee and the work that goes on under his jurisdiction. I am only taking advantage of this opportunity under the rules to say one thing, which is that I think the notices of meetings of the Banking and Commerce Committee are rather short. I am usually in Ottawa and I face the same situation as all members of the Senate with respect to our senatorial staff, but I find the notices from the Committee on Banking and Commerce are rather short in time. I think that today this is an amendment upon which we agree, and perhaps we should not meet, but I do think that through the mail or through the secretarial staff the arrangements could be improved upon, because we do not get the advance notice of committee meetings that we should.

Hon. Mr. Walker: Could we hear a word from the chairman of the Committee on Banking and Commerce? Is it reasonable to proceed without further reference to the committee?

Hon. Salter A Hayden: Yes, I think the house can proceed and possibly waive the rule which requires a reference to it. I do not see any difficulty in that. I do not see any necessity for the committee to meet to consider the bill again.

I take this opportunity to say that I note Senator Benidickson's remarks about the lack

of adequate notice of meetings of the Committee on Banking and Commerce. Notices of meeting of that committee go out in the same way and with the same length of notice as those for any other committee meetings. The only time when there is shortness of notice is when we sit in the morning and are going to resume sometime in the afternoon; the notices are sent out and put in the rooms of the committee members. We cannot guarantee the regular and early attention of senators; it depends on when they come back into their office and see them. However, we try to get the notices out in good time, and I think we do a good job.

Motion agreed to and bill read the second time.

The Hon. the Speaker: Honourable senators, when shall the bill be read the third time?

SUSPENSION OF RULE 117

Leave having been given to proceed to Notices of Motions:

Hon. Mr. Leonard, with leave of the Senate, moved:

That Rule 117 be suspended with respect to the Bill C-114, intituled: "An Act to Incorporate United Investment Assurance Company."

Motion agreed to.

THIRD READING

Hon. Mr. Leonard moved, with leave of the Senate, that the bill be read the third time now.

Motion agreed to and bill read third time and passed.

DOCUMENTS TABLED

Hon. Jean-Paul Deschatelets tabled:

Report of the Fisheries Prices Support Board for the fiscal year ended March 31, 1967, pursuant to Section 7 of the Fisheries Prices Support Act, chapter 120, R.S.C., 1952. (English and French texts).

Report of operations under the Coal Production Assistance Act for the fiscal year ended March 31, 1967, pursuant to section 9 of the said Act, chapter 173, R.S.C., 1952, as amended 1959. (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, 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 Dominion Coal Board for the fiscal year ended March 31, 1967, pursuant to section 15 of the Dominion Coal Board Act, chapter 86, R.S.C., 1952. (English and French texts).

Report of the Company of Young Canadians for the year ended March 31, 1967, pursuant to section 25 of the Company of Young Canadians Act, chapter 36, Statutes of Canada, 1966-67. (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, 1967, pursuant to section 69(6)of the said Act, chapter 149, R.S.C., 1952. (English and French texts).

Report of the Tenth Meeting of the Canada-United States Interparliamentary Group held at Ottawa from May 10 to May 12, and in the Laurentians and at Expo '67 in Montreal from May 12 to 14, 1967. (English and French texts).

Report on the Administration of Allowances for Disabled Persons in Canada for the fiscal year ended March 31, 1967, pursuant to section 12 of the Disabled Persons Act, chapter 55, Statutes of Canada, 1953-54. (English and French texts).

Copy of an Agreement, dated June 13, 1967, between the Government of Canada and the Government of the Province of Nova Scotia, relating to the proposed Cape Breton Development Corporation, together with a Press Release, dated December 29, 1966, entitled "Policy Statement by the Prime Minister—Cape Breton Coal". (English text).

Report of the Canadian Broadcasting Corporation, including its Accounts and Financial Statements certified by the Auditor General, for the fiscal year ended March 31, 1967, pursuant to section 36 of the Broadcasting Act, chapter 22, Statutes of Canada, 1958, 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 Army Benevolent Fund Board for the fiscal year ended March 31, 1967, 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 Canadian Overseas Telecommunication Corporation, including its Accounts and Financial Statements certified by the Auditor General, for the fiscal year ended March 31, 1967, 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).

Report of Canadian Patents and Development Limited for the fiscal year ended March 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 Master of the Royal Canadian Mint for the year ended December 31, 1966, pursuant to section 21 of the Currency, Mint and Exchange Fund Act, chapter 315, R.S.C., 1952. (English and French texts).

Capital Budget of The St. Lawrence Seaway Authority for the year ending December 31, 1967, 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. 1967-1329, dated July 4, 1967, approving same. (English text).

HUNDREDTH ANNIVERSARY OF CONFEDERATION

CEREMONIES IN THE PRESENCE OF HER MAJESTY THE QUEEN—SPEECHES AND PROGRAM PRINTED AS APPENDIX

Hon. Jean-Paul Deschatelets: Honourable senators, I move, seconded by honourable Senator Benidickson:

That the Addresses delivered by the Honourable Speaker of the Senate and the Honourable the Speaker of the House of Commons at the ceremonies marking the Hundredth Anniversary of Confederation, in the presence of Her Majesty Queen Elizabeth II on Parliament Hill, Ottawa, July 1st, 1967, and the Address of Her Majesty Queen Elizabeth II on that occasion, together with the program of the said ceremonies, 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 speeches and program, see Appendix "A" pp. 286-95.*)

CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

MOTION TO PRINT TENTH REPORT AS APPENDIX

Hon. Jean-Paul Deschatelets: Honourable senators, with leave, I move, seconded by honourable Senator Benidickson:

That the Report of the Tenth 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 "B" pp. 296-9.*)

ADJOURNMENT

Hon. Mr. Deschatelets: Honourable senators, with leave of the Senate, I move that when the Senate adjourns today it do stand adjourned until Tuesday, October 31, 1967, at 8 o'clock in the evening.

Motion agreed to.

PRIVATE BILL

SEABOARD FINANCE COMPANY OF CANADA—THIRD READING

The Senate resumed from Friday, June 30, the debate on the motion of the honourable Senator McDonald for third reading of Bill S-15 to incorporate Seaboard Finance Company of Canada.

Hon. David Walker: Honourable senators I have had the opportunity of reading the committee proceedings and of inquiring further into this bill and I have no further comments.

Motion agreed to and bill read third time and passed.

PUBLICATION OF STATUTES ACT

BILL TO AMEND—ORDER FOR SECOND READING STANDS

On the Order:

Resuming the debate on the motion of the Honourable Senator Connolly, P.C., seconded by the Honourable Senator Deschatelets, P.C., for second reading of

the Bill S-18, intituled: "An Act to amend the Publication of Statutes Act".—(Hon. Mr. Walker).

Hon. David Walker: Honourable senators, in view of the comments of the honourable Leader of the Government (Hon. Mr. Connolly, Ottawa West), so far as I am concerned, I have nothing further to add in connection with this bill, and therefore suggest that the order stand.

Order stands.

The Senate adjourned during pleasure.

At 5.30 p.m. the sitting was resumed.

The Senate adjourned during pleasure.

ROYAL ASSENT

The Honourable Roland A. Ritchie, Puisne Judge of the Supreme Court 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 Speaker of the Senate said:

> Honourable members of the Senate: Members of the House of Commons:
>
> I have the honour to inform you that His Excellency the Governor General has been pleased to cause Letters Patent to be issued under his Sign Manual and Signet constituting the Honourable Roland A. Ritchie, Puisne Judge of the Supreme Court of Canada, his Deputy, to do in His Excellency's name all acts on his part necessary to be done during His Excellency's pleasure.

The Commission was read by the Clerk Assistant.

The Honourable the Deputy of His Excellency the Governor General was pleased to give the Royal Assent to the following bills:

> An Act to establish the Cape Breton Development Corporation.
>
> An Act to amend the Canadian Citizenship Act.
>
> An Act to amend the Canadian Wheat Board Act.
>
> An Act to revise and consolidate the Interpretation Act and amendments thereto, and to effect certain consequential amendments to the Canada Evidence Act and the Bills of Exchange Act.
>
> An Act to incorporate Western Farmers Mutual Insurance Company.
>
> An Act to incorporate Farmers Central Mutual Insurance Company.
>
> An Act to incorporate United Investment Life Assurance Company.

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 bills:
>
> An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1968.
>
> An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1968.
>
> To which bills 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 bills.

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 31, at 8 p.m.

APPENDIX "A"

(*See p. 284.*)

HUNDREDTH ANNIVERSARY OF CONFEDERATION

Ceremonies in the presence of

HER MAJESTY QUEEN ELIZABETH II

on Parliament Hill, Ottawa.

July 1, 1967

ADDRESS

BY

HONOURABLE SYDNEY J. SMITH,

SPEAKER OF THE SENATE

YOUR MAJESTY:

On this memorable milestone in our history—made more memorable and joyful by your gracious presence—after a century of sun and storm, we beg to tell Your Majesty that our devotion to the Crown has grown in depth and strength, and to speak humbly of our affection for your person.

To express to Your Majesty our loyalty and affection and our gratitude for the presence in Canada of Your Majesty and His Royal Highness the Prince Philip on this historic occasion, the following humble Address has been passed by the Senate and Commons of Canada:

TO HER MOST EXCELLENT MAJESTY ELIZABETH THE SECOND,

By the Grace of God of the United Kingdom, Canada and Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith:

MOST GRACIOUS SOVEREIGN:

We, Your Majesty's dutiful and loyal subjects, the Senate and Commons of Canada in Parliament assembled, wish humbly to convey to Your Majesty this expression of our deepest loyalty, affection and respect, and of our appreciation of the presence in Canada of Your Majesty and His Royal Highness the Prince Philip at the celebration of the Centenary of Confederation.

We pray that Your Majesty may continue to reign for many years as our gracious and beloved Sovereign.

ADDRESS
BY
HONOURABLE LUCIEN LAMOUREUX, Q.C., M.P.,
SPEAKER OF THE HOUSE OF COMMONS.

YOUR MAJESTY,

We, the Members of the House of Commons of Canada, beg leave to express to Your Majesty, on behalf of the Canadian people, our loyal and affectionate greetings. We extend to Your Majesty and to His Royal Highness the Prince Philip, a most cordial welcome to Ottawa on this day of deep historic significance for all Canadians.

[*Translation*]

YOUR MAJESTY:

Your visit in this year of the Centennial of Confederation is a great honour and a great joy; we are particularly happy to express our sincere affection and loyalty.

Canadians from sea to sea are represented here to assure Your Majesty of their unfailing devotion to your person as Queen of Canada. Your presence among them confirms in their hearts the special place which the Monarchy holds in our development as a nation; your words contribute to bind our people together, to encourage them in the pursuit of their ideal and to strengthen their will to enrich the Canadian mosaic, reflecting more particularly their dual origins.

The achievement of the Fathers of Confederation therefore deserves to be pursued in accordance with the principles that marked the birth of our country, recognizing now as then that the Crown is the cornerstone of legislative power and that it is also the fount of honour and justice.

[*English*]

One hundred years ago today, a new Canada was born. The British North America Act of 1867, to which Your Majesty's revered predecessor, Queen Victoria, gave the Royal assent, was an act of faith in the people and in the Parliamentary institutions of the new Canada. The intervening years have witnessed an increasing fulfilment of the hopes and aspirations of those who believed in the destiny of our people and of our land.

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In a very real sense, the Canadian experience with unity of political purpose in a rich diversity of cultures provided a meaningful precedent for the evolution of the Commonwealth, and expression of international neighbourhood perhaps unique in the history of man.

The Crown has become the spiritual keeper of the ideals of freedom and equality that bring together the nations of the Commonwealth. We Canadians are proud and grateful to be linked, through Your Majesty, with these sister nations in the pursuit of peace and progress for all mankind.

As we enter the second century of Confederation, may we, in Canada, express our faith and confidence in the future of our country and its continuing development as a member of the Commonwealth of which our Queen is the head.

Therefore, I am proud to tender to Your Majesty the following address of loyalty on behalf of the Canadian House of Commons:

[*Translation*]

TO HER MOST EXCELLENT MAJESTY
ELIZABETH THE SECOND,

By the Grace of God of the United Kingdom, Canada and Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith:

MOST GRACIOUS SOVEREIGN:

We, Your Majesty's dutiful and loyal subjects, the members of the Senate and Commons of Canada in Parliament assembled, wish humbly to convey to Your Majesty this expression of our deepest loyalty, affection and respect, and of our appreciation of the presence in Canada of Your Majesty and His Royal Highness the Prince Philip at the celebration of the Centenary of Confederation.

We pray that Your Majesty may continue to reign for many years as our gracious and beloved Sovereign.

ADDRESS BY

HER MAJESTY THE QUEEN

Mr. Speaker of the Senate

Mr. Speaker of the House of Commons

I thank you both most sincerely for the Loyal Addresses which you have read on behalf of Parliament and for your welcome to my husband and myself.

One hundred years of Confederation; what a simple statement but what a remarkable chapter in Canada's history. It is altogether right and fitting that Sovereign and people should meet together here at the heart and centre of Canadian existence to give thanks on this great occasion.

Canada is a country that has been blest beyond most other countries in this world. Although there have been all the possibilities for human anguish and conflict, the pages of Canada's history during the last hundred years have hardly been stained by serious misfortunes. The problems which faced the statesmen of 1867 and the national problems which have had to be met in the intervening years have been solved, with rare and minor exceptions, through discussion and through an effort of tolerance, goodwill and understanding.

When I visited the scenes of those historic discussions at Charlottetown and Quebec, three years ago, it came to me how quietly this nation had been created by men sitting around a table. Not the least important service rendered by Sir John Macdonald, Sir Georges Etienne Cartier and the other Fathers of the Confederation, was this tradition of calm consultation which they established.

Let no one underestimate the imagination and daring shown by those men one hundred years ago. They created one nation of this great country which reaches from sea to sea, a land rich in the things that man needs for a good life, enough to provide for a varied and growing population and to help meet the world's needs as well. They also created a nation that has grown and prospered in an atmosphere of freedom, where differences are respected, and where the rights of individual men and women to work out their own salvations have never been long denied. These are profound reasons for our thanksgiving.

On this day of celebration it is right that we should remember with gratitude the men and women who have held responsibility and authority—at the time of confederation and down through the years in the National Capital as in the Provinces—for their contribution to the birth and growth of Canada.

I can think of no more valiant and fitting representative of the people I have in mind than the late General Vanier, soldier, patriot and servant of Canada.

I have spoken of the great men, the men whose names have an honoured place in Canada's history, but we must not forget that we owe as much to the unsung work and steadfast lives of great numbers of more humble people. The men and their families who made the clearings and worked the land, and who built the roads, railways and canals. The greatness and stability of this country also rests on these firm foundations. I am thinking of the eager immigrants who came with such high hopes and had to face the dread of cholera; of the early settlers on the prairies struggling through the harsh winters; of the fishermen determined to wring a livelihood in the storm and danger of unfamiliar waters; of the many thousands who went back in two world wars because they believed so strongly in their own freedom. It is these, the ordinary people of Canada, who have given flesh and sinew to the plans of the Fathers of the Confederation.

[*Translation*]

It is a hundred years of nationhood that we celebrate today. But let us not forget the earlier centuries of arduous labour that came before Confederation. I am not likely to overlook the contributions made by those of British stock who came here from elsewhere in North America or who were settlers from

the old world in the new. Even more extended in time, and as deep in impact, have been the contributions made by Canadians of French descent. Ever since Champlain founded his Habitation at Quebec—and planted rose bushes around it—this air has been sweetened with the French tongue and French culture and sharpened with French intelligence and French resources. It is one of the marvels of history that a society planted so precariously in the wilderness should not only have survived but should have flourished so triumphantly, still loyal to its past and open to everything that is new. From all I hear, from everything I know, I am sure that the contributions of French Canada to the life of the country as a whole will prove even ampler in the future than they have been in the years gone by.

Tomorrow I sail down the St. Lawrence to pay a visit to Expo 67. I have no doubt that I will find there a great mirror held up to the future. It will be possible to catch glimpses of what may be expected in the further exploration of space, in new methods of travel and communications, in the growth of new technologies. Such a future clearly holds as large opportunities for imagination and daring as any that have existed up to now. And the qualities that have made this country what it is will also enable Canadians to share in such a future to the full. On the basis of the natural and human resources that are available here, the broad industrial development, the many centres of learning and research, and the skills found here, there should be few limits to what Canada is capable of. Above all, the energy and resourcefulness of Canadians may be relied on to carry them forward successfully whatever the swiftness of the changes that we will witness.

Sustaining a human perspective will be possible, I am inclined to think, only if we have the courage to probe within ourselves as well as into space. And in thinking about the future we must not be too much distracted from the problems that we can see about us in our society today. This country is fortunate and prosperous above most others. But not all of its people are free from want or hardship. There are still wrongs to be righted and suffering to be relieved. There is still a constant effort of accommodation to be made so that all the peoples in this great country may live together in friendship and harmony.

[*English*]

Confederation has given Canada the economic strength which has made it possible for her to help the needy countries in their economic development; it has made it possible for Canada to provide forces to help keep the peace where it has been threatened, and, above all, it has given increasing power and authority to Canada's voice in world affairs. This power and authority derives from the internal national unity and it can only be sustained and flourish if that national unity prospers.

From the very earliest days, the name of Canada is associated with prodigious voyages; first the voyages of the seamen from Bristol and St. Malo in their tiny ships, then the explorers who went by canoe up the Ottawa to the Great Lakes and along the waterways of the Middle West to the Rockies and beyond. With the beginning of this new century the whole Canadian nation embarks on another great voyage. May it bring peace and prosperity, happiness and harmony and a just reward for the work and endeavour of each one of you.

PROGRAMME

A HUNDRED YEARS AGO today, our ancestors witnessed the birth of a new nation. Now, a century later, some twenty million Canadians share the heritage of freedom and material prosperity for which, on this historic occasion, all will wish to join in thanksgiving to God.

The roots of twentieth century Canada lie deep in the traditions of many peoples. Our society and system of government have evolved through generations of political adjustment and social change. We have sought to take the best from the past and to mould our institutions to meet the demands of today's world. It is fitting that we should recollect and acknowledge our debt to the wisdom and vision of the Fathers of Confederation who set the course for Canada's development. It must be our resolve to preserve and nourish all that is worthy in that inheritance and transmit it to those who will be our heirs.

Throughout this day, people are coming together across the land to celebrate the Centennial of Confederation. In the nation's capital, the Senate and Commons have assembled in the presence of Her Majesty the Queen of Canada. Here, visible to all, is our treasured institution of Parliament, of which the spirit and sinew resides in the people themselves.

The future is charged with excitement and challenge. Let us now, in humility, but with confidence in that future, dedicate ourselves to the task ahead.

9.30 a.m. Music by the Band of the Canadian Guards and the Peace Tower Carillon.

10.00 a.m. Parliamentarians and guests are seated.

10.05 a.m. Arrival of the Prime Minister, the former Prime Minister and members of the Cabinet.

10.10 a.m. Arrival of the Speaker and officials of the House of Commons.

10.15 a.m. Arrival of the Speaker and officials of the Senate.

10.20 a.m. Arrival of His Excellency the Governor General.

10.27 a.m. ARRIVAL OF HER MAJESTY.

Her Majesty the Queen and His Royal Highness The Prince Philip, Duke of Edinburgh, will be met by the clergy officiating at the service.

10.30 a.m. SERVICE OF THANKSGIVING AND DEDICATION

The officiating clergy will be assisted by the Centennial Choir and the Band of the Canadian Guards.

PRESENTATION OF ADDRESSES

A Fanfare of Trumpets will be sounded as Her Majesty the Queen and the Duke of Edinburgh mount the dais. God Save the Queen is sung, after which all are seated.

The Address from the Senate will be read and presented to Her Majesty the Queen by the Speaker of the Senate. The Address from the House of Commons will be read and presented by the Speaker of the House.

HER MAJESTY'S REPLY

O Canada is sung. The Queen and the Duke of Edinburgh will go in procession down the broad walk. A Fanfare of Trumpets will be sounded as the Royal Procession reaches the Centennial Flame.

Departure of the Queen and the Duke of Edinburgh. The Speakers and mace bearers will return in procession to the Centre Block.

Departure of the Prime Minister, parliamentarians and guests.

Musical Programme

Presented by the CANADIAN GUARDS' Band, *Director of Music: Captain C. A. W. Adams, C.D., L.R.A.M., A.R.C.M.*
and the Peace Tower Carillon, *Dominion Carillonneur: Robert Donnell*

1. Century of Progress	McAnespie
2. Medley of Canadian Folk Songs	arr. R. Donnell
3. Gaspé from "Three Canadian Impressions"	B. Bogisch
4. Suite from Merrie England	E. German
5. Marche Vanier	R. Milne
6. God Bless Our Queen	M. Toone
7. Coronation March from "Le Prophète"	G. Meyerbeer
8. Homage March	E. Grieg
9. "La Citadelle"—Selection of Quebec Folk Songs	arr. by C. Adams
10. My Country from "The Planets"	Gustav Holst
11. Royal Visit	J. Gayfer

CENTENNIAL CHOIR, *Director, Nicholas Goldschmidt.*

Order of Service

Parliament Hill, July 1, 1967.

OFFICIATING CLERGY

Mr. Lavy N. Becker, B.A., M.A., M.H.L.
Chairman, Canadian Interfaith Conference.

Right Reverend Timotheos,
Bishop of Rodostolon.

The Right Reverend Wilfred C. Lockhart, M.A., Ph.D., D.D.,
Moderator of the United Church of Canada.

Reverend D. P. Neufeld,
Executive Secretary,
Mennonite Central Committee.

The Right Reverend John Logan-Vencta, O.B.E., M.A., D.D.,
Moderator of the Presbyterian Church of Canada.

His Eminence Maurice Cardinal Roy, Ph.D., D.D., S.T.D.,
Archbishop of Quebec,
Roman Catholic Primate of Canada.

The Most Reverend H. H. Clark, B.A., D.D., D.C.L.,
Anglican Archbishop of Rupert's Land,
Primate of All Canada.

Rabbi S. M. Zambrowsky,
Chairman of National Religious Affairs Committee,
Canadian Jewish Congress.

Call to Worship

MR. LAVY N. BECKER

Blessed is the nation whose God is the Lord, and the people whom He hath chosen for His own inheritance.

O come, let us worship, and bow down, and kneel before the Lord, our Maker. For He is the Lord our God; and we are the people of His pasture, and the sheep of His hand.

O Lord My God (Beethoven)

Prayer of Invocation

RIGHT REV. TIMOTHEOS

O Lord our God, great, eternal, wonderful in glory, who keepest covenant and promise for those that love Thee with their whole heart, who art the life of all, the help of those that flee to Thee, the hope of those that cry unto Thee: Cleanse us from our sins, and from every thought displeasing to Thy goodness. Cleanse our souls and bodies, our hearts and consciences, that with pure heart and a clear mind, with perfect love and the calm hope, we may confidently and fearlessly pray to Thee;

And to Thy Name be the praise for ever. Amen.

Our Father, Who Art in Heaven...

THE RIGHT REV. DR. W. C. LOCKHART

Our Father, who art in heaven,
Hallowed be thy Name;
Thy kingdom come;
Thy will be done on earth
as it is in heaven.
Give us this day our daily bread;
And forgive us our trespasses,
As we forgive those who trespass against us;
And lead us not into temptation,
But deliver us from evil.
For Thine is the kingdom, the power,
and the glory, for ever and ever. Amen.

Responsive Reading

REV. D. P. NEUFELD THE RIGHT REV. J. LOGAN-VENCTA

Clergy: I will lift up mine eyes unto the hills, from whence cometh my help.

Response: My help cometh from the Lord, which made heaven and earth.

Clergy: He will not suffer thy foot to be moved: he that keepeth thee will not slumber.

Response: Behold, he that keepeth thee shall neither slumber nor sleep.

Clergy: The Lord is thy keeper; the Lord is thy shade upon thy right hand.

Response: The sun shall not smite thee by day, nor the moon by night.

Clergy: The Lord shall preserve thee from all evil; he shall preserve thy soul.

Response: The Lord shall preserve thy going out and thy coming in, from this time forth, and even for evermore.

Hymn

All people that on earth do dwell,
Sing to the Lord with cheerful voice,
Him serve with mirth, His praise forth tell
Come ye before Him and rejoice.

Know that the Lord is God indeed;
Without our aid He did us make;
We are His folk, He doth us feed,
And for His sheep He doth us take.

O enter then His gates with praise,
Approach with joy His courts unto;
Praise, laud, and bless His name always,
For it is seemly so to do.

For why the Lord our God is good;
His mercy is for ever sure;
His truth at all times firmly stood,
And shall from age to age endure. Amen.

Scriptural Reading

THE PRIME MINISTER

Be ye all of one mind, having compassion one of another, love as brethren, be pitiful, be courteous. Not rendering evil for evil, or railing for railing: but contrariwise blessing; knowing that ye are thereunto called, that ye should inherit a blessing. For he that will love life, and see good days, let him refrain his tongue from evil, and his lips that they speak no guile. Let him eschew evil, and do good; let him speak peace, and ensue it. For the eyes of the Lord are over the righteous, and his ears are open unto their prayers; but the face of the Lord is against them that do evil. And who is he that will harm you, if ye be followers of that which is good? But and if ye suffer for righteousness sake, happy are ye; and be not afraid of their terror, neither be troubled.

The Centennial Anthem

Scriptural Reading

HIS EMINENCE CARDINAL ROY

I entreat you, then—I, a prisoner for the Lord's sake: as God has called you, live up to your calling. Be humble always and gentle, and patient too. Be forbearing with one another and charitable. Spare no effort to make fast with bonds of peace and unity which the Spirit gives. There is one body and one Spirit, as there is also one hope held out in God's call to you; one faith, one baptism: one God and Father of all, who is over all and through all and in all. But each of us has been given his gift, his due portion of Christ's bounty ... to equip God's people for work in His service, to the building up of the body of Christ. So shall we all at last attain to the unity inherent in our faith and our knowledge of the Son of God—to mature manhood, measured by nothing less than the full stature of Christ.

Let us speak the truth in love; so shall we fully grow up into Christ. He is the head, and on Him the whole body depends. Bonded and knit together by every constituent joint, the whole frame grows through the due activity of each part, and builds itself up in love.

The Centennial Hymn

Prayer of Thanksgiving

THE MOST REV. H. H. CLARK

Almighty God, of whose righteous will all things are, and were created; Thou hast gathered our people into a great nation, and sent them to sow

beside all waters, and multiply sure dwellings on the earth. Deepen the root of our life in everlasting righteousness. Make us equal to our high trusts, reverent in the use of freedom, just in the exercise of power, generous in the protection of weakness. With all Thy blessings, bless Thy servant Elizabeth, our Queen, with all members of the Royal House. Fill her heart with such loyalty to Thee, that her people may be exalted by their loyalty to her. To our legislators and councillors give insight and faithfulness, that our laws may clearly speak the right, and our judges purely interpret them. May wisdom and knowledge be the stability of our times, and our deepest trust be in Thee, the Lord of nations, and the King of Kings. Amen.

A Litany of Re-Dedication

RABBI S. M. ZAMBROWSKY—THE RIGHT REV. DR. W. C. LOCKHART

Clergy: Remembering our heritage with gratitude and our progress with humility, let us now re-dedicate ourselves to those moral and spiritual principles which have been the foundation of our freedom. O Lord our God, that all our people may live and labour, dream and build, fulfilling their destiny under Thy providence:

Response: We re-dedicate ourselves, O Lord.

Clergy: That all may share a common purpose, striving for unity, honouring our many origins, cultures, and religious faiths:

Response: We re-dedicate ourselves, O Lord.

Clergy: That we may grow in brotherhood, without fear, without arrogance, without servility, in constant pursuit of righteousness:

Response: We re-dedicate ourselves, O Lord.

Clergy: That we may not think of ourselves alone, but of all mankind, acting within the family of nations with understanding and generosity, with patience and wisdom:

Response: We re-dedicate ourselves, O Lord.

Clergy: That in all our earthly tasks we may so order our lives as ever to confess Thy care and rule:

All: Hear us and help us, O Lord our God, and to Thy Name be the glory forever. Amen.

Hymn—Now Thank We All Our God

Now thank we all our God,
With heart, and hands and voices,
Who wondrous things hath done,
In whom His world rejoices;
Who from our mother's arms
Hath blessed us on our way
With countless gifts of love,
And still is ours today.

O may this bounteous God
Through all our life be near us,
With ever joyful hearts
And blessed peace to cheer us
And keep us in His grace,
And guide us when perplexed,
And free us from all ills
In this world and the next.

The Benediction

THE MOST REV. H. H. CLARK

May the God of peace Himself give you peace at all times and in all ways. Those things which you have learned, and received, and heard, and seen do. And the God of peace be with you. Amen.

The Canadian Guards Band,
Captain C. A. W. Adams, CD, LRAM, ARCM,
Director of Music.

Dominion Carillonneur,
Robert Donnell.

Centennial Choir,
Nicholas Goldschmidt.

The Centennial Anthem,
Words: Robert Choquette
Music: Healey Willan.

The Centennial Hymn,
Words: Kenneth A. Moyer
Music: Rex Le Lacheur

APPENDIX "B"

(*See p. 284.*)

REPORT OF THE TENTH MEETING OF THE CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

In this Centennial Year of Confederation, it was our privilege and our very great pleasure to have the Tenth Meeting of the Canada-United States Interparliamentary Group take place in Canada—in Ottawa from May 10th to 12th, and in the Laurentians and at Expo '67 in Montreal from May 12th to 14th.

During the month preceding the meetings, the Canadian delegation held several briefing sessions. Our Parliamentary Associations Branch and the Department of External Affairs organized the briefings of our delegates and the preparation of background papers. 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 Secretary of State for External Affairs and the Minister of Finance devote an afternoon to discussing items on the Agenda with members of our delegation.

The Canadian delegation was led jointly by the Speaker of the Senate, the Honourable Sydney J. Smith; and by the Speaker of the House of Commons, the Honourable Lucien Lamoureux. The delegation consisted of the following parliamentarians: from the Senate, Hon. T. D'Arcy Leonard (Ontario), Hon. Nelson Rattenbury (New Brunswick), Hon. Paul Desruisseaux (Quebec), Hon. L. P. Beaubien (Quebec), Hon. M. Grattan O'Leary (Ontario), and, from the House of Commons: Mr. James Byrne (British Columbia), Mr. G. Roy McWilliam (New Brunswick). Mr. Herb Gray (Ontario), Mr. Robert Andras (Ontario), Mr. Tom Lefebvre (Quebec), Mr. Paul Langlois (Quebec), Mr. Donald Jamieson (Newfoundland), Hon. Alvin Hamilton, P.C. (Saskatchewan), Mr. Wallace Nesbitt (Ontario), Mr. Jack McIntosh (Saskatchewan), Mr. D. M. Code (Ontario), Mr. J. Paul Beaulieu (Quebec), Mr. Andrew Brewin (Ontario), Mr. David Lewis, Ontario), Mr. Henry Latulippe (Quebec), Mr. Howard Johnston (British Columbia). Mr. Leonard D. Hopkins (Ontario) served as an alternate delegate.

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 John C. Stennis (Mississippi), Michael J. Mansfield (Montana), William Spong (Virginia), L. B. Jordan (Idaho), Robert P. Griffin (Michigan), Hiram L. Fong (Hawaii); 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), Otis G. Pike (New York), James Kee (West Virginia), Mark Andrews (North Dakota), Robert T. Stafford (Vermont), Vernon W. Thomson (Wisconsin), John J. Duncan (Tennessee), William S. Broomfield (Michigan), Thomas E. Morgan (Pennsylvania), William J. Randall (Missouri), and J. Irving Whalley (Pennsylvania).

Agenda and proceedings

The meetings were formally opened in the Railway Committee Room on Thursday morning, May 11th, when the two Canadian Co-Chairmen officially welcomed the United Stated delegation. They affirmed once again the pleasure and gratitude with which the Canadian Senate and House of Commons received the Concurrent Resolution, adopted earlier in the year by the United States Senate and House of Representatives, extending congratulations and best wishes of the United States Congress to the Canadian Parliament on the occasion of the Centennial of Confederation. Both Senator Aiken and Representative Gallagher replied that they were pleased to join with their Canadian colleagues to discuss questions of mutual interest and were particularly delighted to visit Canada during the Centennial Year.

Following the opening 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 Speaker Smith. Representing the United States Congress were: Senators Griffin and Jordan, and Representatives Kelly, Johnson, St. Germain, Kee, Andrews, Thomson, and Whalley.

Representing Canada were Senators Leonard and Beaubien, and from the House of Commons, the Hon. Alvin Hamilton and Messrs. Byrne, Gray, Code, Beaulieu, Lewis, Latulippe, Johnston and Hopkins.

Joint Communiqué, Committee I

The Committee on Trade and Economic Matters had full and frank discussions concerning both bilateral and multilateral subjects of mutual interest. There was considerable discussion of both United States and Canadian policies relating to United States investments in Canada. Common oil and gas problems were the subject of a full exchange of views, as were possible United States measures which would restrict imports into the United States of Canadian minerals. There was general agreement that both countries should pursue the possibility of working out equitable arrangements pertaining to access to the sea through the Alaska panhandle and the paving of the Alaska Highway. There was also general agreement on the need for action by both countries on common problems in connection with water pollution.

There was an exchange of views concerning the respective balance of payments situations of Canada and the United States and a review of the operation of the automotive agreement with a consensus that the agreement had been generally satisfactory in its operation thus far. The foreign aid programs of both countries were discussed with particular attention to how the aid of both countries could be made more effective in achieving more rapid economic development in the developing nations.

Recent developments in the Kennedy Round of tariff negotiations and Britain's application for membership in the Common Market were discussed at length by both delegations expressing hopes for the successful conclusion of the negotiations. The Committee ended its agenda with a full exchange of views on the various issues involved in the matter of trading with Communist countries.

Committee II

The Committee on Defence and Security was co-chaired by Congressman Gallagher and by Speaker Lamoureux. During sittings of the House of Commons, Mr. Jack McIntosh deputized for Mr. Speaker. Other members of the Committee included: from the United States Congress, Senators Stennis, Mansfield, Fong and Spong, and Representatives Morgan, Murphy, Pike, Stafford, Duncan, Broomfield and Randall. The Canadian Parliament was represented by Senators Rattenbury, O'Leary and Desruisseaux, and from the House of Commons, Messrs. McWilliam, Nesbitt, Andras, Langlois, Lefebvre, Jamieson and Brewin.

Joint Communiqué, Committee II

The Committee on Defense and Security Matters discussed the status of the NATO Alliance and the various ways in which it could be strengthened. Delegates were in agreement that any changes in the Organization should be made only after full consultation among the member states. The delegates were mindful of the many problems and attitudes that entered into any consideration of the future form of NATO and devoted some time to a discussion of the non-military aspects of the Organization.

The Committee explored the changes in military technology and mobility of forces as well as problems involved in the development of an anti-ballistic missile system. Delegates recognized the desirability of reaching agreement which would obviate the necessity of building expensive ABM systems. Hopes were expressed that the close NORAD relationship would continue and Canada's peacemaking role was discussed.

The problems of reaching full agreement on a nuclear non-proliferation treaty were discussed and there was unanimity on the desirability of working toward this goal.

Members of both delegations exchanged views on the current situation in Vietnam. There was an examination of the numerous steps that had been made by the United States to secure a peaceful settlement and the difficulties of bringing representatives of North Vietnam to a conference.

An exploration of the problem of Communist China included an analysis of contacts by both Governments with Communist China, the issue of recognition of that country and its admission into the United Nations.

At a second plenary session on the morning of Friday, May 12th, the delegates were pleased and honoured to have a visit from the Prime Minister, the Right Honourable Lester B. Pearson, and an informal address of welcome on behalf of the Canadian Government.

Visit to House of Commons

At the close of the Committee meetings, the United States delegation proceeded to the Speaker's Gallery in the House of Commons for the opening at 11:00 a.m. The following is an excerpt from the *Hansard* of that day:

Friday, May 12, 1967

PRESENCE IN GALLERY OF REPRESENTATIVES OF UNITED STATES CONGRESS

Mr. SPEAKER: May I be permitted to bring to the attention of hon. members the presence in the galleries to my left of a very distinguished group of representatives from the United States Congress.

Some hon. MEMBERS: Hear, hear.

Mr. SPEAKER: These Senators and members of the House of Representatives, accompanied by their wives, are attending the tenth annual meeting in Ottawa of the United States-Canada Interparliamentary Group. On behalf on all hon. members I extend to them very cordial wishes and express the hope that their stay with us will be pleasant, interesting and fruitful.

Some hon. MEMBERS: Hear, hear.

The four Co-Chairman held a press conference in the Commonwealth Room at 2:30 P.M., on May 12th, following the close of the working sessions.

Social Program

The United States delegation arrived at the Canadian Forces Base, Uplands, in the late afternoon of Wednesday, May 10th, and were met by their Canadian colleagues. A short reception followed. In the evening, both delegations gathered for a buffet supper and informal evening in the Banquet Room at the Chateau Laurier Hotel.

On May 11th, a luncheon was held in the Railway Committee Room where the guest speaker, the Hon. Arthur Laing, Minister of Indian Affairs and Northern Development, spoke to the delegates on resource development in Canada. In the evening, the delegates and their wives were most enjoyably and graciously entertained at a reception given by His Excellency, Walton W. Butterworth, Ambassador of the United States, and Mrs. Butterworth at their residence in Rockcliffe Park. This was followed by a dinner in the Confederation Room, West Block, given in honour of the Tenth Canada-United States Interparliamentary Meeting by the Honourable Paul Martin, Secretary of State for External Affairs.

Their Excellencies, the Right Honourable Roland Michener, Governor-General of Canada, and Mrs. Michener, received the delegates and their wives at Government House at noon, on May 12th. This was of special interest to the delegates in that His Excellency was one of the founding Co-Chairmen of the Canada-United States Interparliamentary Group during his term of office as Speaker of the Canadian House of Commons from 1957 to 1962. As a Co-Chairman and an active participant in the first six meetings of the Group, His Excellency was pleased to have this opportunity of greeting friends of long standing on the United States delegation, and of meeting new ones.

Ladies Program

While their husbands attended meetings, the wives of American delegates were escorted on sightseeing tours by their Canadian counterparts. Mme Lamoureux entertained the visiting ladies at a luncheon at the Country Club and at tea at "The Farm", Kingsmere, following a tour of the Gatineau Parkway. The ladies also visited the National Gallery for a tour of the Exhibition "Three Hundred Years of Canadian Art".

Mont Gabriel Lodge

On Friday afternoon both delegations travelled by bus from Ottawa to Mont Gabriel Lodge in the Laurentians. Delegates relaxed at an informal reception and dinner at the Lodge that evening, and enjoyed a special program of Canadian folk songs presented by two oustanding Canadian folklorists, Mme Hélène Baillargeon and Mr. Alan Mills of Montreal.

Expo '67

Everyone started out for Montreal early Saturday morning, travelling by bus to Ile Charron. From there, the delegations were taken by Hovercraft to Cité du Havre and then by tractor train on a tour of the Expo site prior to arrival at the United States Pavilion before 10:00 A.M. Delegates were greeted by officials of the pavilion and Mr. Leonard Marks, Director of the United States Information Agency, described the concept and planning which resulted in the pavilion and its exhibits. He explained that the planners felt that the world was already well aware of the technological leadership of the United States and that the guiding principle was to portray the other America, not just for Americans, but for all visitors to this important World's Fair. Delegates had an opportunity to see the excellent film before touring the United States Pavilion.

After making their way to Place d'Accueil and a light lunch in the St. John's Room, the delegates visited the Pavilion of the U.S.S.R.

and other exhibits of their choice before arriving at the Canadian Pavilion for a guided tour.

Following this, Mr. H. Leslie Brown, Commissioner-General of the Canadian Pavilion, entertained the delegates and wives at a reception prior to dinner at the Hélène de Champlain Restaurant given by Ambassador Stanley R. Tupper, United States Commissioner-General at Expo '67. After dinner, delegates were free to return to Mont Gabriel Lodge or linger at Expo. On Sunday, some delegates returned to Expo, while others relaxed or toured the Laurentians in the vicinity of Mont Gabriel.

After lunch on Sunday, May 14th, both delegations journeyed to Montreal International Airport, where planes awaited to take the United States delegates back to Washington. The Canadian delegation then returned to Ottawa.

Before concluding this Report of the Tenth Canada-United States Interparliamentary Meeting, we wish to record our sincere appreciation for the support and assistance given by the staffs of the Senate and House of Commons, the United States Division of the Department of External Affairs and the translations staff of the Department of the Secretary of State throughout the Ottawa portion of the program. As usual, the Department of National Defence provided excellent support in transporting the delegates and their baggage efficiently both in Ottawa and on tour. The visit to Expo '67 was all the more enjoyable and stimulating as a result of the wonderful co-operation and assistance of the staffs of the pavilions visited and particularly the hardworking staff of the Expo '67 Protocol Section.

Sydney J. Smith,
Speaker of the Senate.
Lucien Lamoureux,
Speaker of the House of Commons.

Ottawa,
June 30th, 1967.

THE SENATE

Tuesday, October 31, 1967

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

Prayers.

HON. JOHN J. CONNOLLY, P.C.

BIRTHDAY FELICITATIONS

Hon. Lionel Choquette: Honourable senators, before this chamber commences to transact its business this evening I should like to underline the fact that today one of our young members is celebrating his sixty-first birthday. I refer, of course, to our good friend, the honourable Leader of the Government.

Hon. Senators: Hear, hear.

LEADER OF THE OPPOSITION IN THE SENATE

CONGRATULATIONS TO HON. JACQUES FLYNN, P.C., ON HIS APPOINTMENT, AND TRIBUTES TO HON. A. J. BROOKS, P.C., ON HIS RETIREMENT

[*Translation*]

Hon. John J. Connolly: Honourable senators, first of all tonight, when the Senate meets again after the summer recess, I want to address a warm welcome to the new Leader of the Opposition, the honourable Senator Jacques Flynn.

To express these feelings, in which I am sure all my colleagues join with me, I shall use the senator's mother tongue; even if I do not express myself perfectly, I want him to know that I am sincere. I spoke of Senator Flynn's mother tongue because four or five generations ago perhaps, the household language on the father's side, in the Flynn and the Connolly families, was "Gaelic". In these circumstances, the honourable senator and myself would have a real problem tonight.

Since his appointment to the Senate, Senator Flynn has been an active, intelligent and able colleague. In the House of Commons he was Deputy Speaker and Minister of Mines and Technical Surveys. It is always a pleasure to hear his speeches, so clear, so sensible.

He is the distinguished grandson of a grandfather who made a name for himself in the life of his province and his country; his father would be very proud of his son's achievements.

Again I extend to the Leader of the Opposition in the Senate my co-operation and my sincere congratulations.

[*English*]

Honourable senators, in congratulating Senator Flynn on his appointment, may I at the same time have the privilege of referring to the retirement of Senator Brooks as Leader of the Opposition in the Senate. We can all understand, I am sure, his desire at this time to shed the responsibility he has carried. He richly deserves the privilege and the right to do so.

Senator Brooks has been a distinguished parliamentarian in Canada for many years. He has served as a member of the New Brunswick Legislature, as a member of the House of Commons through eight general elections, as Minister of Veterans Affairs, and as Leader of the Government in the Senate in 1962 and Leader of the Opposition since 1963. He has had a parliamentary career of great distinction and of unquestioned integrity.

Hon. Senators: Hear, hear.

Hon. Mr. Connolly (Ottawa West): His career has been coloured by his early life in the army, by his life as a lawyer, and by the splendid Maritime education that he received at the University of New Brunswick.

This is no time for a eulogy. Senator Brooks is, happily, to continue with us, although at the moment he is slightly indisposed, and we all wish him a very early return to this chamber. It is appropriate at this time that we should express collectively our deep appreciation of the great contribution that he has made to the best objectives of the Senate. He has indeed been an outstanding senator, and—speaking I am sure for Senator Ross Macdonald, who was leader with him here, as well as for myself—I would like to say how deeply I appreciated the co-operation without compromise that he has always given, the consideration and patience that he has shown without deviation from the work at hand. As I said once before, we will always deem it an honour to have had Senator Brooks in this chamber with us as a colleague.

Hon. Senators: Hear, hear.

Hon. Mr. Connolly (Ottawa West): Honourable senators, I would add one further word.

We are delighted that Senator Choquette will continue as Deputy Leader of the Opposition. I was concerned when he rose earlier this evening, because normally the Leader of the Government is seen by the Speaker first. I am sorry the honourable Speaker did not make him observe the rules, as I wish to forget what he mentioned.

Senator Choquette and I have been associated personally for a long time: in school, in sports, and in practise at the same Bar. He has been a good senator and an able deputy leader. I will tell the Senate something about Senator Choquette that very few know, that while the Bar got a fine ornament when he decided to become a lawyer, the stage lost a very talented actor. This I know from our university days.

Hon. Senators: Hear, hear.

[*Translation*]

Hon. Jacques Flynn: Honourable senators, I hope you do not expect a long speech from me this evening, for this is an occasion which instead of loosening the tongue rather grips and keeps one from expressing his feelings.

First of all, I should like to tell my colleagues, those of you who are here this evening and who this afternoon showed outstanding confidence in me, how much I appreciate their gesture. I told them, and I repeat it again, that I should never have accepted those responsibilities had I not felt that I could depend on the co-operation of all. I know I can depend on that co-operation. That is why I accepted the heavy responsibility of being Leader of the Opposition.

The Leader of the Government, through his compliment, did not make my present task any easier. He has always been extremely kind to me. His kindness reflects the sympathy and co-operation I have always had from all the senators in this house, whether they sit on the Government side or the side of the Opposition.

To you all, honourable senators, on both sides of this house, I say thank you for the sympathy and understanding you have shown me. I beg of you to bear with me while I learn to fulfil the duties of Leader of the Opposition. I cannot promise, as I told my colleagues this afternoon, to be anyone but myself. There is much room for improvement, but I must say I have always tried to improve myself—without much success perhaps, but I shall continue to try just the same, I can assure you.

[*English*]

Honourable senators, I need not repeat my remarks of gratitude for the confidence that my colleagues around me have shown in choosing me as their leader, nor the assurance that I have given them that I will discharge the responsibilities of this office to the best of my ability, but counting, of course, on the co-operation they have promised me.

I am most grateful to all members of this house for the sympathy and the understanding they have always shown me. I will try to do whatever is required of me in the new duties that I now assume.

Senator Connolly has mentioned the sadness that we all feel because Senator Brooks has decided that he should resign from his position as leader. This sadness is increased by the fact that his health is not the best, but, as has been mentioned by the Leader of the Government, he is away only for a few days and we count on his return early next week to be with us and to make this house and all of us the beneficiaries of his vast experience. Former leaders in this chamber are great assets to this body—I am referring, of course, to Senator Aseltine and Senator Ross Macdonald. We are pleased that they, with Senator Brooks, will continue to give the Senate the benefit of their experience.

I have nothing further to say at this time, except that I wish personally to congratulate again the Leader of the Government on his birthday. I saw the notice in the *Gazette* this morning. He is young. He looks young. But I may say that he acts even younger than he looks. I refer to the fact that he is such a strong and active debater.

Honourable senators, again I thank you very much for your sympathy and understanding. I look forward to vigorous debates and good exchanges between the parties. As far as I am concerned I shall do all I can to prove that the Senate should continue to play an important role in Canadian affairs.

Hon. L. P. Beaubien: Honourable senators, at the outset let me express to His Honour the Speaker our very best wishes and tell him how pleased we are about what has happened in the last few months.

Hon. Senators: Hear, hear.

Hon. Mr. Beaubien (Bedford): Secondly, let me say how pleasant it is to be back, having

been away for two or three months and having missed all the nice old faces on both sides of the house. It is really charming to see now that the old faces have not become any older.

I want to express to the Leader of the Government (Hon. Mr. Connolly, Ottawa West) our admiration for the way he has run the Senate in the years he has held his office.

Hon. Mr. McCutcheon: I only wish he ran the Government!

Hon. Mr. Beaubien (Bedford): We are, of course, extremely sorry to see Senator Brooks step down from his office, but at the same time we are pleased to see Senator Flynn take it over. I cannot imagine a man better suited to the job he has undertaken. He is a man of good judgment, with the great faculty of being able to get along with everyone. I know he will do a very good job and I wish him every success.

[*Translation*]

Hon. David Walker: The leader of the Government speaks like a preacher. He is magnificent. If he is such a good speaker, then I must do my bit, too.

It affords me great pleasure to have as our leader such a distinguished person as Senator Jacques Flynn. We are greatly pleased, because we all readily appreciate that he possesses all the qualities of a leader. He is a brilliant lawyer, a deep thinker and a master of parliamentary procedure. Above all, he is a distinguished gentleman, a worthy man and a nice fellow. First of all, how nice to have here a French-Canadian leader and in the other place, an English-speaking leader. A real friendly understanding, is it not? Well, Jacques Flynn is a jolly good fellow!

[*English*]

May I say a word about our retiring chief, for whom we on this side and, I am bold enough to suggest, all honourable senators have deep affection.

Hon. Senators: Hear, hear.

Hon. Mr. Walker: He is a wonderful man. I served with him in the fifties in the federal cabinet, and I have watched his progress. He became Minister of Veterans Affairs—and rightly so, after his distinguished military career in two world wars—and he had the reputation of giving the veterans a new deal. We have watched him in this house, and he has always been for us a man who puts duty ahead of all else. He is a gentleman of the old school, a kindly man, a good man, a courteous man and, if I may say so in this day and generation, a courtly man. We will miss his leadership tremendously, because we really do appreciate all that he has been and all that he has done.

On behalf of my colleagues, and I am sure all members of this house, we hope that on his reverting to the ranks, with us senators, he may be spared many years with his charming wife, his children and his grandchildren who will now enjoy a great deal more of his company.

Hon. Senators: Hear, hear.

Hon. David A. Croll: Honourable senators, I join with the other senators in congratulating Senator Flynn, and tell him that he now fills very large shoes and follows in a tradition of leaders who have made great reputation for themselves. I am sure that he will do well.

Senator Choquette has been a sitting sentry for all these years, always there on the job, looking after the interests of the party, as he is expected to do.

However, my purpose in rising is to say a word about Senator "Alf" Brooks. I am not interested in delivering eulogies on members of the Senate. If the occasion arises, I prefer to tell them what I have to say about them publicly rather than privately. This is such an occasion.

In this house Senator Brooks has been an experienced, knowledgeable parliamentarian; but in his capacity as leader opposite he brought into this chamber something else, a kindness that has helped us get along.

I was elected to the House of Commons in 1945, and he had then been a member for ten years. I saw him sitting across the way, a quiet, concerned, serious man. He did not speak often, but when he rose to speak the house listened, and I listened. I realized that he had served his country in two wars with distinction, that he was a man whom I should know, and I got to know him. The only occasions upon which I ever saw him fervent were when he spoke on a matter that concerned his native province.

Our first task in the Parliament of 1945—and there are honourable senators who were in the house at that time, Senator Ross Macdonald and Senator White among them —was to look after the veterans. It had to be admitted that Parliament had not done a

very good job after the First World War, and this was our opportunity. There were 85 of us veterans in the house at that time, and the Government organized a veterans' committee, made up of veteran members. We decided that we should have a charter for the veterans, and we did.

Senator Brooks led the Conservative members and arranged to make whatever contributions needed to be made. We had to deal with pensions, gratuities and rehabilitation, among other vital matters. It was a completely new charter. Senator Brooks helped as much as he could, and when he knew that no more could be done for the time being he sat back and made ready to return another day. He always acted responsibly, and he knew when to call a halt.

Those were ten eventful years that I have never forgotten. I was a member of the veterans' committee from the time I entered the House of Commons until the time I was appointed to this chamber, and I have never forgotten the contribution that Senator Brooks made for the veterans. When he became Minister of Veterans Affairs I took my eyes off the department because I knew that the veterans would be well looked after.

I next fell in with him at the United Nations at a time when he was the chief Canadian delegate. He was in the habit of bringing the delegates from the Senate and the House of Commons together for morning meetings, and having them express their opinions. If any one expressed an opinion, Senator Brooks would receive it as if that person were the world's leading authority on the United Nations.

As honourable senators know, with all the various points of order the proceedings of the United Nations can be very boring, but Senator Brooks was always present and he never neglected looking after members of the Senate and the House of Commons when they went there. He made them welcome and gave them the kind of assignment they could best carry out.

Honourable senators, I have a great admiration for this fine man. He is a credit to Parliament. He has exemplified the very best in our political life, and I rise to make these few remarks because I value his friendship.

[*Translation*]

Hon. J. M. Dessureault: Honourable senators, as a citizen of Quebec, like honourable Senator Flynn, may I be permitted to add, with the previous speakers, my congratulations to him on his promotion. I should also like to congratulate all his colleagues on the opposition side for the good judgment they have shown in appointing Senator Flynn to the high post of Leader of the Opposition in the Senate.

Without a doubt he will be worthy of the position and will follow in the footsteps of his predecessors.

I will not repeat all the qualities mentioned here tonight in reference to Senator Flynn, but I may say that he is gifted with a sure judgment and I have no doubt that he will be an excellent Leader of the Opposition. However, I do not wish him to go further but I hope that he will continue to act as Leader of the Opposition for many years.

I take this opportunity to say how sorry I am to hear that my good friend, Senator Brooks, is leaving his functions. Fortunately, he will continue to sit among us for many years still, I hope, because he discharged his duties wonderfully well, with tact and wisdom. In one word, he has been an excellent Leader of the Opposition, and I express my regrets at his leaving this office.

[*English*]

Hon. Harry A. Willis: Honourable senators, before expressing my good wishes to Senator Brooks upon his retirement as Leader of the Opposition in this chamber, I should like to say that I have known Senator Connolly (Ottawa West) for a long time, but I had never realized that his many accomplishments and great charm are due to the fact that he was born on Hallowe'en.

Hon. Mr. Connolly (Ottawa West): When the devils walk.

Hon. Mr. Willis: I hope there will be no pranks played upon him tonight.

Honourable senators, I have known Senator Brooks since 1935 when he first became a member of the House of Commons. He has always been a gentleman.

Senator Croll, Senator Walker and other honourable senators have said what I would have said, but I remember Senator Brooks chiefly in October of 1957 when as Minister of Veterans Affairs he accompanied Her Majesty Queen Elizabeth II to the Cenotaph for the placing of a wreath. I think that that was the crowning moment of his life. I know very well that he has had other great moments, but on the particular occasion to which I refer I could see the exuberance

flowing from his face as he walked with Her Majesty.

We are grateful for the knowledge that he is going to remain with us and, we hope, for a long time.

Before resuming my seat I must say something about my new chief in this house, or I might suffer greatly afterwards.

Hon. Mr. Connolly (Ottawa West): I do not think you need worry.

Hon. Mr. Willis: I do welcome him very warmly as our new leader. I know he will conduct the affairs of his office to the best of his ability, and will be a credit to this chamber and, most of all, to the country.

Hon. G. Percival Burchill: Honourable senators, I join with those who have spoken in congratulating Senator Flynn, and in extending best wishes to the honourable Leader of the Government (Hon. Mr. Connolly, Ottawa West) on this very important day in his life. However, I rise particularly to say a few words about my very warm and intimate friend and associate, Senator Brooks.

Senator Brooks and I reached university together in 1906, and through all the years since we have been very close friends. In those days when Senator Brooks attended the University of New Brunswick he came from a home in very humble circumstances, a fact that I want to emphasize, because what he has got since, he got himself. He is a self-made man in every respect. I hope and pray that he will come back to this chamber and be associated with us for many years.

As a New Brunswicker I am very proud of Senator Brooks, as I know all citizens of New Brunswick are. He has been a great representative of our province.

Hon. W. Ross Macdonald: Honourable senators, I am in complete accord with all that has been said this evening, and I would not rise at this time were it not for the fact that Senator Brooks and I have been in Parliament for the same length of time. We entered the House of Commons together in 1935. He had served in the First World War as I had. We are from days earlier than those to which Senator Croll referred.

In our day we formed the Old Soldiers' Club. We had as members men from the navy and from the air force, but for some reason or other we called it the Old Soldiers' Club. It was composed of those who had served in the First World War, and we took great interest, apart altogether from politics, in the well-being of those who had served with us.

It was in those days that Alf Brooks and I formed our friendship. The club had to have officers and, if I remember correctly, I was appointed president and Alf Brooks was appointed secretary. Howard Green was treasurer, but he did not have very heavy responsibilities. That friendship of Howard, Alfred and I has continued throughout the years.

I came to the Senate and left Alf Brooks in the House of Commons. Then I became Leader of the Government, was in the Cabinet, Leader of the Opposition and again Leader of the Government, and Alfred followed me in all of those offices. Then I retired as Leader of the Government in the Senate. My dear friend Alfred Brooks continued to be Leader of the Opposition, and he gained the respect, admiration and affection of all honourable senators during those years. He was extremely capable, conscientious and always approachable.

Honourable senators, I am sorry that Senator Brooks has retired as Leader of the Opposition, but I am sure it gives him some satisfaction, as it gives me, to know that we are now humble senators and will be able to continue our friendship as such.

Honourable senators, I will not sit down without congratulating the new Leader of the Opposition (Hon. Mr. Flynn). I have sat opposite him for the last few years. I have always thought highly of him and have great respect for his intelligence and his industry. When legislation is before the Senate he examines it carefully, minutely, and you will recall that in many instances he has found errors which might have slipped through but for his close attention. I am sure that under his leadership on the other side this house as a whole will benefit, and I wish him happiness and success.

Hon. Norman McL. Paterson: Honourable senators, it is a third of a year since we met here and a good many things have occurred in that period of time, but one of the most interesting to this house has so far not been mentioned and I think I should call the attention of the house to it.

I was in Vancouver on August 31 at an interesting event, to give my sister away, and I learned that our Speaker was being mar-

ried that same day. I rise to take the liberty of offering you, sir, our congratulations and very best wishes for health and happiness for many years to come.

Hon. Senators: Hear, hear.

Hon. Sarto Fournier: Honourable senators, if I may be permitted I should like to say a word or two about my impression of what I have heard today concerning the appointment of the honourable Senator Flynn. My thought is this:

[*Translation*]

If we consider the various forms of government which have existed in the world since the Roman Empire, we notice that the most civilized, the most perfect forms of government involved a second chamber, a senate: the Senate in Rome, the House of Lords in Great Britain, the Senate in France, the Senate in the United States and the Senate in Canada—appointed or elected under different forms—but always a second chamber to give a sober second thought to legislation, to consider a redraft of acts before carrying them out lest they should deprive the citizens of their freedom.

In Canada our Senate evolves and works in conjunction with the House of Commons, according to the British system. Members of the Government and members of the Opposition alike take part in the drafting of our legislation. It is still a very high post, responsible, delicate, personal and public at the same time. Today Senator Brooks must retire because of ill health and we must express to him our respect, our admiration and our gratitude as he is being succeeded by Senator Flynn.

I feel that the most valuable compliment that can be paid to a citizen of our country is to appoint him Leader in the Senate, a post now held by Senator Connolly, or Leader of the Opposition in the Senate. I am very happy about the appointment of Senator Flynn, and I wish him good luck. We hope that he will put up a long and serious fight in Opposition, although that is not easy in view of the quality of the Government which now administers the country's business.

But, if it happened that the Government at a given time should decide to yield to another, I have no hesitation in saying that Senator Flynn could play a more active, more practical and, therefore, more valuable part. But in the meantime, I am happy to say that what has happened to Senator Flynn today —and has happened to Senator Connolly—is, in our parliamentary system and in our present civilization, almost the best that can happen to any citizen, whether he be in Canada, in Italy, in France, in Great Britain or the United States—it does not matter. We are here to think over legislation, correct it, amend it, criticize it and make it perfect.

I wish Senator Flynn with all my heart and also the Leader of the Government, for the good of our country, for the comfort of our people, and their prosperity, useful careers, well filled, complete so that our Canadian people may finally enjoy a prestige and an authority certainly well deserved in history, over the years and all over the world.

[*English*]

Hon. Charles McElman: Honourable senators, I do not propose to lengthen these deliberations unnecessarily. However, I should like to join with those who have spoken in appreciation of those two outstanding Irish Canadians who now lead on the Government and Opposition sides of the house.

My purpose in rising is, primarily, as the junior senator for New Brunswick, to pay my small tribute to Senator A. J. Brooks. Senator Brooks is known throughout the whole of New Brunswick as Alfie Brooks—and there is nothing disrespectful in this. He is one of the most respected representatives that New Brunswick has sent to Parliament over many years. His opponents in political affairs, although they have fought battles with him, have felt honoured in the fight, because he has always been an honourable gentleman. Even when the heat of partisan activity was strong, he was still always an honourable gentleman. Perhaps the finest thing I can say about him, as a fellow New Brunswicker, is that he stands high among the many great New Brunswickers that we have sent to Parliament.

Hon. Senators: Hear, hear.

Hon. Thomas Vien: Honourable senators, I should not let this occasion pass without saying a few words on the subject which has been developed. I knew Senator Brooks in the House of Commons, where we served together, and later in this house. I do not believe that any parliamentarian has deserved more respect from all his colleagues in both Houses of Parliament than has Senator Brooks. I like him very much. Our friendship

dates from more than a score years ago. We are sorry that he should have felt obliged to resign from the leadership of the Opposition. We trust that he will be with us for many years and we hope that, being relieved of his heavy burdens as Leader of the Opposition, he will be able to enjoy much more leisure for the rest of his life. He has our warmest good wishes.

Honourable senators, I also take great pleasure in congratulating honourable Senator Flynn upon his accession to the leadership of the Opposition. I know him well; I knew his father; I knew his grandfather. His grandfather was Prime Minister of Quebec, and Leader of the Opposition in the Legislature of Quebec, an eminent legist, a Doctor of Laws and our professor of Roman Law at Laval University. He was a highly respected gentleman and indeed a man of outstanding integrity, dignity and ability.

Senator Flynn's father was one of my friends and a contemporary when I lived in Quebec. I like Senator Flynn, and I trust that he will remain Leader of the Opposition for very many years, and I wish him every possible success in his high functions. I know that he will be extremely conscious of the responsibilities which fall on his shoulders.

In this Upper House, which is composed of senior parliamentarians, we have divested ourselves of some of the aggressiveness of our former partisan opinions. Our first and foremost consideration in the study of those questions that are submitted to us is the public interest, with such light as Divine Providence has given to us. We are not surprised that there be opposite and conflicting views expressed: The shock of opinions brings truth to light! In my own church, in the Council which has developed in Rome we have seen 2,500 bishops in discussion for four years of major questions of great interest to us all. They are all inspired by the Holy Ghost and yet divided in their opinions on various fundamental subjects. It is only natural that we, poor human beings and poor politicians, should sometimes have divergent opinions. What we liked about honourable Senator Brooks was that he always kept the discussion on a high level. I am sure that Senator Flynn will follow his example.

I congratulate Senator Flynn, and I am particularly pleased that he has been chosen Leader of the Opposition. I give him the assurance of our respect and deference.

Hon. Senators: Hear, hear.

THE LATE HON. WISHART McL. ROBERTSON

RETIREMENT OF HON. THOMAS REID

TRIBUTES

Hon. John J. Connolly: Honourable senators, I regret to change the happy mood of the house. Since we assembled last, one of our former colleagues, the Honourable Wishart Robertson died in Ottawa on August 16.

When he retired from the Senate about two years ago a tribute was paid to him by the late Senator Bouffard and that tribute remains on our records. Senator Robertson was Government Leader of the Senate from 1945 to 1953; he had been Speaker for the duration of a Parliament, and had been the founder and indeed the honorary life president of the NATO parliamentarians association and deserves most of the credit for establishing that body. He came to the Senate in 1943, and before that, like his father, he had been in the Legislature of Nova Scotia as member for Shelburne. For those reasons, it is appropriate that at this time we should pause in respect to his memory. He gave much to his country, to his province and particularly to this chamber as its leader and its Speaker.

Honourable senators, in paying my respects to our late colleague, I wish also to pay tribute to his wife, whose devotion, whose compassion during the years when he was very ill, make her, in all our minds, a person of heroic qualities. As his wife she did everything possible for his comfort in circumstances that were indescribably difficult. To her, who helped so much in the formation and fashioning of his career, we owe much; we owe much for what she did in his declining years when sickness had severely sapped the great powers that he had had in his prime.

Since we last assembled, a friend of all of us from New Westminster, British Columbia,

the Honourable Thomas Reid, resigned from the Senate on October 14. There would be little need to say that Tom Reid was a Scot, because whoever saw him or heard him perceived that fact at once. He came to Canada in 1909. His speech always reflected his Scottish ancestry. When the Queen came to Canada in 1957 to preside at the opening of Parliament in this chamber, our dress was formal. On that occasion Tom Reid wore the kilt, which was highly appropriate.

His life for the most part was in public service, but in his early days he had worked in the iron and steel industry, where he rose to become manager of the Pacific Car and Foundry Company in Vancouver.

He was Reeve of the Municipality of Surrey for seven years. He was first elected to the House of Commons in 1930 and served in five consecutive Parliaments until 1949. In the Commons he was at various times Parliamentary Assistant to the Minister of National Revenue, the Minister of Fisheries and the Minister of National Health and Welfare.

He came to the Senate in 1949. His life was Parliament. When he had his health he was assiduous in his attendance here, active on our committees and always pungent in his comment. In fact, he could cross-examine a witness with as much incisiveness as a senior counsel. His Scottish qualities were evidenced in this work, because if he felt that a project needed criticism he could produce as scathing a lashing about mistakes as could anyone in the chamber.

Perhaps the second love of his life was his work as the Chairman of the International Pacific Salmon Fisheries Commission. He talked here many times about the work of that commission, and the efforts that he had made and that the commission was continually making to preserve the great salmon fishery on the Fraser River.

I suppose, honourable senators, that every man and woman in Parliament is an individualist; Tom Reid certainly was. There was a basic kindness in his nature which he displayed on many occasions to many people, in fact to most people. I was not in Parliament in 1930 when he came, but I was around here a good deal in those days, and one of the colourful incidents of parliamentary life then—as it was until almost his last days here—was his playing of the bagpipes. Six o'clock in the evening was the time, and because of this everyone in the building knew that Tom was there. The practice was as much a part of the parliamentary atmosphere as the playing of the carillon or the ringing of the division bells.

Leonard Brockington once said of the bagpipes, "They are an ill wind that nobody blows good." This cannot be said in reference to Tom Reid, because he had the music of the Scots in his soul and he poured it out through those pipes every night.

I am sure that all honourable senators join me in wishing him happiness, contentment and health in his retirement and thank him deeply for his services to his community, to his province and to his country.

Hon. Fred M. Blois: Honourable senators, I would like to associate myself with the remarks made by the Leader of the Government regarding our colleague, the late Honourable Wishart Robertson. Not only do I want to associate myself with what he said but I want to concur in everything he said. My reason for rising is to state that Senator Robertson and I were friends for many years. I first knew him when I was elected to the Nova Scotia Legislature in 1937. There were many problems during those times on which he gave me good advice, and I am very proud of the fact that during all these years we remained very close friends.

Wishart Robertson was a big man. By that I mean that he was big in his views and he respected the views of other people. He was the type of person who preferred to give praise to an opponent rather than criticize him, a characteristic which evidenced itself in this chamber on more than one occasion.

I also recall that when I first came to this honourable chamber about eight years ago, both Senator Robertson and Mrs. Robertson were most kind to me. Not only was I befriended in this chamber but I was invited to their home.

All through the years that I knew him he played a prominent part in the affairs of this country. He was a great Canadian: proud of the fact that he was a Canadian and equally proud that he was a Nova Scotian. His political background in Nova Scotia was excellent. As the Leader of the Government has said, his father before him was interested in politics.

Going back to a point I mentioned earlier, I have heard Senator Robertson criticize governments, which is a natural thing for any-

one to do, but I never heard him attempt to criticize in an unfair way any private member, regardless of his politics.

Bearing all these things in mind, it is a great pleasure for me this evening to concur in the remarks that were made by the Leader of the Government. I also wish to express my deepest regrets to Mrs. Robertson and to the family. As has been said, Mrs. Robertson was marvellous in the care and attention she gave her husband during the last few years of his illness. I may say also that the Robertson family is a very fine one, and it is a great pleasure to me to know them and to have known a man of his calibre. I am sure that this chamber is better for having had such a man in its midst.

Hon. John J. Kinley: I wish at this time to associate myself with what has been said about the late Wishart Robertson. As a young man he came to my section of the country and was a supporter of mine in the constituency that I represented in Parliament. Later he ran for the Legislature of Nova Scotia, where he served from 1928 until 1933. He was summoned to the Senate on February 21, 1943. He was elected President of the National Liberal Federation of Canada in 1943 and resigned in 1945. He was appointed Government Leader in the Senate and was Speaker of the Senate from 1953 to 1957.

Honourable senators can appreciate, therefore, that he reached an eminent position in the public life of this country. We regarded him as a fine citizen of our part of the country, where he was considered a great friend by all those who knew him.

Senator Robertson came from a distinguished family. His forebears were very active in the public life of Nova Scotia even before Confederation, and he carried forward the principles and dignity which descended to him as heir of a long-standing family tradition within a community where he could be imbued with the ambient qualities of rural life: the fact that life there was good, the people respected each other and were interested in each other's welfare.

Senator Robertson was young to be so afflicted that he had to leave this chamber. Although in his affliction he became a burden to his wife, nevertheless she loyally supported him in every way and deserves great credit for the splendid contribution she has made.

Our two families were close friends; Mrs. Kinley always admired the way Mrs. Robertson looked after her husband. Now that he has gone I am sure that she is trying to make herself useful, is working to keep her spirits buoyant and enjoy life again as best she can. My sympathy and affection go out to her and her family. We hope she will continue to live the life that they enjoyed, guided by the great principles that they looked up to. His success was due to his work as a young solicitor in the country where he played his part and worked hard for what he got. He will be long remembered in the constituency where he lived and his memory will be revered here too.

Hon. J. W. de B. Farris: Honourable senators, I left Vancouver this morning at nine o'clock, and it is not an easy trip, I can assure you. I do not intend to make one of the long-winded speeches I used to make. I simply want to say that I am glad to be here; I feel inspired by the atmosphere and the expressions of those who have spoken. The Senate is very worthwhile and I am proud to be a senator. I look back on those who are no longer here with appreciation of their great qualities, and I am deeply impressed by the fine speeches I have heard here this evening.

Hon. Walter M. Aseltine: Honourable senators, I rise to say a few words about my old and very dear friend Senator Robertson. I regret to say that I did not know until a day or two ago that he had passed to the Great Beyond. It so happened that I was recovering from rather a serious operation myself and after it was over and I began to feel fit again I was coaxed into going to British Columbia on a salmon fishing trip. During the week that Senator Robertson passed away I was fishing for salmon in the Gulf of Georgia—with considerable success, I might add—and was out of touch of radio or newspapers, and that, no doubt, is why I had not heard about his death.

I got to know Senator Robertson and his lovely wife quite intimately during the quarter of a century that he served his country in the Senate. He was one of the most distinguished parliamentarians both provincially and federally that I have ever known. As has been previously stated, he was ably assisted by his gracious and talented wife and with her encouragement and support he quickly reached the top. When he came to the Senate

he was well qualified to take a prominent part and, as has been stated so ably by our honourable leader, he gave unstintingly of his time and talents to the work of this chamber.

I remember a very enjoyable trip that my wife and I made with Senator Robertson and his wife. The then Speaker of the Senate and his wife were also in the party. We made a transatlantic passage by ocean liner to Liverpool and thence to London to the Coronation in 1953. At that time Senator Robertson was Leader of the Senate.

I also recall with pleasure another trip which I made with him to Paris when he was Speaker of the Senate. On that occasion we attended the first conference of the NATO Parliamentary Association, which he was largely instrumental in forming and of which he became the first president. I was very proud of the manner in which he conducted the business of the association on that occasion, and I expressed my appreciation to Senator Robertson and his wife.

It is a privilege, honourable senators, to have had contact for 25 years with a man of the type and character of the late Senator Robertson. To his wife and family we extend our deepest sympathy. They will have many happy memories of him to console them in the difficult days that lie ahead.

I want now, honourable senators, to refer to Senator Reid. He was a member of the House of Commons when I first became a senator, and I remember him visiting Senator Taylor who was a room-mate of mine at that time and who also came from British Columbia. This was when Senator Horner, Senator Taylor and I occupied Room 471 which I am pleased to state I am still occupying at the present time. We used to call on Senator Reid occasionally, particularly when he started to play the bagpipes, and we had many a fine visit with him. Later, when he was summoned to the Senate we continued our friendship and we had many discussions about the wonderful salmon fisheries in British Columbia, and his activities in that connection.

When I was Leader of the Government I would look across at Senator Reid when I was anxious to get my Estimates through and on several occasions I sent him a message expressing the hope that he would not raise any objections. Quite frequently he did not say anything and allowed them to go through. This I appreciated very much. I am sorry he will not be with us any more. He gave the Senate the best he had and we will miss him very much.

Hon. Arthur W. Roebuck: Honourable senators, there have been many nice things said about so many people tonight, and the time is drawing near when we should adjourn, but I cannot allow this assembly to adjourn without saying something about Tom Reid. My thought is that the Senate chamber is poorer because Tom Reid has left, and I would like him to know that we will miss him here.

We have all listened with rapt attention to his speeches about the salmon of British Columbia. He was a friend of the salmon; he was wrapped up in the salmon fishery, and I suppose he knew more about it than any other man in Canada. What little I know about the subject of salmon and fish in general has been learned from Tom Reid.

Not only was he a splendid critic when he thought criticism justified, with his pungent Scottish accent, his kindly manner, his good fellowship, but he was a fine friend to us all.

We will miss his bagpipes. I do not know anything about bagpipe music but I know I enjoyed Senator Reid's playing, and now when 6 o'clock comes we will miss hearing strain of the pibroch in this building.

I rose only to say—and I hope my words will reach Tom Reid—that we will miss him and will suffer from the fact that he is not here.

Hon. W. Ross Macdonald: Honourable senators, I was very sorry to hear from the Leader of the Government this evening that Senator Tom Reid had resigned from the Senate. I will not go over my interesting experiences with him during the last 30 or more years, but as one Scot to another I can say that I greatly appreciated the music of the bagpipes, even if others did not. I am sorry he will not be with us in the future.

I join with those who have wished him a continued happy life. I trust that his health, if not as good as in the past, will still enable him to enjoy life.

Honourable senators, I would like to say a few words about Senator Robertson, and I do not apologize to the house for speaking about him at this time. I feel that a short resume of his association with the NATO Parliamentary Association should be put on the record. My purpose is not to add to what has been so

well said of his service to the Senate and to the country as Leader of the Government and, subsequently, as Speaker of the Senate. It is rather to recall to honourable senators the distinction he brought to the Senate through his interest in the NATO Parliamentary Association, which both the Leader of the Government and Senator Aseltine have mentioned this evening.

Honourable senators appointed to this house during the last 20 years know very little of Senator Robertson's part in that organization. Indeed, as has been mentioned, he was Honorary Life President of the association, but he was much more than that. Without Senator Robertson it is doubtful that there would ever have been such an organization; and if any man can be said to have been the founder it was Senator Robertson.

Hon. Mr. Connolly (Ottawa West): Hear, hear.

Hon. Mr. Macdonald (Brantford): Honourable senators will recall that, when the North Atlantic Treaty Organization was formed, great emphasis was placed on the defence and military aspects, but little was heard of the political, economic and cultural—that is, the civil aims of the organization as set out in Article 2 of the treaty. It was with this aspect of the treaty—the political, economic and cultural—that Senator Robertson, encouraged by the Honourable Lester B. Pearson who was then the Secretary of State for External Affairs, became involved. Through correspondence, and later at his own expense by visits abroad, Senator Robertson got in touch with statesmen in Europe, the United Kingdom and the United States of America who were interested in setting up groups of parliamentarians to give serious study to furthering the implementation of Article 2 of the treaty.

Senator Robertson was so encouraged by the interest shown in his proposal that on May 14, 1954, he called a meeting of Canadian parliamentarians and, through his zeal and enthusiasm, the Canadian NATO Parliamentary Association was formed.

Having set up the Canadian Association, he then directed his efforts to the formation of an international body. He immediately got in touch with his interested friends in the United Kingdom, Europe and the United States, and he suggested that similar associations should be set up in their countries. To this there was a ready response, with the result that similar associations were set up in Belgium, Denmark, Iceland, Luxembourg, The Netherlands, Norway, and the United Kingdom.

The next step was to convene a general meeting of delegates from these associations. Honourable senators must remember that at that time there was no secretariat, no official organization, no executive to whom he could turn, and no expense account; but he was not to be deterred. He met obstacles which to many would have been insurmountable, but he overcame them all and in May, 1955, on behalf of the Canadian NATO Parliamentary Association, he sent invitations to all parliamentary groups supporting NATO—and I cannot emphasize too strongly that he did this more as an individual, one who believed in the organization—inviting them to an international conference to be held in Paris in July 1955. One hundred and ninety-seven delegates from these various countries accepted the invitation and attended the conference, and it was there that the NATO International Parliamentary Association came into being, with our own dearly beloved Senator Robertson, whom we mourn today, as its first president.

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. Rapp had been substituted for that of Mr. Winkler on the list of members appointed to serve on the Special Joint Committee on the Restaurant of Parliament.

PRINTING 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. Kindt had been substituted for that of Mr. Rapp on the list of members appointed to serve on the Joint Committee on Printing.

ELECTORAL BOUNDARIES READJUSTMENT 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-159, respecting the Electoral Boundaries Readjustment Act.

Bill read first time.

Hon. Mr. Connolly (Ottawa West) moved that the bill be placed on the Orders of the Day for second reading on Thursday next.

Motion agreed to.

ELECTORAL BOUNDARIES READJUSTMENT 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-165, respecting the Electoral Boundaries Readjustment Act.

Bill read first time.

Hon. Mr. Connolly (Ottawa West) moved that the bill be placed on the Orders of the Day for second reading on Thursday next.

Motion agreed to.

DOCUMENTS TABLED

Hon. John J. Connolly: Honourable senators, I desire to table certain documents. The list contains a total of 76 items, and I do not think I should take up the time of the chamber by reading it.

Hon. Mr. McCutcheon: Dispense.

Hon. Mr. Connolly (Ottawa West): I would simply draw the attention of the Senate to the fact that among these documents is Supplementary Estimates (B) for the fiscal year ending March 31, 1968, which will be the subject matter of a motion to be made a little later in the sitting.

Hon. Mr. McCutcheon: I take it that those supplementary Estimates are negative.

Hon. Mr. Connolly (Ottawa West): Just about.

I desire also to table messages of congratulations on Canada's Centenary of Confederation which have been sent by some sixteen legislatures in different parts of the world. In addition, I should like to table a list of official visitors to Canada during Centennial Year representing some 58 countries.

(The following documents were tabled)

Report of Expenditures and Administration in connection with the Family Allowances Act for the fiscal year ended March 31, 1967, pursuant to section 14 of the said Act, chapter 109, 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, 1967, pursuant to section 13 of the said Act, chapter 23, Statutes of Canada, 1964-65. (English and French texts).

Supplementary Report of The Canadian Wheat Board on the 1965-1966 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. (French text).

Report of the Canadian Dairy Commission for the fiscal year ended March 31, 1967, 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).

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, 1966, pursuant to section 10 of the National Gallery Act, chapter 186, R.S.C., 1952. (English and French texts).

Report of The Canada Council, including its Accounts and Financial Statements certified by the Auditor General, for the fiscal year ended March 31, 1967, pursuant to section 23 of the Canada Council Act, chapter 3, Statutes of Canada, 1957. (English and French texts).

Report by the Tariff Board relative to the Inquiry ordered by the Minister of Finance respecting Chemicals—

Volume 3—Goods in Existing Items,

Volume 4, Part I—Summary and Conclusions,

Volume 5—Inorganic Chemicals in Headings 25.01, 25.03, 28.01 to 28.17, and 28.54 of the Brussels Tariff Nomenclature—

Reference No. 120, pursuant to section 6 of the Tariff Board Act, chapter 261, R.S.C., 1952 (English and French texts).

Report on Activities under the Maritime Marshland Rehabilitation Act for the fiscal year ended March 31, 1966, pursuant to section 9 of the said Act, chapter 175, R.S.C., 1952. (English and French texts).

Report of Operations under the International River Improvements Act for the year ended December 31, 1966, pursuant to section 11 of the said Act, chapter 47, Statutes of Canada, 1955. (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, 1966, pursuant to section 9 of the Department of Insurance Act, chapter 70, R.S.C., 1952. (English and French texts).

Report of the Unemployment Insurance Advisory Committee for the fiscal year ended March 31, 1967, pursuant to section 90(2) of the Unemployment Insurance Act, chapter 50, Statutes of Canada, 1955. (English text).

Capital Budget of the National Battlefields Commission for the fiscal year ending March 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. 1967-633, dated April 4, 1967, approving same.

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, 1967, 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 Transportation Company Limited for the year ending December 31, 1967, pursuant to section 80(2) of the Financial Administration Act, chapter 116, R.S.C., 1952, together with Order in Council P.C. 1967-74, dated January 17, 1967, approving same. (English and French texts).

Report on the Administration of the Canadian Forces Superannuation Account for the fiscal year ended March 31, 1967, pursuant to section 26 of the Canadian Forces Superannuation Act, chapter 21, Statutes of Canada, 1959. (English and French texts).

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

Report of the Eastern Rockies Forest Conservation Board for the fiscal year ended March 31, 1967, pursuant to section 10 of the Eastern Rocky Mountain Forest Conservation Act, chapter 59, Statutes of Canada, 1947. (English text).

Report of the Department of Forestry for the fiscal year ended March 31, 1966, pursuant to section 12 of the Department of Forestry Act, chapter 41, Statutes of Canada, 1960. (French text).

Report on Operations under the Fisheries Improvement Loans Act for the fiscal year ended March 31, 1967, pursuant to section 12(2) of the said Act, chapter 46, Statutes of Canada, 1955. (English and French texts).

Capital Budget of the National Harbours Board for the calendar year 1967, 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. 1967-647, dated April 6, 1967, approving same.

Report of the Department of Transport containing a Statement of Wharf Revenue Receipts and a Statement of Harbour Dues for the fiscal year ended March 31, 1967, pursuant to section 14 of the Government Harbours and Piers Act, chapter 135, R.S.C., 1952. (English text).

Statement showing Classification of Deposit Liabilities Payable in Canadian Currency of the Chartered Banks of Canada as at April 30, 1967, pursuant to section 119(1) of the Bank Act, chapter 87, Statutes of Canada, 1966-67. (English and French texts).

Reports of Proceedings under the Canada Water Conservation Assistance Act for the fiscal years ended March 31, 1966 and March 31, 1967, pursuant to section 8 of the said Act, chapter 21, Statutes of Canada, 1952-53. (English and French texts).

Report, dated July 11, 1967, of the Restrictive Trade Practices Commission under the Combines Investigation Act, relating to the Production, Manufacture, Sale and Supply of Laminated Timbers in Ontario and Quebec. (English and French texts).

Report of the Board of Broadcast Governors for the fiscal year ended March 31, 1967, pursuant to section 19 of the Broadcasting Act, chapter 22, Statutes of Canada, 1958. (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, 1966, pursuant to section 137(2) of the said Act, chapter 29, R.S.C., 1952. (English text).

Statutory Orders and Regulations published in the *Canada Gazette*, Part II, of Wednesday, July 12, July 26, August 9, August 23 and September 13, 1967, pursuant to section 7 of the Regulations Act, chapter 235, 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 June 30, 1967. (English and French texts).

Report on the Administration of the Fitness and Amateur Sport Act for the fiscal year ended March 31, 1967, pursuant to section 13 of the said Act, chapter 59, Statutes of Canada, 1960-61. (English and French texts).

Report of the Department of Agriculture for the fiscal year ended March 31, 1967, pursuant to section 6 of the Department of Agriculture Act, chapter 66, R.S.C., 1952. (English and French texts).

Statutory Orders and Regulations published in the *Canada Gazette*, Part II, of Wednesday, September 27, 1967, pursuant to section 7 of the Regulations Act, chapter 235, R.S.C., 1952. (English and French texts).

Report of the National Capital Commission, Part I, for the fiscal year ended March 31, 1967 pursuant to section 85(3) of the Financial Administration Act, chapter 116, R.S..C, 1952. (English and French texts).

Report, dated April 7, 1967, of the International Joint Commission, United States and Canada, under the Reference of July 5, 1962, on the Improvement of the International Champlain Water-way for Commercial Navigation. (English and French texts).

Report of the Dominion Bureau of Statistics for the fiscal year ended March 31, 1966. (English and French texts).

Order in Council P.C. 1967-1706, dated September 6, 1967, 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 rails and track accessories by Ferrocarriles Nacionales de Mexico from Dominion Steel and Coal Corporation Limited, Sydney, Nova Scotia, 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. 1967-1530, dated August 2, 1967, authorizing the Export Credits Insurance Corporation, under section 21 of the Export Credits Insurance Act, to enter into a contract of insurance with Canada Iron Foundries Limited, Montreal, Quebec, for the export sale of tamper track maintenance equipment and spares to the Chilean State Railways (Empresa de los Ferrocarriles del Estado), Chile, 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. 1967-1745, dated September 12, 1967, authorizing, under section 21A of the Export Credits Insurance Act, long-term financing by the Export Credits Insurance Corporation for the purchase by the Organization of Telecommunications of Greece Limited, Athens, Greece, for export, of telecommunication equipment and associated technical services from Northern Electric Company Limited, Montreal, Quebec, pursuant to section 21B of the said Act, chapter 105, R.S.C., 1952, as amended 1960-61. (English text).

Report of the Science Council of Canada for the fiscal year ended March 31, 1967, pursuant to section 17 of the Science Council of Canada Act., chapter 19, Statutes of Canada, 1966-67. (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, 1967, pursuant to section 15 of the Queen Elizabeth II Canadian Research Fund Act, chapter 33, Statutes of Canada, 1959. (English and French texts).

Interim Report by the Economic Council of Canada, dated July, 1967, on Consumer Affairs and the Department of the Registrar General. (English and French texts).

Fourth Annual Review, dated September, 1967, of the Economic Council of Canada relating to the Canadian Economy from the 1960's to the 1970's, pursuant to section 21(2) of the Economic Council of Canada Act, chapter 11, Statutes of Canada, 1963. (English and French texts).

Final Report dated February, 1967, of the Nelson River Programming Board to the Government of Canada and the Government of Manitoba on the Nelson River Investigations. (English text).

Copies of By-Law No. 1 of the Canada Deposit Insurance Corporation passed as Order in Council P.C. 1967-579, dated March 30, 1967, and amended by Order in Council P.C. 1967-1065, dated May 26, 1967. (English and French texts).

Copies of letters, dated June 27 and June 30, 1967, exchanged between the Minister of Finance of Canada and the Premier of the Province of Quebec on the subject of Deposit Insurance Arrangements. (English and French texts).

Report of the Department of National Health and Welfare for the fiscal year ended March 31, 1966, pursuant to section 10 of the Department of National Health and Welfare Act, chapter 74, R.S.C., 1952. (English and French texts).

Report of the Centennial Commission, including its Accounts and Financial Statements certified by the Auditor General, for the fiscal year ended March 31, 1967, pursuant to section 16 of the Centennial of Canadian Confederation Act, chapter 36, Statutes of Canada, 1963. (English and French texts).

Report of the Director of Investigation and Research, Combines Investigation Act, for the fiscal year ended March 31, 1967, pursuant to section 44 of the said Act, chapter 314, R.S.C., 1952. (English and French texts).

Report of the Minister of Finance on the state of the Unemployment Insurance Fund as at March 31, 1967, and of the transactions under section 86 of the Unemployment Insurance Act for the fiscal year ended March 31, 1967, pursuant to section 87 of the said Act, chapter 50, Statutes of Canada, 1955. (English and French texts).

Copy of an Agreement between the Government of Canada and the Government of the Northwest Territories 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).

Statement made by the Minister of Finance at the meetings of the International Monetary Fund and the International Bank for Reconstruction and Development in Rio de Janeiro, Brazil, on September 27, 1967. (English and French texts).

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, 1967, 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).

Statutory Orders and Regulations published in the *Canada Gazette*, Part II, of Wednesday, October 11, 1967, pursuant to section 7 of the Regulations Act, chapter 235, R.S.C., 1952. (English and French texts).

Report of the National Librarian for the fiscal year ended March 31, 1967, pursuant to section 13 of the National Library Act, chapter 330, R.S.C., 1952. (English and French texts).

Report on Technical and Vocational Training for the fiscal year ended March 31, 1967, pursuant to section 13 of the Technical and Vocational Training As-

sistance Act, chapter 6, Statutes of Canada, 1960-61. (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 1965, pursuant to section 16 of the said Act, chapter 26, Statutes of Canada, 1962. (English and French texts).

Copies of Bank Cost of Borrowing Disclosure Regulations made pursuant to section 92 of the Bank Act and section 80 of the Quebec Savings Banks Act. (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, 1967, pursuant to section 5 of the Department of National Revenue Act, chapter 75, R.S.C., 1952. (English and French texts).

Report by the Tariff Board relative to the Investigation ordered by the Minister of Finance respecting Certain Precision Instruments and Apparatus, Reference No. 138 (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 by the Tariff Board relative to the Inquiry ordered by the Minister of Finance respecting Chemicals—

Volume 6—Inorganic Chemicals in Headings 26.03, and 28.18 to 28.34 of the Brussels Tariff Nomenclature,

Volume 8—Organic Chemicals in Headings 15.10, 15.11, 22.08, 22.09 and 29.01 to 29.13 of the Brussels Tariff Nomenclature—
Reference No. 120, pursuant to section 6 of the Tariff Board Act, chapter 261, R.S.C., 1952. (English and French texts).

Order in Council P.C. 1967-1870, dated October 3, 1967, authorizing, under section 21A of the Export Credits Insurance Act, long-term financing by the Export Credits Insurance Corporation for the purchase, for export, from Canada Iron Foundries, Limited, Montreal, Quebec, of goods and construction, technical and similar services by the Government of the Bahama Islands, pursuant to section 21B of the said Act, chapter 105, R.S.C., 1952, as amended 1960-61. (English text).

Statement by the Minister of National Health and Welfare on Increase in the Pension Index and its effect on Old Age Security pensions, Guaranteed Income Supplement payments and the Canada Pension Plan. (English and French texts).

Report on the Administration of Part I of the Royal Canadian Mounted Police Superannuation Act for the fiscal year ended March 31, 1967, pursuant to section 25 of the said Act, chapter 34, Statutes of Canada, 1959. (English and French texts).

Copies of documents (English and French texts), released by the Minister of Trade and Commerce on June 29, 1967, relating to details of the Trade Agreements reached under the Kennedy Round of GATT negotiations to be signed in Geneva on June 30, 1967, as follows:—

Item 1: Press release outlining tariff concessions obtained and granted by Canada.

Item 2: July 1 issue of "Foreign Trade" on Kennedy Round.

Item 3: Background release on GATT and the Kennedy Round.

Item 4: Press release and complete text of the anti-dumping code.

Item 5: Press release and complete text of the cereals agreement.

Appendix I: List of tariff concessions from United States,. EEC, Nordic countries, Switzerland, Japan and Less Developed Countries of interest to Canada.

Appendix II: List of Canadian tariff concessions.

Appendix III: List of participating countries in the Kennedy Round.

Copy of a list of recommendations of the Royal Commission on Government Organization approved by the Government on August 16, 1967. (English and French texts).

Documents Supplementary to the publication entitled "Capital Punishment—Material Relating to its Purpose and Value" tabled June 30, 1965. (English and French texts).

Copies of the Annual Review of the External Aid Office, 1966-1967. (English and French texts).

Copies of an Agreement, dated October 16, 1967, between the Government of Canada and the Governments of Alberta, Saskatchewan and Manitoba, establishing the Saskatchewan-Nelson Basin Board, together with copies of a press release announcing the details thereof. (English and French texts).

Statement by the Minister of Finance in the House of Commons on October 24, 1967, together with copy of letter, dated October 17, 1967, from the Japanese Charge d'Affaires and Annex thereto respecting voluntary restraints on certain Japanese exports to Canada for the year 1967. (English and French texts).

Report of the Department of Fisheries for the year ended December 31, 1965, and the Financial Statements of the Department for the fiscal year ended March 31, 1966, pursuant to section 8 of the Department of Fisheries Act, Chapter 69, R.S.C., 1952. (English text).

Statutory Orders and Regulations published in the *Canada Gazette*, Part II, of Wednesday, October 25, 1967, pursuant to section 7 of the Regulations Act, chapter 235, R.S.C., 1952. (English and French texts).

Supplementary Estimates (B) for the fiscal year ending March 31, 1968. (English and French texts).

Report on the operation of Agreements with the Provinces under the Hospital Insurance and Diagnostic Services Act for the fiscal year ended March 31, 1967, pursuant to section 9 of the said Act, chapter 28, Statutes of Canada, 1957. (English and French texts).

Copies of the International Grains Arrangement 1967, as established at the final plenary meeting of the International Wheat Conference held in Rome August 18, 1967. (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, 1967, pursuant to section 87 (3) of the Financial Administration Act, chapter 116, R.S.C., 1952. (English and French texts).

Copies of a survey on Indians and the Law, dated August 1967, prepared for the Department of Indian Affairs and Northern Development by the Canadian Corrections Association. (English and French texts).

Expressions of congratulations and good wishes on the occasion of Canada's Centenary from the following:—

The Chairman, Rajya Sabha, New Delhi

The Deputy and Vice Chairman, Sejm, Warsaw, Poland

The General Assembly of the State of Iowa

The House of Representatives of Malta

The House of Representatives, New Zealand

The Legislature of the State of Idaho

The National Assembly, Kampala, Uganda

The National Assembly of Kenya

The Premier of the Bahamas

The President of the Senate of Lesotho

The President of the Senate of Malaysia

The Senate and House of Representatives of Jamaica

The Senate of the State of Louisiana

The Speaker of the National Assembly, Zomba, Malawi

The National Assembly of Botswana

The State of Minnesota.

List of Official Visitors to Canada during Centennial Year.

FOOD AND DRUGS ACT

BILL TO AMEND—FIRST READING

Hon. John J. Connolly presented Bill S-21, to amend the Food and Drugs Act.

Bill read first time.

Hon. Mr. Connolly (Ottawa West) moved, with leave, that the bill be placed on the Orders of the Day for second reading at the next sitting.

Motion agreed to.

HAZARDOUS SUBSTANCES ACT

FIRST READING

Hon. John J. Connolly presented Bill S-22, to prohibit the sale and advertising of hazardous substances, 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. Connolly (Ottawa West) moved, with leave, that the bill be placed on the Orders of the Day for second reading at the next sitting.

Motion agreed to.

CURRENCY, MINT AND EXCHANGE FUND ACT

BILL TO AMEND—FIRST READING

Hon. John J. Connolly presented Bill S-23, to amend the Currency, Mint and Exchange Fund Act and the Criminal Code.

Bill read first time.

Hon. Mr. Connolly (Ottawa West) moved that the bill be placed on the Orders of the Day for second reading on Thursday next.

Motion agreed to.

CANADA DEPOSIT INSURANCE CORPORATION ACT

BILL TO AMEND—FIRST READING

Hon. John J. Connolly presented Bill S-24, to amend the Canada Deposit Insurance Corporation Act.

Bill read first time.

Hon. Mr. Connolly (Ottawa West) moved that the bill be placed on the Orders of the Day for second reading on Thursday next.

Motion agreed to.

CENTENARY OF CONFEDERATION

LIST OF OFFICIAL VISITORS TO CANADA PRINTED AS APPENDIX

Hon. John J. Connolly: Honourable senators, with leave of the Senate, and seconded by the honourable Senator Flynn, I move:

> That the list of Official Visitors to Canada in Centennial Year, tabled today, be printed as an appendix to the *Debates of the Senate* and 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 list of official visitors to Canada in Centennial Year, see Appendix "A", pp. 320-1.

CONGRATULATORY MESSAGES TO CANADA ON HER ONE HUNDREDTH ANNIVERSARY OF CONFEDERATION PRINTED AS APPENDIX

Hon. Mr. Connolly (Ottawa West): Honourable senators, with leave of the Senate, and seconded by the Honourable Senator Flynn, I move:

> That the expressions of congratulation and good wishes on the occasion of Canada's Centenary tabled 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; and
>
> That the Honourable the Speaker be authorized to send copies of the *Debates of the Senate* and the *Minutes of the Proceedings of the Senate* of this day to the Legislatures concerned as a token of the deep appreciation of the Senate of Canada for their kind and thoughtful messages in Canada's Centennial Year.

Honourable senators, before this motion is adopted I think it appropriate to say a few words about it. First of all, it does speak for itself. We have already acknowledged in this chamber similar messages which have been sent to us, namely, a resolution of the House of Lords and an official message from the Senate of the United States. Now we have some 16 additional messages of a similar character which have come to us, and have come in a year when we all have experienced an immense sense of national pride in the development of our country and in the progress of our people. I think I can say without fear of contradiction that the high point was reached so far as Parliament was concerned on July 1, when on the grounds of Parliament Hill Her Majesty presided, and was present first of all at a most moving ecumenical service and then at a deeply impressive parliamentary gathering.

In addition to the presence of Her Majesty in Canada, some 58 heads of state, either personally or through their personal emisaries, came to Canada to express to the people of this country their feelings about our progress, our development and our position in the world. All of these people have already been officially greeted, officially entertained and officially thanked.

What we are asked to do tonight, which we do with a full heart, is to express our appreciation to the 16 legislative bodies who have seen fit to send these heartfelt expressions of good will to our people. They come from Rajya Sabha, New Delhi, India; the Sejm in Warsaw, Poland; the General Assembly of the State of Iowa; the House of

Representatives of Malta; the House of Representatives of New Zealand; the Legislature of the State of Idaho; the National Assembly at Kampala in Uganda; the National Assembly of Kenya; the Premier of the Bahamas; the President of the Senate of Lesotho; the President of the Senate of Malaysia; the Senate and House of Representatives of Jamaica; the Senate of the State of Louisiana; the Speaker of the National Assembly of Malawi; the National Assembly of Botswana and the Senate of Minnesota.

I should also call the attention of the Senate to the fact that on the Clerk's table tonight there is a beautiful piece of furniture, a despatch box with a wood inlay of the map of Jamaica on the top, the inscription inside the box reading as follows:

> From the Government and people of Jamaica to the Government and people of Canada on the attainment of their hundredth anniversary as a nation.

Words are completely inadequate to express the appreciation which the legislature in this country feels to members of the legislatures in these other jurisdictions, some independent, some members of federal states, who have seen fit to send us such warm messages on our hundredth birthday as a nation, and I am sure every member of the Senate would wish to join in endorsing unanimously the motion which I have put and which the Leader of the Opposition (Honourable Mr. Flynn) has so kindly seconded.

Motion agreed to.

For text of messages of congratulation see Appendix "B" pp. 322-31.

THE ESTIMATES

SUPPLEMENTARY ESTIMATES (B) REFERRED TO FINANCE COMMITTEE

Hon. John J. Connolly moved, with leave of the Senate:

> That the Standing Committee on Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (B) laid before Parliament for the fiscal year ending 31st March, 1968; and
>
> That the committee be empowered to send for persons, papers and records, to print its proceedings upon the said Supplementary Estimates (B) and to sit during sittings and adjournments of the Senate.

Hon. M. Wallace McCutcheon: Honourable senators, before this motion is adopted I should like to ask the Leader of the Government if he can tell us when the Appropriation Bill may be here. Some of us have been reading the press and we know that there have been hundreds of millions of dollars of expenditures eliminated, but all that comes to us are new and additional Estimates. I have no objection to these Estimates being referred to the Finance Committee, but as far as advancing the business of Parliament or protecting the taxpayers, I think it is rather a futile gesture.

Hon. Mr. Connolly (Ottawa West): To answer the question asked by the honourable senator, my understanding is that the intention in the other place is to take supply, with the exception of Wednesday, until Thursday night, when the supply bill will be passed, and that we will have the supply bill here on Friday afternoon.

Hon. Mr. McCutcheon: Are we sitting Friday afternoon?

Hon. Mr. Connolly (Ottawa West): Yes, and we will be sitting also on Monday, for reasons which I will explain on a later occasion, because I think it is getting late tonight to do it now.

Hon. Mr. McCutcheon: Would the Leader of the Government explain why we are sitting on Friday afternoon? That will only be November 3.

Hon. Mr. Connolly (Ottawa West): I can give the explanation now if it is desired but perhaps I could tell the honourable senator personally afterwards, because before the end of the week I intend to announce the program for Monday, November 6, which happens to be the hundredth anniversary of the first meeting of the Parliament of Canada.

Hon. Mr. McCutcheon: Well, that is Monday, not Friday.

Hon. Mr. Connolly (Ottawa West): That is right.

Motion agreed to.

FEDERAL COMMISSIONS OF INVESTIGATION

INQUIRY ANSWERED

Hon. Mr. Carter inquired of the Government, pursuant to notice:

> 1. How many royal commissions, commissions or other special investigat-

ing bodies has the Federal Government appointed in the last 20 years?

2. What, in each case, is (a) the name, (b) the purpose, (c) the year of the appointment and the year of termination; and (d) the cost to date of such royal commission, commissions or other special investigating bodies?

Hon. Mr. Connolly (Ottawa West): I have the answer to my honourable friend's inquiry.

For text of inquiry and answer see Appendix "C", p. 332-3.

The Senate adjourned until tomorrow at 3 p.m.

27059—28½

APPENDIX "A"

(*See p. 317.*)

CENTENARY OF CONFEDERATION

OFFICIAL VISITORS TO CANADA IN CENTENNIAL YEAR

Date (1967)	Country	Rank and Name of Visitors
May 1	Ethiopia	His Imperial Majesty Emperor Haile Selassie I
" 2	Mauritius	Premier Sir Seewoosagur and Lady Ramgoolam
" 7	Belgium	HRH Prince Albert and HRH Princess Paola
" 9	Burma	Minister of Trade and Cooperatives Brigadier Tin Pe, and and Mrs. Tin Pe
" 11	Austria	Federal President of the Republic Franz Jonas
" 15	Czechoslovakia	President of the Socialist Republic Antonin Novotny, and Mrs. Novotny
" 17	Netherlands	HM Queen Juliana and HRH Prince Bernhard
" 22	Israel	President Zalman Shazar and Mrs. Shazar
June 4	Australia	Prime Minister Harold E. Holt and Mrs. Holt
" 8	Iran	Minister of Economy Dr. Alinaghi Alikani
" 12	Tunisia	Under-Secretary of State for Industry and Commerce Becheir Ennaji
" 13	Germany	President of the Federal Republic, Dr. Heinrich Lübke and Mrs. Lübke
" 13	Korea	Presidential Special Envoy Dr. Doo-Sun Choi, and Mrs. Choi
" 19	Ceylon	Prime Minister Dudley Senanyake
" 21	Thailand	HM King Bhumibol Adulyadej and HM Queen Sirikit
" 25	Uganda	Minister of Information, Broadcasting and Tourism, The Hon. A. Ojera
" 27	India	President of the Republic, Dr. Zakir Husain
" 28	Malagasy Republic	Ambassador to Canada Louis Rakotomalala, and Mrs. Rakotomalala
July 10	Guyana	Prime Minister L. F. S. Burnham and Mrs Burnham
" 10	Japan	Their Imperial Majesties Prince and Princess Takamatsu
" 12	Iceland	President Asgeir Asgeirsson and Mrs. Thorhallur Asgeirsson
July 17	Monaco	Their Serene Highnesses Prince Rainier III and Princess Grace
" 19	Tanzania	Second Vice-President R. M. Kawawa and Mrs. Kawawa
" 25	Cuba	Minister of Foreign Trade Marcelo Fernandez Font
" 30	Switzerland	Vice-President of the Swiss Federal Council Willy Spühler and Mrs. Spühler
" 31	Venezuela	Minister of Mines & Hydrocarbons Dr. Jose Antonio Mayobre, and Mrs. Esperanza de Mayobre
Aug. 1	Jamaica	Prime Minister H. L. Shearer
" 3	Gabon	Minister of National Economy Commerce and Mines, Pierre Mebaley
" 7	Morocco	Minister of Information, Ahmed Senoussi
" 9	Rwanda	President Gregoire Kayibanda
" 10	Chad	Ambassador to U.S.A. Boukar Abdoul
" 13	U.S.S.R.	First Vice-Chairman of the Council of Ministers, D.S. Polyansky
" 23	Ivory Coast	President of the Republic Felix Houphouet-Boigny, and Mrs. Houphouet-Boigny
" 27	Finland	Prime Minister Rafael Paasio and Mrs. Paasio
" 28	Haiti	Minister of Commerce and Industry Dr. Lebert Jean-Pierre, and Mrs. Jean-Pierre
" 29	Trinidad & Tobago	Prime Minister Dr. Eric Williams
Sept. 3	Grenada	Premier Eric M. Gairy
" 5	Greece	HM King Constantine and HM Queen Anne-Marie
" 5	Senegal	Minister of Commerce, Industry and Handicrafts Daniel Cabou
" 10	United Arab Republic	Ambassador to Canada Mahmoud Moharram Hammad, and Mrs. Hammad
" 11	Kenya	Minister for Commerce and Industry Mwai Kibaki, and Mrs. Kibaki
" 12	Italy	President Giuseppe Saragat
" 14	Mexico	Ambassador to Canada Pedro Suinaga Lujan, and Mrs. Suinaga

Date (1967)	Country	Rank and Name of Visitors
" 18	YUGOSLAVIA	President of the Federal Executive Council Mika Spiljak
" 19	BARBADOS	Prime Minister E. W. Barrow and Mrs. Barrow
" 21	DENMARK	Their Royal Highnesses Princess Margrethe and Prince Henrik
" 26	SWEDEN	HRH Princess Christina
" 27	TOGO	Minister of Foreign Affairs Joachim Hunlede
Oct. 2	NORWAY	HRH Crown Prince Harald
" 3	GHANA	Chairman of the National Liberation Council Lt-General Joseph A. Ankrah and Mrs. Ankrah
" 4	ALGERIA	Minister of Commerce Nourredine Delleci
" 8	REPUBLIC OF CHINA	Vice-President of the Executive Yuan Huang Shao Ku, and Mrs. Huang
" 11	NIGERIA	Member of the Federal Supreme Military Council Rear Admiral Joseph Edet Akinwale Wey
" 12	NIGER	President of the Republic Hamani Diori, and Mrs. Diori
" 17	CAMEROUN	President of the Federal Republic El Hadji Ahmadou Ahidjo
" 19	CONGO	Vice-Minister of Foreign Affairs and External Commerce Jean-Theodore Umba Di Lutete, and Mrs. Umba di Lutete

APPENDIX "B"

(*See p. 318.*)

CENTENARY OF CONFEDERATION

CONGRATULATORY MESSAGES TO CANADA ON HER ONE HUNDREDTH ANNIVERSARY OF CONFEDERATION

RAJYA SABHA

PARLIAMENT HOUSE

NEW DELHI—1

June 22, 1967.

Excellency,

On the occasion of the completion of a hundred years of your Confederation which you are celebrating on July 1st, on behalf of the Members of the Rajya Sabha and on my own behalf, I have the honour to send you heartiest congratulations. We hope that in the years to come friendly relations between our two parliamentary democracies will flourish to make the areas of peace and freedom in the world ever larger.

Please accept, Excellency, the assurances of my highest consideration.

V. V. Giri

The Honourable Sydney John Smith,
Speaker of the Senate,
Ottawa, Canada.

SEJM

POLSKIEJ RZECZYPOSPOLITEJ LUDOWEJ

Warszawa, dnia 24th June, 1967r.

The Honourable Sydney J. Smith,
The Senate,
Speaker's Chambers,
Ottawa.

Honourable Mr. Senator,

On the occasion of the National Holiday of Canada, the Centenary of the State's Constitution—I convey to you my best regards and wishes for peace and a prosperous development of your Country and of the Canadian People.

I wish you personally good health and many years of happiness to enjoy the results of your activity for the sake of your Country, for peace throughout the world.

W. Obolewicy

STATE OF IOWA

GENERAL ASSEMBLY

House Concurrent Resolution 20

WHEREAS, our good neighbor nation to the north, Canada, is now celebrating one hundred years of dynamic growth and development with a centennial celebration which features an official international exposition, designated "Expo '67", at Montreal, Quebec; and

WHEREAS, the nations of the world have been invited to join their sister nation in this celebration and are honoring her by the presentation at the exposition of exhibits, displays and performances representative of the good things they have and produce; and

WHEREAS, among the groups chosen to represent the United States of America at the exposition are two outstanding high school bands from the State of Iowa, Valley High School of West Des Moines and Pleasant Valley High School of Pleasant Valley, who will give concerts at the International Band Shell on May 31 and June 18 respectively; and

WHEREAS, the marching and concert bands of Valley High School of West Des Moines, Iowa, under the direction of Gerald Kinney, and Pleasant Valley High School of Pleasant Valley, Iowa, under the direction of Charles DCamp, have outstanding records of honors earned for quality of performance which include many Division I or Superior ratings at state contests, have given many guest concerts and have been invited participants in numerous festivals and parades throughout the state and nation; and

WHEREAS, the people of the State of Iowa desire to join in honoring the people of Canada in this centennial celebration; and

WHEREAS, these young people and their directors in their band appearances and concerts will present our finest products, our

youth and the fruit of their dedicated and disciplined labors, thus representing their state and nation in a most fitting manner; now therefore,

BE IT RESOLVED by the House of Representatives, the Senate concurring, that the members of the Valley High School Band of West Des Moines, Iowa and the Pleasant Valley High School Band of Pleasant Valley, Iowa and their respective directors, Gerald Kinney and Charles DCamp, who have been invited to and will give concerts at the International Band Shell at Expo '67, Montreal, Quebec, Canada be designated official representatives of the State of Iowa and its people and bearers individually and collectively of our congratulations and good wishes to the government and people of Canada on this happy occasion.

BE IT FURTHER RESOLVED, that the Chief Clerk of the House of Representatives be instructed to forward engrossed copies of this concurrent resolution to the presiding officers of the House of Commons and the House of Lords of the Parliament of Canada, to the chairman of the executive committee of Expo '67 and to the superintendents of the West Des Moines Community Schools and the Pleasant Valley Township Schools.

We, Maurice Baringer, Speaker of the House of Iowa, and William R. Kendrick, Chief Clerk of the House hereby certify that the above and foregoing Resolution was adopted by the House of the Sixty-second General Assembly.

William R. Kendrick,
Chief Clerk of the House.

Maurice Baringer,
Speaker of the House.

HOUSE OF REPRESENTATIVES

MALTA

To the Senate of Canada:

We, Members of the House of Representatives of Malta in Parliament assembled, desire to express our sincere congratulations and affectionate greetings to the Senate of Canada on the occasion of the celebration of the first centenary of Confederation. May the voice of freedom which for the last hundred years has echoed from the Parliament of Canada be heard for many more centuries to come.

Passed by the House of Representatives, Malta, at Sitting No. 72 of the 14th June, 1967.

A. Bonnici,
Speaker.

EXTRACT FROM THE JOURNALS
OF THE
HOUSE OF REPRESENTATIVES

NEW ZEALAND

Thursday, the 22nd day of June 1967

Resolved, *nemine contradicente:*

That this House, mindful that on 1 July 1967 falls the one hundredth anniversary of the passage of the British North America Act 1867, and the establishment of the Parliament of Canada, in admiration of the great achievements of the Canadian people during the past century, and in appreciation of the warm and close relations that have always existed between Canada and New Zealand, in both peace and war, and further, recalling their association in both the Commonwealth and the United Nations and their dedication to the preservation of international peace and security; sends its warmest greetings and most sincere congratulations to the Parliament of Canada on the occasion of its centenary, together with best wishes for its second century.

R. E. Jack,
Speaker.

LEGISLATURE OF THE STATE OF IDAHO—
THIRTY-NINTH SESSION

IN THE SENATE

S. J. M. No. 11

By State Affairs Committee

A JOINT MEMORIAL

To the Prime Minister, the Governor General and the Parliament of the Dominion of Canada:

We, your Memorialists, the Senate and the House of Representatives of the Legislature of the State of Idaho assembled in the Thirty-ninth Session thereof, do respectfully represent that:

WHEREAS, Idaho points with sincere pride to many ties with Canadian enterprise and history dating back to the exploits and achievements of the great men of the Hudson's Bay Company, founders of Fort Boise, which even today gives its name to our state capital, and

WHEREAS, Canada sends Idaho more visitors than do even some of the sister states in our Union and resulting ties have been of great mutual benefit and that numbers of our citizens have served with honor and distinction in Canada's armed forces, and

WHEREAS, the border between Idaho and Canada has always been more of a landmark of mutual understanding than a line dividing our interests and as Dick d'Easum, one of Idaho's most distinguished writers comments, "Canada is an honest neighbor. If she needs a cup of sugar or a potato to help out when company comes, she can borrow it here." And

WHEREAS, July 1st of this year marks the one hundredth birthday of Canada;

NOW, THEREFORE, BE IT RESOLVED by the Thirty-ninth Session of the Legislature of the State of Idaho, now in session, the Senate and the House of Representatives concurring, that on behalf of the government and the people of the State of Idaho, we extend our heartiest best wishes to the government and people of Canada, that all the blessings of peace and prosperity may be theirs in a great future in which our nation and our state, too, may share.

BE IT FURTHER RESOLVED, that the Secretary of State of the State of Idaho be, and he hereby is, authorized and directed to immediately forward certified copies of this Resolution to the proper officials of the government of Canada that both government and people may be made aware of the import of this Resolution.

UGANDA

A CONGRATULATORY MESSAGE TO THE PARLIAMENT OF CANADA ON THE OCCASION OF HER CENTENARY OF INDEPENDENCE CELEBRATIONS

conveyed by the
National Assembly
First Meeting of the Second Session
Tuesday, 4th July, 1967

CONGRATULATORY MESSAGE TO THE CANADIAN PARLIAMENT

THE MINISTER OF PLANNING AND ECONOMIC DEVELOPMENT (**Hon. Cuthbert J. Obwangor, M.P.**): Mr. Speaker, I beg to move the Motion standing in my name in the following terms—

> "That Mr. Speaker be requested to send to the Speaker of the House of Commons and to the Speaker of the Senate of the Parliament of Canada the following message:—
>
> 'We, the Members of the National Assembly of Uganda in Parliament assembled, do offer our heartfelt congratulations and felicitations to the people of Canada upon the occasion of the celebrations of Canada's Centenary and do reaffirm the cordial relations that exist between our two nations and do further offer our best wishes for your country's prosperity and happiness'." (Hear, Hear!)

Mr. Speaker, this is merely a goodwill and a formal motion and I do not, as is usually with me on some occasions, wish to make a lengthy speech but only to be specific and *ad rem*. Mr. Speaker, it is with deep and heartfelt warmth that I have to speak on this occasion in order to offer our heartfelt congratulations and felicitations to the people of Canada upon the occasion of the celebrations of Canada's Centenary, and associated with it to re-affirm the cordial relations that exist between our two countries.

In 1965 I had been blessed with an opportunity of visiting that grand country which is one of the symbols of democracies in our modern world. I enjoyed my stay in that country for one thing—the Canadians are people endowed with good attitudes about life.

Equally, I feel privileged on this occasion to move this Motion as Canada and Uganda have certain common things they share in life, namely, that we know or we share certain traditions which we enjoy in common such as parliamentary and representative democracy,

and being associates in the Commonwealth of nations. Because we share such noble traditions and way of life which make us brothers, I feel happy that because of common association within such institutions, Canada and Uganda in their close friendship will work together towards maintaining and fostering democratic institutions and ways of life, and that in so working will influence international organisations to ensure that peace obtains throughout the world.

Mr. Speaker, as in my opening remarks I said this was merely a goodwill and formal Motion. It is with these few appropriate words that I beg to move.

HON. ALOYSIUS K. BALINDA, M.P., seconded. *Question proposed.*

THE MINISTER OF COMMERCE AND INDUSTRY **(Hon. W. W. Kalema, M.P.):** Mr. Speaker I wish to associate myself with the proposal contained in the Motion to which my Hon. Colleague has referred. He has expressed a number of good reasons and sentiments behind this Motion which is going to the Canadian Parliament with which I have been connected during the past two years as a result of my being Chairman of the Commonwealth Parliamentary Association. (Hear, Hear!)

Sir, last year I had the opportunity of visiting Canada when Canada was playing host to the Commonwealth Parliamentary Association. Sir, on this occasion I had a chance to meet a good number of Canadian Parliamentarians, both Senators and M.P.'s., but quite apart from this association I had tremendous opportunities because when delegates were in Canada they were able to see for themselves the country, to meet the people in general and to see the vast potentialities of Canada which stretch for miles and miles from one end of Canada to the other. We were able to see, Sir, the material progress which has been made by Canada and, I am sure, quite apart from their potentialities, all Members here who have known what Canada is doing for the Commonwealth and the world at large, will not fail to appreciate that this House should communicate to Canada our best wishes.

Sir, it is without exaggeration that I submit that Canada plays in the sphere of peace and co-operation a very big part, sometimes far greater in proportion to her size, and I think this goes as a great credit to this country of Canada, which is our sister country in the Commonwealth. During the Conference in Ottawa one of the Senators, Senator Connolly, said that the concept of the Commonwealth was not new. He believed as well as I do that it is as old as man because it presupposed a belief in the dignity and worth of the human being.

Again, Sir, I would like to remind Hon. Members of the part played by Mr. Pearson, the Prime Minister of Canada, together with our President, during last year's Prime Ministers' Conference in London and I would like to remind Members here, Sir, that Mr. Pearson still continues to play that role as we also are doing.

Well, I do not want to speak too much about Canada or to be over-sentimental but I certainly love the country and I am sure that all of us who have been there would like me to say so. Perhaps I should take this opportunity to remind the Hon. Members that Uganda is playing host this year in October to the Commonwealth Parliamentary Association and I have every hope that all of us will play our part in making our guests happy, and those of us who will take an actual part in the conduct of the Conference will play our part to the fullest.

Sir, I beg to support.

Hon. G. O. B. Oda, M.P.: Mr. Speaker, Sir, it is beyond doubt the Members opposite, the Government Members, will be assured by Members on this side of the House that the Motion is unanimous. In my personal view, if I had my own way, I think this resolution should only be read by one person and only be confirmed and approved by the House and be sent immediately to Canada.

Sir, a nation that worked very hard for their freedom, as Canada did, deserves not only the thanks and a tribute from Uganda but the whole world. (Hear, hear!). Sir, I have not had an opportunity personally to visit or be in person in Canada but I have met Canadians on a number of occasions, not only here in Uganda but elsewhere, particularly recently in the United Kingdom on the Parliamentary Commonwealth visit and, indeed, the gentlemen I met on these occasions showed that the Canadians are very friendly and they have indeed projected a true image of their Government and also their people.

Sir, I would also like to say that we extend our tribute to the Government and people of Canada for the very great part they have

played for Uganda. No doubt for the last few years they did work hard to send both missionaries and lay teachers to educate our children. They did not only educate our children but did also educate some of us, including myself. This has given the country an opportunity to go faster in the field of social life, particularly education. (Hear, hear!).

Sir, I would also like to pay tribute to those, particularly to those who were sent here to educate our people, particularly to some of the missionaries who were responsible for recruiting both missionary and lay teachers; the one that I have in mind is now retired, Archbishop Cabana, who was responsible for the recruitment of all these various teachers who gave us this opportunity of having more teachers in this country.

In conclusion, Sir, I would like to say that Long Live Canada and their people and we wish them all prosperity.

THE DEPUTY MINISTER OF AGRICULTURE, FORESTRY AND CO-OPERATIVES **(Hon. Aloysius K. Balinda, M.P.)**: Mr. Speaker, Sir, I would like to add my congratulations to the people of Canada on the occasion of the celebrations of the Canadian Centenary and to wish them the best wishes for Canada's prosperity and happiness. (Hear, hear!)

We are all too aware, Sir, that it is overwhelmingly difficult to attain independence and to keep it. Indeed, in 1867, when independence was granted to Canada, it brought them as it did bring to us in 1962, consciousness of greatness and a conviction that what had been achieved in the face of apparently insuperable difficulties had been achieved and could be preserved. Canada, Sir, has now succeeded for the 100th year to preserve her independence, and that, Sir, is no easy feat. To us it is an exhortation, it is a hope, it is a goal to emulate that having achieved we can also retain that elusive thing called independence.

We rejoice, Sir, at Canada's old age but although Canada has grown old it does not mean that it has become antiquated. It now has the advantage of enjoying a combination of both the ancient and the new. The Hon. Members who have spoken before me, Sir, have referred to the good relationship that exists between our country and Canada. We share many things, we meet at various international conferences, but I must not fail, Sir, to mention that our Members who attended the Commonwealth Parliamentary Conference last November were accorded hospitality which we look forward to reciprocating when this Conference takes place here in Uganda. The Uganda Branch, Sir, of the Commonwealth Parliamentary Association, of which I am Chairman, is looking forward to welcome the opportunity of renewing the contact that was established in November last year.

Sir, once again I wish to join with the other Hon. Members to congratulate Canada during the course of years it has been able to achieve this 100th year of their valued freedom.

Sir, I beg to support.

THE MINISTER OF REGIONAL ADMINISTRATION **(Hon. J. S. M. Ochola, M.P.)**: Mr. Speaker, in supporting the Motion, I would like to associate myself with the sentiments expressed by the Mover of the Motion and by those who have already spoken on the Motion.

Mr. Speaker, Sir, Canada must look back on 100 years of toil, sweat and anxiety with pride and satisfaction.

Mr. Speaker, the recent Commonwealth Parliamentary Association Conference held in Ottawa drew delegations from many parts of the Commonwealth, including Uganda.

I was fortunate, Sir, to be included and not only that but to be given the opportunity to lead Uganda's delegation. It is therefore appropriate that on this occasion I should refresh my memory of what we as delegates saw and witnessed while in this beautiful land. If I am not speaking for all the delegates who went to Canada for the Commonwealth Parliamentary Association Conference, I would like to say that I should be given permission to speak for myself. Mr. Speaker, Sir, Canada, as Hon. Members know, is a vast land. It is probably bigger than the three East African territories put together, yet the population is not as big. I understand that the population is now estimated to be about 25 million people only.

In this vast country you have beautiful and fertile land for the production of wheat. Some parts are suitable for ranching and others are suitable both for the growing of wheat as well as the dairy industry. Yet in Canada you probably have the greatest variety of rich deposits of minerals, including natural gas, oil and several other things which I may not be able to enumerate here.

Mr. Speaker, Sir, the Canadians are very very friendly people. During our month's stay in Canada we had the opportunity or we were given the opportunity to visit all the ten provinces. We were also given an opportunity to visit private families and to stay with them; we had meals with them and we conversed and discussed matters of common interest and we found these meetings very helpful. Mr. Speaker, Sir, the people we visited during our stay in Canada were not prominent people in the nation but were ordinary citizens and, because of this, I personally feel that the Canadians are happy, they are friendly and are people who are ever ready to share their experience with other people, not only of the Commonwealth but of the world at large. Mr. Speaker, Sir, we had the opportunity of seeing almost everything we wanted to see and I can assure the House that I came away with a very good impression, which impression I still hold today, that Canada is a good country to live in and that Canadians are anxious to give all they can and, indeed they are trying to do all they can to assist not only the Commonwealth member countries but other parts of the world that need assistance, and I would like to point out here that we right now have quite a number of Canadians who are engaged in all sorts of development projects, who are trying to assist us to achieve what we are all fighting for. We have technicians, we have got doctors, we have got experts of different types and we shall continue to draw technical assistance from Canada.

Mr. Speaker, Sir, Canadians are very proud of their country and I would like to remind Hon. Members here that although in Canada you have different types of people, that is, people who came from different parts of the world, people belonging to different nationalities in descent, yet you find in Canada a sense of common interest. You find in Canada people determined to put together and build their nation and, indeed, from what we witnessed, they have managed to build their country economically, socially and in all other walks of life. Mr. Speaker, Sir, I would like to refer to one particular matter of interest. When we were in Canada we were given opportunity to study the Canadian Parliamentary system; although a good number of Canadians claim British descent yet the Canadian Parliamentary system cannot and should not be taken as a photostat of the Westminster system.

We had an opportunity to study the Canadian system of Parliamentary democracy by one venerable gentleman—the Hon. Mr. John Connolly who until recently was Chairman of Commonwealth Parliamentary Association and Leader of the Senate and we discovered that the Canadian Parliamentary system is far from being the same type of Parliamentary system that is obtaining in Britain.

Mr. Speaker, Sir, despite some internal difficulties that Canada may have, the country is enjoying confidence, which confidence has managed to wield all different types of people together and are working proudly to achieve economic advancement.

Mr. Speaker, Sir, finally I would like to say this that Canada should look back to the 100 years with pride and satisfaction. I beg to support.

THE MINISTER OF FOREIGN AFFAIRS (**Hon. S. N. Odaka, M.P.**): Sir, the Mover of this Motion stated that this was formal and I wanted to mention this just in case other Members wanted to speak. It was agreed mutually that a set of speakers would speak and that I would wind up the Motion. (Hear, hear!)

Sir, it appears from what I am hearing that Hon. Members would have liked us to talk and talk but if I may wind up—(*laughter*)—I would say that I entirely associate myself wholeheartedly with words that have been expressed by both Sides of the House. Hon. Members would know that Canada and Uganda have enjoyed diplomatic relations since the very time of the attainment of our Independence. Both Uganda and Canada have High Commissioners accredited to each other and I am proud to say that at the time when I am talking I can see the Canadian High Commissioner seated in the distinguished guests gallery.

Sir, you will recall that yesterday the High Commissioner invited a number of us and a number of Canadians to celebrate the centenary. Although I knew, Sir, that we had a number of Canadians working here in Uganda, I must admit I was overwhelmed by the great number that we have here and I must state categorically that we are very grateful for the work they are doing in every part of this country. Sir, I was also very impressed by another group of Canadians who have been here before even those who came to help us after Independence. I am now referring to

the missionaries. Yesterday I had a chance, like most of you, to meet missionaries from as far away as Kasasa, near the Masaka border—and I understand there are some missionaries as far away as Kisoro.

Hon. Members will recall that the last white Archbishop of Rubaga was a Canadian, and I want to say that Uganda has been proud to associate herself with Canadians from all walks of life including missionaries. Sir, Members have said and I agree that our association with Canada both at the United Nations and also in the Commonwealth is cordial and useful. We on our part can assure Canada that we shall maintain and expand this relationship. As a sign of this expansion, Sir, we sent and I received yesterday a telegram from the Minister of Information, Broadcasting and Tourism who is heading the Heartbeat of Africa to Montreal. I understand that they have done, perhaps, more than any other group could have done to show to Canadians and North Americans generally what our cultural heritage is. I understand we took a few crocodiles to Canada.

It is our hope, Sir, that this type of exchange will continue and expand. I therefore take this opportunity, Sir, to express sincere good wishes and prosperity to the Canadian people and hope that that country gives an example to many others and be an example, as the Hon. Mr. Aloysius Balinda said, to those who are trying to have self-determination by way of experimenting on the forms of Government. Sir, I support the Motion. (Hear, hear!)

Question put and agreed to.

Resolved:

"That Mr. Speaker be requested to send to the Speaker of the House of Commons and to the Speaker of the Senate of the Parliament of Canada the following message:—

> 'We, the Members of the National Assembly of Uganda in Parliament assembled, do offer our heartfelt congratulations and felicitations to the people of Canada upon the occasion of the celebrations of Canada's Centenary and do re-affirm the cordial relations that exist between our two nations and do further offer our best wishes for your country's prosperity and happiness'."

EXTRACT FROM THE OFFICIAL REPORT
NATIONAL ASSEMBLY OF KENYA

Tuesday—20th June, 1967

Communication from the Chair—

THE SPEAKER **(Mr. Slade):** Honourable Members will be interested to note that, on the 1st day of July this year, our sister of the Commonwealth, Canada, celebrates her Centenary.

Only last year, our delegates attended the Annual Conference of the Commonwealth Parliamentary Association at Ottawa. They returned with the most glowing reports of the beauty of Canada, the generosity of her hospitality, and the dignity of her Parliament.

From this National Assembly of Kenya, which is only four years old, we send our warm congratulations to the Senate and the House of Representatives of Canada on their achievements during the past hundred years, and on their present exalted status. Both of those Houses have, by their example, made great contributions towards the stability and development of parliamentary institutions throughout the Commonwealth, and doubtless also elsewhere.

I propose to record this message by suitable letters to the Speakers of both of those two Houses.

THE MINISTER OF STATE TO THE PRESIDENT'S OFFICE **(Mr. Nyamweya):** Mr. Speaker, Sir, the Government of Kenya and I am quite sure the hon. Members of this House, —would like to associate their feelings and sentiment with your Communication from the Chair. We would like at this moment to place on record our heartfelt felicitations and fraternal congratulations to our fellow parliamentarians, the people of Canada, on the occasion of the Centenary celebrations of their Parliament, and for their contribution in the maintenance of parliamentary democracy in the world. Although ours is a young Parliament and growing, likely to be modelled to suit our own country's need, yet we have more than one thing in common, and, more particularly, our firm convictions and beliefs in parliamentary democracy.

Mr. Speaker, Sir, may I ask these feelings, through you, be conveyed to our fellow parliamentarians in Canada.

PREMIER'S OFFICE
P. O. Box 147,
NASSAU, BAHAMAS.

14 July, 1967.

My Dear Prime Minister:

On behalf of the Government and people of the Bahama Islands, I am pleased to have the opportunity of sending cordial greetings to the Government and people of Canada, now celebrating their centenary as a Confederation.

The party of sixteen Bahamian Sea Scouts and Sea Rangers, carrying this message, are visiting Expo '67 as guests of Canadian Sea Scouts and Sea Rangers whom we had the privilege of entertaining in the Bahamas last year.

It is the earnest desire of my Government that the bonds of friendship forged by these young people through the Scout and Guide movements should be representative of the good relations between our countries, and that they should expand to reach our peoples in all walks of life.

As fellow members of the Commonwealth within the Western Hemisphere, we look forward to increasing co-operation in many fields, as discussed at the Commonwealth Caribbean-Canada Conference held in Ottawa in July 1966.

May I add my personal good wishes for the continued success of Expo '67.

Yours sincerely,

Lynden Pindling, Premier.

The Right Honourable Lester B. Pearson,
Prime Minister, Ottawa, Ontario, Canada.

MASERU
SPEAKER SENATE COMPARLAS OTTAWA CANADA MANY CONGRATULATIONS YOUR CENTENARY BEST WISHES FUTURE ON BEHALF OUR PARLIAMENT
PRESIDENT SENATE LESOTHO

MALAYSIA

DEWAN NEGARA
(THE SENATE)
BANGUNAN PARLIMEN
KUALA LUMPUR

The Honourable the President of the Senate,
Parliament House, Ottawa, Canada.

Dear Mr. President,

On behalf of the Malaysian Senate, I wish to convey to you and the Canadian Senate our congratulations and good wishes on the occasion of your country's centenary. We trust that your country, with which Malaysia has had the pleasure and honour of being closely associated for a long time as a member of the Commonwealth, will continue to enjoy, through the wisdom and dedication of its leaders, peace, prosperity and progress in this much-troubled world.

Yours sincerely,

Dato Haji Abdul Rahman bin
Mohamed Yasin
President of the Senate

EXTRACT FROM MINUTES
OF THE HON. SENATE OF JAMAICA
of the
7th Day of July, 1967

Senator Wynter having obtained suspension of the Standing Orders
moved—

BE IT RESOLVED that this Senate places on record its profound congratulations to the Government and people of Canada on the Centennial of the establishment of the Confederation of the Dominion of Canada, and pays tribute to the Government and people of Canada for their constant and unremitting service to the cause of peace and progress in the Commonwealth and the world.

AND BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Government of Canada.

Seconded by Dr. Burt.

(Dr. McNeill entered and took his seat)

Agreed to.

EXTRACT FROM MINUTES
OF THE HOUSE OF REPRESENTATIVES
of the
12th Day of July, 1967

The Prime Minister and Minister of External Affairs
moved—

WHEREAS in 1967 Canada will celebrate the first Centennial of the signing of the British North America Act, 1867, which established the Dominion of Canada;

AND WHEREAS the Government of Jamaica, in recognition of the close and friendly relationship which exists between the Government and people of Jamaica and the Government and people of Canada, wishes to take this opportunity to record its profound admiration and respect for the Canadian nation;

BE IT RESOLVED that this Honourable House salutes the Canadian nation and offers its congratulations on the Centennial of the Confederation of the Dominion of Canada;

AND BE IT FURTHER RESOLVED that this House pays a special tribute to the Government and people of Canada for their valuable contribution to peace and progress in the Hemisphere, in the Commonwealth and the world;

AND BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Prime Minister of Canada.

Seconded by the Leader of the Opposition. The motion was passed with all members present standing.

STATE OF LOUISIANA

SENATE CONCURRENT RESOLUTION NO. 64

By Mr. Mouton and Representative Le Blanc

A Concurrent Resolution

Memorializing with respect to close and friendly relationships with the Dominion of Canada.

WHEREAS, the United States and Canada have, on many occasions, indicated a desire for continuing close and friendly relationships, and

WHEREAS, Louisiana shares this desire for close relationships with Canada and the Provinces thereof, and

WHEREAS, the Government of Quebec has indicated a desire for a formal relationship with Louisiana which would encourage the exchange of visitors and information reflecting our historic ties,

THEREFORE, BE IT RESOLVED by the Senate of the Legislature of Louisiana, the House of Representatives concurring, that the Legislature of Louisiana hereby endorses and welcomes the establishment of closer relationships with Canada and the Provinces thereof.

Be It Further Resolved that all state and local public agencies and institutions in Louisiana are encouraged to establish programs leading to such closer relationships with and understanding of Canada and its Provinces.

Be It Further Resolved that a copy of this Resolution shall be transmitted to the presiding officers of the Senate and the House of Commons of the Provinces of the Dominion of Canada.

C. C. Aycock
Lieutenant Governor
and President of the Senate

Vail M. Delony
Speaker of the House of Representatives

ZOMBAMALAWI MALAWIGOVT
ETAT SPEAKER OF SENATE COMPARLAS
OTTAWA ONT ON THE OCCASION OF
CANADAS CENTENARY I SEND CONGRATULATIONS ON BEHALF OF THE
MALAWI BRANCH OF THE C P A STOP
SPEAKER SURTEE ZOMBA MALAWI

Molepolole
Via Gaberones
Botswana
26th June, 1967.

Senator the Hon. J. J. Connolly, P.C., O.B.E.,
Leader for the Government,
The Senate,
Ottawa, Canada.

Dear Mr. Connolly,

On behalf of the National Assembly of Botswana I desire to send to you and through you to the Canadian Senate the very sincere congratulations of this Assembly on the occasion of Canada's centenary. We are still only one year old and we derive inspiration and hope for our future, from the progress made by countries such as yours which have in so short a history become world leaders.

May God continue to guide and bless your Senate and country.

Yours sincerely,

A. M. Merriweather.
Speaker, Botswana National Assembly

A RESOLUTION
MEMORIALIZING THE PEOPLE AND GOVERNMENT OF CANADA ON THE OCCASION OF THEIR NATIONAL CENTENNIAL, THE PAN AMERICAN GAMES AND EXPO '67.

WHEREAS it is one hundred years since the Union of Canada under its present form of government; and

WHEREAS the people of Minnesota have long cherished their close friendship and easy interchange of ideas and visitors with Canada and especially the Provinces of Manitoba and Ontario; and

WHEREAS the People of Minnesota happily note that the city of Winnipeg has been chosen as the host of the Pan American Games; and

WHEREAS the People of Minnesota enthusiastically hail the celebration of Canada's centennial at Expo '67; and

WHEREAS these events emphasize the great qualities of the People of Canada and will bring a general increase in international understanding; now therefore,

BE IT RESOLVED By the Legislature of the State of Minnesota that the People of Minnesota use the occasion of these events to affirm this longstanding friendship, to acknowledge admiration for the Canadian People and Canadian institutions, and to express their great satisfaction in the success, confidently anticipated, of the Pan American Games and Expo '67.

BE IT FURTHER RESOLVED that the Secretary of State of the State of Minnesota be instructed to transmit copies of this resolution, in English and French, to the Governor-General of Canada, the Prime Minister of Canada, the Premier of Manitoba, the Premier of Ontario, the Mayor of Winnipeg, the Premier of Quebec and the Mayor of Montreal.

L. L. Duxbury,

Speaker of the House of Representatives.

James B. Goetz,

President of the Senate.

Passed the House of Representatives this 11th day of May in the year of Our Lord one thousand nine hundred and sixty-seven.

Harold LeVander,

Governor of the State of Minnesota.

Filed May 18, 1967.

APPENDIX "C"

(*See p. 319.*)

FEDERAL COMMISSIONS OF INVESTIGATION

INQUIRY ANSWERED

QUESTION:

1. How many Royal Commissions, commissions or other special investigating bodies has the Federal Government appointed in the last 20 years?

2. What, in each case, is (a) the name, (b) the purpose, (c) the year of the appointment and the year of termination; and (d) the cost to date of such Royal Commissions, commissions or other special investigating bodies?

ANSWER:

Insofar as the Prime Minister's and Privy Council Offices are concerned, the answer is as follows:

1. Fifty-five.

2. See following table.

Name of Commission	Year of Appointment	Year of Termination	Cost
			$
Japanese property losses Secretary of State Dept.	1947	1950	Not available
Charges re Veterans' Pensions, etc.—Veterans Affairs Dept.	1947	1948	Not available
Prices, National Health and Welfare	1948	1949	Not available
Transportation, Transportation Dept.	1948	1951	468,853
Arts, Letters and Sciences	1949	1951	287,101
Criminal Code	1949	1952	Not available
Rentals payable re leased lots on townsites and subdivisions in Banff and Jasper National parks and to review minimum value of buildings which may be erected therein	1950	1950	822
Floods in Red River Valley, Man.	1950	1951	8,644
Fire damages to towns of Rimouski and Cabano, P.Q.	1950	1950	4,789
South Saskatchewan River Project	1951	1953	151,165
Staking and applications for permits re exploring for petroleum products by Sun Oil Co. and California Standard Co.	1951	1951	1,358
Claims arising out of world war II (Mr. Chief Justice Ilsley)	1951	1952	8,095
Claims arising out of world war II (Mr. Chief Justice Campbell).	1951		684,850*
Administration of Quartz Mining and Placer Mining in Yukon Territory	1954	1954	3,625
Effects of agreed charges authorized by Board of Transport Commissioners under Part IV of Transport Act	1954	1955	19,183
Floods, Humber River, Ont.	1954	1954	1,000
Patents, Copyright and Industrial Designs	1954	1960	42,172
Criminal law relating to defence of insanity, criminal sexual psychopaths	1954	1959	78,746
Coasting Trade of Canada, etc.	1955	1958	247,461
Long-term Economic Prospects of Canada	1955	1958	1,303,819
Television Broadcasting	1955	1957	328,509
Diesel issue re CPR firemen	1957	1958	139,979
Newfoundland Finances	1957	1958	38,148
Energy Policy	1957	1960	414,557
Price Spreads of Food Products	1957	1960	290,224
Box Cars	1958	1959	Not available
Seabird Island Indians	1958	1958	2,506
Freight Rates and Transportation	1959	1962	555,946
Great Slave Lake Railway	1959	1960	46,920
Indians in MacKenzie District	1959	1960	8,245
Coal	1959	1960	99,166
Automotive Industry	1960	1961	57,841
Complaints received concerning certain activities of Station CHEK-TV, B.C.	1960	1960	4,720
Royal Commission on Government Organization	1960	1963	2,791,915
Canadian Publications and other periodicals	1960	1961	136,121

*Paid out of war claims fund and not out of consolidated revenue fund.

Name of Commission	Year of Appointment	Year of Termination	Cost
			$
Health Services	1961	1966	1,466,402
Banking and Finance	1961	1964	747,473
Taxation	1962	1967	3,483,424
Pilotage	1962	—	769,512
Bilingualism and Biculturalism	1963	—	6,057,053
Irregularities in processing claims under Prairie Farm Assistance Act	1963	1964	17,957
TCA Overhaul and Maintenance Base, Winnipeg, Man.	1964	1966	55,340
Crash of TCA Aircraft at Ste. Therese	1964	1965	21,038
Export Marketing Problems of Salt Fish industry in Atlantic Provinces	1964	1965	42,116
To inquire into allegations about any improper pressures having been brought to bear on counsel acting upon an application for the extradition of one Lucien Rivard	1964	1965	180,053
Irregularities in 1963 Federal Election B.C.	1965	1965	14,107
Inquiry into Freshwater Fish Market	1965	1966	39,611
Inquiry into Group D. Salary Increases	1965	1965	7,193
Working Conditions in Post Office Dept.	1965	1966	78,960
Inquiry into Mr. Justice Landreville	1966	1966	55,831
Inquiry into Complaints made by one George Victor Spencer	1966	1966	13,099
Inquiry into matters relating to one Gerda Munsinger	1966	1966	54,708
Farm Machinery Costs	1966	—	139,680
Security	1966	—	40,149
Status of Women in Canada	1967	—	9,408

THE SENATE

Wednesday, November 1, 1967

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

Prayers.

PRIVATE BILLS

LONDON AND MIDLAND GENERAL INSURANCE COMPANY—FIRST READING

Hon. Eric Cook presented Bill S-25, respecting London and Midland General Insurance Company.

Bill read first time.

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

Motion agreed to.

TRANS-CANADA PIPE LINES LIMITED—FIRST READING

Hon. Daniel A. Lang presented Bill S-26, respecting Trans-Canada Pipe Lines Limited.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Lang: Honourable senators, as this is a bill dealing with technical corporate matters, it should be disposed of very readily. Therefore, with leave of the Senate, seconded by Senator Cook, I move that this bill be placed on the Orders of the Day for second reading at the next sitting of the Senate.

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. 231 to 276, inclusive, and moved, with leave of the Senate, that the said reports be taken into consideration at the next sitting.

Motion agreed to.

FOOD AND DRUGS ACT

BILL TO AMEND—SECOND READING

Hon. A. Hamilton McDonald moved the second reading of Bill S-21, to amend the Food and Drugs Act.

He said: Honourable senators, I am sure you will all recall that this bill was before the Senate only a few short months ago. I apologize for the fact that the bill now before us was distributed to us only a few moments ago, but I can assure you that it is, with one exception with which I will deal later, the identical legislation that we had before us last April and May. It is not my intention to repeat on this occasion the arguments that I presented to you on April 19, 1967 last, as reported in the Senate *Debates* on page 1793. At that time I came to certain conclusions after considerable study, in which I had help from the officials of the Department of National Health and Welfare, the Food and Drug Directorate, and from the enforcement officers of this country. I became convinced that the enforcement officers of our country should be given some additional powers to deal with a new drug that was being distributed illicitly among many hundreds of young people in our country and virtually around the world.

Again I say to you that I am not going to repeat the arguments I presented to you on an earlier occasion. Those senators who are interested can go back and read the report of the debate.

Hon. Mr. Walker: What was the date?

Hon. Mr. McDonald: April 19, 1967, at page 1793 of the *Debates of the Senate.*

Hon. Mr. Walker: Would you be good enough to start out by telling us what is the one small change in the new legislation?

Hon. Mr. McDonald: I will come to that a little later, if you would not mind, please.

Hon. Mr. Walker: All right.

Hon. Mr. McDonald: Not only did I put forth my own arguments at that time, but many senators on both sides of the house, some of whom have had training in the field of medicine, made worthwhile contributions. I want again to compliment them for the arguments they put forward in this chamber and for the part they played when the legislation was before the committee.

Now, what happened to the legislation? I think there was a genuine desire by senators on both sides of the Senate to try to improve the bill that was presented to us. You will recall that when the bill was reported back from committee to this house an amendment was presented in an attempt to provide some penalty for promoting the trafficking or use

of LSD. Well, we were not successful. Some members of this chamber opposed the amendment; there was an attempt to move a further amendment and finally the bill died, never having been given third reading by this chamber. As you know, Parliament prorogued on May 8 and the legislation to all intents and purposes died on the Order Paper.

However, I am pleased to have the opportunity to reintroduce it because I do not believe the conditions have changed, and wherein they may have changed they have worsened. I am confident that if you have been reading the newspaper accounts of the use of LSD in Canada and the United States you must be convinced that if this situation has changed at all, it has been for the worse.

Unfortunately some of the press criticism of this chamber was, in my opinion, most unfair. I could refer to several articles in the press, but at this stage perhaps it is better not to do so. It seems to me that many of the producers, editorial writers and others who have been commenting on the actions of this house regarding this piece of legislation have been very ill-informed. Many of the articles that appeared were not in accordance with the facts as placed before us during the debates in this house last April and May. It appears to me that great efforts have been made by some members of the press to contact people inside and outside Canada who are promoters of the use of LSD. That, I suppose, is the business of the press. I am one of those who believe that the press ought to be given the widest possible freedom, but I am also one who believes that freedom carries with it responsibilities, and I think if the press were to do the job that you and I as Canadians expect it to do, in addition to printing and giving support and publicity to the supporters of the use of this drug, they should also give equal coverage to those people who condemn the use of the drug other than for experimental purposes under controlled conditions. I do not believe this has been the case, and I believe that if honourable senators have followed the press reports from April to date they can come to no other conclusion than the one I have just mentioned to you.

I believe this bill should go back to committee, and I am prepared to move that it again be referred to the Standing Committee on Banking and Commerce, if it receives second reading. I would also suggest that when this happens we should invite to the committee all those people who we think can give worthwhile evidence. I think we should have representatives from the Food and Drug Directorate of the Department of National Health and Welfare, the Department of Justice, the law enforcement officers, the R.C.M.P. and others. Furthermore, if it should meet with your approval, perhaps it would be wise to invite representatives of the press who have such strong feelings in this matter to make representations to the committee. I think if they had the benefit of listening to some of the professionals who will undoubtedly come to our committee, it would help us to produce a better piece of legislation.

Hon. Mr. Thorvaldson: Will the honourable senator permit me a question? When you refer to the press in general, do you not think you should particularize? You are making rather serious charges, and blanket charges at that. Perhaps you would like to indicate what newspapers in particular were so unfair in regard to the *Debates of the Senate* on this bill.

Hon. Mr. McDonald: Thank you for bringing this to my attention. My criticism of the press concerning the responsibilities that come with freedom has been in the nature of a blanket charge. I think the press generally must accept this criticism, as I believe it is fair. With regard to LSD, I think some of the editorials are off base.

I am glad you have brought this point to my attention. I am quite prepared to state that the one newspaper that, in my opinion, has produced an editorial which does not bear any relationship to the facts is the *Globe and Mail*, in its editorial of Monday, May 1, 1967. If the writer of that article will read it, he will find that he contradicts himself. At one stage he said that the senators had approved legislation. The fact is that the Senate had not approved legislation at all. In the next column of the same editorial he pointed out this fact. The editorial is headed, "Some senatorial fantasies". I think the greatest fantasy was in the mind of the man or woman who produced the editorial, and this is the editorial I have most strongly objected to, and do so again now.

However, I would like to suggest to the Senate that perhaps it would be wise to give the press the opportunity of making representations before our committee, if and

when this bill goes to committee. I hope that you will give me your support in this regard, but it is a request upon which you shall make the decision, not I. I appeal to you to give me that support, so that if we do pass this legislation we will have general support throughout Canada for its implementation with a view to gaining some control over the use of LSD and other similar drugs.

As you know, the act makes provision to add, by order in council, similar drugs as they become available to the public in Canada. As I said a moment ago, this can be done by order in council, without the necessity of additional legislation.

Again, I suggest to you that we send the bill to committee and that we have as wide a representation as possible before the committee. If the legislation as it is presently presented is not suitable to the majority of honourable senators, then let us amend it so as to make it suitable. Then our law enforcement officers will be in a position to deal with a drug which I think most Canadians are concerned about at the moment, and justifiably, as we drive past our high schools and universities and see the thousands of young people whose very lives are at stake as long as people are allowed to distribute and peddle this type of drug. I think it is as dangerous as, or perhaps even more dangerous than, some of the narcotic drugs. I hope you will give me your support.

Hon. Mr. Grosart: Would the honourable senator agree that it might be well to have repesentatives of the manufacturers of this drug appear before the committee?

Hon. Mr. McDonald: To the best of my knowledge, the drug is only manufactured and distributed by one company in Canada. I presume this would be possible, but I would like to make some inquiries before I commit myself.

Hon. Mr. O'Leary (Carleton): Is the honourable senator aware that there are in Canada 100 daily and 300 weekly newspapers? You have quoted from one, and throughout your statement you have criticized "the press." Is one newspaper the spokesman for all newspapers in Canada?

Hon. Mr. McDonald: No, I would not want you to make that interpretation at all.

Hon. Mr. O'Leary (Carleton): That is the only interpretation one can make, the way you put it.

Hon. Mr. McDonald: I have defended the freedom of the press—and when I talk of "the press" I mean the radio, television, weekly and daily newspapers, and so on. They have demanded freedom, and I am the first person in the world who would admit that they must have freedom, but freedom brings responsibilities. I am sure each and every one of you agree with that. But I tried to point out that in many cases they only give one side of the story, and I think in the case of LSD it is true that our press media generally have gone out of their way to find people who promote the use of LSD. All I am saying is that if they are going to give coverage to those people, then they should give equal coverage to the other side, because these are people who hold themselves out as experts on both sides of the question.

The only newspaper that I want to refer to directly is the *Globe and Mail* and its editorial to which I have objected. But I am not objecting to the freedom of the press generally in respect of LSD or, indeed, in respect of anything else. I think our press does a good job, but it can do even better.

Hon. Mr. O'Leary (Carleton): Honourable senators, my objection is to the fact that Senator McDonald is arguing from the particular to the general when he speaks of "they". I have some slight connection with the press, and I have not seen one newspaper other than the *Globe and Mail* take the stand that has been mentioned.

As a matter of fact, so far as I am concerned, and I am sure so far as the majority of newspapers in Canada are concerned, they would in no way link up freedom or promotion of LSD with freedom of the press. It is so nonsensical that I do not think any sensible newspaper would take that position, and I know of none that has taken it. Yet, the honourable senator speaks of "they" and "the press" and "press freedom". This has no more to do with press freedom than has the promotion of incest, or the promotion of rape, or the promotion of any other crime.

I am sorry, honourable senators, but I cannot sit here and hear the whole press of Canada indicted, or hear Senator McDonald use the word "they" constantly when he is able to cite only one out of 100 daily newspapers and 300 weekly newspapers in the country.

Hon. Joseph A. Sullivan: Honourable senators, I am very glad I am a doctor, and not a newspaperman or a lawyer.

In rising to speak to this legislation for the second time I shall be brief. What I said on a previous occasion is doubly important today. The Dominion Bureau of Statistics has stated that there has been a rise of 80 per cent this year in narcotic offences.

I have had a chance to look over the new bill, and I notice that it has been changed very little from the previous measure, and I presume it will be discussed thoroughly in committee. However, in section 44, page 3, there have been added three subsections which I understand are inserted in order that there be uniformity with the Narcotic Control Act. Basically, that is a fundamental change.

After I spoke to this legislation previously I felt that there were some erroneous interpretations placed upon my remarks. Therefore, I wish to elucidate a little further on what I consider to be the crux of the whole situation.

I quoted an individual by the name of Leary. Senator Walker told me the next day that he was locked up, which is what I advocated. These so-called prophets of LSD are not prophets; they are traffickers in human bodies and souls. It is against them that should be directed all the force of the law, and not against the poor, deluded disciples. I want that clear.

On that previous occasion I described Canadian scientific medical research, and the contributions it has made on this subject, which were factual in detail, and I stressed the importance of the overriding medical aspects of this problem. I quoted Canadian scientific men such as Hoffer from Saskatchewan, and Lewis with whom I worked at my own hospital, and Dr. Berry and Dr. Baker. All of these names are in the *Debates of the Senate* of April 19, 1967, pages 1796 to 1798.

Having said that I wish to put on the record some very recent and up-to-date scientific information that has been published since last May. No one knows the prevalence of the use of LSD, but four separate studies suggest that about one per cent or more of young people use it. There is evidence that its use is increasing on the west coast, while it is diminishing in other areas. I should like to quote Dr. Donald B. Lauria, Associate Professor of Medicine at Cornell University Medical College, and President of the New York State Council on Drug Addiction.

> Used promiscuously under uncontrolled circumstances, LSD is extremely dangerous. It is absolutely unpredictable. Of the 114 cases hospitalized at Bellevue during a recent 18-month period, 13 per cent entered the hospital with overwhelming panic. There was uncontrolled violence in 12 per cent. Nearly 9 per cent had attempted either homicide or suicide. Of the 114, almost 14 per cent had to be sent on to long-term mental hospitalization, and half of those had no previous history of underlying psychiatric disorder.
>
> LSD has another danger not adequately emphasized. A small but growing number of people who take LSD repeatedly withdraw from society. They engage in perpetual introspective orgies, live a totally drug-oriented life, become negativistic and unconstructive. These people are beginning to worry even some of the proponents of LSD—the researchers.
>
> If the group were to become much larger, it could conceivably be a substantial danger to society as a whole.

When we had the thalidomide tragedy we were not aware of the consequences of that drug until a later date. Now listen to what is cropping up in the utilization of this drug, LSD.

Also, recent data in both experimental animals and man show that LSD can induce chromosomal breaks. What do we mean by that? This raises the specter of physical or mental abnormalities in chronic users or their offspring. That is most important. Experimentally it has now been proved that that will develop. If that is not a reason for legislation, I do not know what is.

I think that the laws concerning LSD—and I speak now as a doctor and not a member of the learned legal profession—concerning LSD should be made tougher, manufacturing or selling it illicitly should be a felony, and illicit possession should be a misdemeanor.

Getting back a little closer home, an expert in legal medicine told a Quebec commission of inquiry into the administration of justice in the province that the drug LSD has no therapeutic effects, despite the claims of some of its proponents. That has been proven recently in a book published on its utilization and the treatment of alcoholism. Dr. Jean-Marie Roussel, director of Quebec's Laboratory of Legal Medicine, says that he agrees entirely with any legislation that proposes severe control over this "miracle drug."

One further word. I think it important to put these two findings on the record. At the pinnacle of all hallucinogens is LSD. Dr. Roussel said that the use and traffic of narcotics and barbiturates is one of the principal causes of criminality; criminals use drugs to calm fear and anxiety and then later make them an excuse for their crimes. In spreading their gospel of chemical faith they say, "Take 250 micrograms of LSD and expand your mind, you see your inner self, find the secret of life itself, discover a truly religious experience and increase your perception." These claims, I am afraid, are falling on receptive ears. How valid are they?

The answer received at a seminar in Washington recently under the auspices of the United States Department of Health was contained in a review of 100 LSD cases in a large psychiatric hospital. It showed that 15 per cent of these patients exhibited uncontrolled aggression, 15 per cent exhibited uncontrolled panic, 7 per cent had suicidal tendencies, 5 per cent had attempted suicide, and over 15 per cent required long-term hospitalization. If this is mind expansion and inner vision, who needs it?

The Dean of Harvard Medical School had this to say to the class of 1970:

> Gentlemen, the Dean's office has been repeatedly pressed by a number of members of the Freshman Class for a statement of the College's administrative position with respect to the use of drugs, including marijuana and LSD. If it will help anyone, I am pleased to clarify our position.
>
> As anyone bright enough to be at Harvard knows perfectly well, possession or distribution of marijuana and LSD are strictly against the law, and taking drugs involves users in psychological dangers and contacts with the criminal underworld. The College is prepared to take serious disciplinary action—

This will have to happen in Canada.

> —up to and including dismissal, against any student found to be involved in the use or distribution of illegal and dangerous drugs.
>
> In sum, if a student is stupid enough to misuse his time here fooling around with illegal and dangerous drugs, our view is that he should leave college and make room for people prepared to take good advantage of the college opportunity.
>
> May I refer you to the attached medical appraisal by Dr. Farnsworth and Dr. Prout.

Dr. Curtis Prout is Professor of Medicine at Harvard and Dr. Dana L. Farnsworth is Director of Health Services. If the Senate so wishes, I would suggest that this pamphlet be published in my remarks.

> LSD is a far more dangerous drug than marijuana, and in the opinion of many informed persons is a greater menace to users than even the addictive narcotics.

Let that sink in.

> During the earlier years of experimentation with LSD the adverse effects were not considered to be very serious. However, in recent years, numerous cases have been reported of prolonged psychotic reactions from LSD, lasting from a few months up to two years. Hospitals in large cities, particularly New York and Los Angeles, have had many cases of acute psychoses arising from ingestion of this drug.
>
> LSD differs from most other drugs because its effects occur at varying periods after the ingestion of the drug. What it does, in effect, is to start in motion processes, as yet not understood, which produce effects after the drug itself has left the bloodstream. There may be severe depressions lasting for several months . . .

And reactions of a most untoward nature.

> We know now that long-term subtle psychological damage may result from LSD.

Note "long-term".

> Such damage may be glossed over by the pleasure and enthusiasm engendered by the substance, but we have seen too many cases of psychic breakdown to doubt the serious dangers of the drug. It is even possible that the brain is structurally damaged.

We were not sure of this a year ago. We are sure of it now.

> There is recent evidence that LSD attacks hereditary genes.
>
> In short, our professional medical opinion is that playing with LSD is a

> desperately dangerous form of "drug roulette." The medical evidence is clear. Any person taking LSD runs the clear risk of psychotic breakdown and long-run physiological damage—

which is permanent.

I do not think this legislation can be passed too soon.

Hon. Jacques Flynn: Honourable senators, I do not want to delay the passage of this bill. I merely want to say that I consider the Senate is most fortunate to have an expert as highly qualified as Senator Sullivan. We know the qualifications of Senator Sullivan, but I think we should add to his long list of honours the fact that he took part in the second British Academy Conference of Otolaryngology last summer, where he delivered two scientific papers and was the guest of honour at the banquet at Rhodes House, Oxford, where he addressed the assembly.

Hon. John J. Connolly: On behalf of those on this side of the house, I am glad that Senator Flynn has raised the point about Senator Sullivan's significant contribution to this important conference in England during the summer. I knew about it and I am happy to have the occasion to say a word about it.

Participation by members of this body in organizations of that kind does a tremendous amount of good for Parliament, and particularly for the Senate. This is not the only kind of work in which senators can participate outside the chamber; but this is work which redounds to the value of the Senate. When our members engage in it, then we are all honoured. We were all honoured by Dr. Sullivan.

Hon. Mr. Sullivan: Thank you.

Hon. Mr. Connolly (Ottawa West): Referring to the clauses of the bill itself, I am rather sorry about the turn the debate has taken with respect to the press. Frankly, the impression I had at the time, and I stand to be corrected, is that the amendment moved by honourable Senator Molson in the committee had to do with the question of publication. What he was trying to do in effect, as I understood it, was to take such steps as were required to inhibit the promotion of the use of these drugs. It may be that there are segments of the press who would like to come to our committees; because if the Senate's wording on that clause can be improved, I do not think there is any other committee of the Senate more capable of looking at proposals of this kind. That committee and this Chamber does not want to infringe the freedom of the Press. I think the committee had very worthy motives in attempting to do what it could, because of the kind of debate we heard on that occasion and again today, to restrict as much as it is within the power of the law to restrict, the dissemination of information which would and could do much damage to people who use those drugs other than under proper auspices.

Hon. J. Harper Prowse: I have one observation to make and I think it is important enough to make it now, although it was made before. I would like to congratulate honourable Senator Sullivan on the presentation he has made here concerning the grave dangers inherent in the use of LSD in particular.

As I said before and say again now, all the educational processes which can be summed up in the statements made by the honourable doctor, concerning the dangers of this drug, are apt to be lost on adolescents who are in a period when experimentation becomes almost compulsory to them. Whereas somebody may suffer from brain damage or psychological damage or gene damage—and this is bound to occur—the individual who is healthy and sound at the moment thinks you must be talking about somebody else and not about him.

This piece of legislation does something which nobody can fail to understand. It makes it clear to the person who may be encouraged, by any manner of means, to indulge what may seem to him like harmless experimentation into an area which may bring in great benefits—it makes it perfectly clear to him that he runs the risk of destroying his future by laying himself open to jail and a penitnetiary sentence which will live with him all the rest of his natural days.

From my experience as a lawyer and as a citizen, and as a person who has dealt with young people, I am convinced that that is one thing they do understand. A great number of fine young men, who might be prepared to make an isolated experiment, convinced that it could not possibly have any lasting damage, are not prepared to gamble their reputation and their future when to make that gamble means that they lay themselves open to detection, trial, conviction and sentence

—and that is the important part about this legislation.

We should accept, as I do without qualification, the statements made to us by experts who have no little axes to grind. We should reject those made by persons who wish to become prophets of a great new world by asking people to walk across a bed of fire. When men who have been responsible throughout their lives for the health of our people tell us that this particular kind of action can have serious effects—and they are sure that it will have—then the least we can do is provide the kind of answer to the public that nobody can fail to understand and that nobody can argue about.

Nobody can claim that a period of time in jail or penitentiary is mind-expanding, or good for the psychic, or apt to make a man better than he was before he got into the trouble which put him there.

Hon. Hartland de M. Molson: Honourable senators, I had not intended to take part in the debate at this stage, but as has been mentioned, I did propose the amendment in committee. My thought is that before we finish with this bill it would be worthwhile to think back and review what happened last spring in the committee. When this bill was discussed in the committee—and honourable members may read the proceedings of the committee to refresh their memories—it was agreed that its purpose was an effort to provide some control over the use of LSD. In the effort to control it, very heavy penalties were proposed for trafficking, as in the case of other narcotics, and also fairly substantial, perhaps heavy, penalties for using it.

In the discussion, it was brought out that while there are two types of persons commonly associated with all forms of narcotics, namely, traffickers and users, in the case of the young of today in our universities and schools there were other people deeply involved, whose role might be described as that of promoters.

Honourable Senator Sullivan mentioned Timothy Leary in the United States. Leary has built himself a little empire. He has hundreds or thousands of the young worshipping at his feet. He is a vicious man. He is a wicked man. As a matter of fact, anything that could be done to Leary would not be enough. I think he is under sentence at the moment, if I remember correctly, of 30 years. However, I understand he is appealing the sentence and is still out—I am not sure of that point. He has been responsible for thousands and thousands of the young in North America trying these psychedelic experiments, "taking a trip," and, in fact, using other narcotics, other "dope", as it is generally called.

I believe that type of person has no place at large in our society. So far as I am concerned, anybody who tries to build a cult for evil purposes among our young should be locked up, or worse. We do not want him around.

This was the subject under discussion in the committee when an effort was made to include that type of person as an offender under the act, along with the trafficker and the user.

There was never any intention to reduce our basic freedoms; there was never any intention to muzzle the press or reduce its freedoms; there was never any intention to take any of their rights away from other media such as television or radio. There was only the desire to attempt to curtail the activities of those who said to the young, "Get with it! Come on. Take a trip. This is the thing to do", and who proclaimed all the good things it did, when experts like Senator Sullivan know that the good it can do is non-existent but the damage it can do may last for more than one generation.

I hope when we get this measure back in committee we will reconsider this question. It may be that the amendment as it was proposed was not wisely worded. This is quite possible. But surely words can be found to include among the offenders the person who advocates the benefits, the non-existent benefits, of LSD. So far as I am concerned, without any wish to curtail anybody's rights or freedoms, I am anxious to see if we can not do something about that type of person.

Hon. Mr. Walker: Before my friend replies, and I presume he is going to, Mr. Speaker, would he be good enough to answer two questions. First, what are the amendments to the bill and what is the reason for them? Second, in view of my friend's answer to Senator O'Leary (Carleton), knowing that my friend Senator McDonald is not only a very erudite man but a very fair one, and knowing also that this is a chamber of sober second thought, would he not see fit to withdraw the charges that he has made against the press, inasmuch as he himself has only

been able to substantiate one statement made by the *Globe and Mail*? In all fairness, this is not a laughing matter. I am asking this in all sincerity for the benefit of my friend Senator O'Leary.

Hon. Mr. McDonald: Honourable senators, I will answer the first question first. I am sorry that I did not answer it before I sat down.

The changes are in Section 44, which is the section dealing with examination. The only alteration in the wording is designed to enhance and to ensure the rights of the accused under cross-examination with respect to the certificates of analysis for the drug. It is only a change in wording, as I say, really to give more assurance to protecting the person who is being cross-examined, and it brings it more in line with the wording under the Narcotic Control Act.

With regard to the statement that a blanket charge was made against the press, I would hope that my honourable friend would not take that interpretation. I had hoped that my explanation to Senator O'Leary would be accepted: that there is no desire to do such a thing. I have been in public life long enough to learn that the public press, be it radio, television or the newspaper, plays one of the greatest services of any responsible organization in a free country. But, as I said to Senator O'Leary, regardless of the functions that they may have performed in the past, I do not think there is a service, including the press, that cannot be improved upon. All I am saying is that this cherished freedom that they possess—and we all know they must retain it—carries with it a great responsibility, even more today than ever before, because of improvements that have come about through the press, radio and television.

All I am asking is that they give even greater consideration to the part that they will perform in our society in the future than they have given in the past, and to air all questions. There are two sides to every question posed, and all I ask is that the press seek out the experts on both sides of a question. When people are producers of editorials—and some of them are great personal friends of mine—I hope that they will be certain of their facts. In respect of the one editorial to which I referred, I do not believe that such was the case. I think the gentleman who produced that editorial just did not do his homework very well, and I hope that he will do better in the future.

Hon. Mr. Walker: I have a question. My friend hopes that they will be more careful in the future. Would he then agree that all he has said really boils down to this: he has no criticism of the press; he only criticizes that one editorial. Is that correct?

Hon. Mr. McDonald: If that is the interpretation you place on it, you are entitled to hold it.

Hon. Mr. Walker: But is that your interpretation?

Hon. Mr. McDonald: No.

Hon. Mr. Walker: All right. If that is not your interpretation, then have you any criticism of the press generally or do you withdraw everything that you have said?

Hon. Mr. McDonald: I beg your pardon?

Hon. Mr. Walker: You withdraw, then, all the charges that you made against the general press?

Hon. Mr. McDonald: Honourable senators, I made no charges. This is the interpretation placed upon what I said by you, and perhaps by others, but I want to repeat that I make no charge. I give credit for a job well done, but I do say that I think they can do even better in the future.

Hon. Mr. Walker: That is a complete reversal of what you said before.

Hon. Mr. McDonald: It is not at all a reversal of what I said.

The Hon. the Speaker: I must advise honourable senators that Senator McDonald having spoken, it has the effect of closing the debate. I now ask honourable senators whether it is their pleasure to adopt the motion.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. McDonald, bill referred to the Standing Committee on Banking and Commerce.

HAZARDOUS SUBSTANCES ACT

SECOND READING—DEBATE ADJOURNED

Hon. Chesley W. Carter moved the second reading of Bill S-22, to prohibit the sale and advertising of hazardous substances, 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, Bill S-22 is divided into two parts and, for simplicity, I propose to deal with each part separately.

The main purpose of Part I of the bill can be summarized under six headings as follows: (1) To prohibit the sale and advertising of certain hazardous articles and substances as set forth in Part I of the Schedule on page 8; (2) to prescribe conditions and safeguards under which certain other articles and substances which although declared hazardous may be sold—these include articles for household use and are set forth in Part II to the Schedule; (3) to provide authority for the Governor in Council to declare a substance to be hazardous; (4) to provide authority for authorized persons to enter premises, to examine articles, to seize, detain and to do such things as may be reasonably necessary in the interests of public health in connection with the sale of household substances and articles which are within the scope of this legislation; (5) to provide authority for the Governor in Council to make regulations to prescribe the conditions of sale including information, warnings or cautions of articles listed in part II of the Schedule, and generally to provide authority to make regulations for carrying out the purposes of the provisions of this act; (6) to provide authority for the Governor in Council to add to or delete from either part of the schedule.

Honourable senators, hardly a day goes by without some evidence of the urgent need for this legislation. All too frequently we read in the daily press of the deaths of children from poisoning as a result of ingesting such household items as bleaches and cleaners; of adolescents dying or impairing their health from glue-sniffing or from drugs taken to produce similar experiences; of adults suffering from lead poisoning due to prolonged contact with compounds of lead used in ordinary paint, or of people of all ages who have lost their lives from inhaling fumes from familiar but dangerous substances, while others have been burned to death because of the inflammable nature of certain ingredients in materials used for clothing, decorations, sheets, curtains and other ordinary everyday purposes.

In 1964 there were 720 reported poisoning cases in Canada attributable to a common household bleaching preparation and an additional 217 reported cases attributable to a common household drain and pipe cleaner.

There is need also for protection against hazardous articles and substances that may be brought into this country. Honourable senators may recall that a year or so ago iceballs were imported from Hong Kong. These were plastic balls containing water. They were intended to be frozen and used to cool drinks without diluting them as ice does. The water in the iceballs, however, was found to be contaminated, and these iceballs represented a very serious hazard to the public, particularly if they broke or cracked as frequently happened in the process of freezing. Despite this threat to the public health, there was no federal or provincial authority that could compel their withdrawal from the market or to take any action in this regard.

Some years ago a number of silver polishes appeared on the market which had cyanide as a basic chemical ingredient. These silver polishes were extremely toxic and the fumes could be lethal. This problem was discussed with the provinces, and again it appeared that there was no provincial or federal authority whereby these substances could be prohibited, let alone removed from the market.

On another occasion some toy chickens were brought in and their feathers were found to be contaminated with arsenic. I understand the arsenic was in the dye. Since these toys were intended for small children to play with, there was a very real threat because of the possibility of children licking the toys and putting them in their mouths as children are prone to do. Again there was nc legal action that could be taken to remove them from the market.

Some time ago a shipment of imported blankets became contaminated with Dieldrin which leaked on them during the voyage. Dieldrin is a toxic pesticide, but despite the fact it was a threat to health there was no legal authority to compel removal of the blankets from the market. On another occasion some canape picks were imported which had been made from a nut that was highly poisonous if chewed. Beads made from poisonous beans which were highly toxic if chewed or swallowed have been found at airport shops and other novelty shops. Again, apart from publicity, no legal action could be taken to remove these articles from the market.

Honourable senators might wonder whether these problems could not be met by extending the scope of the Food and Drugs

Act instead of enacting a separate statute. In this connection it must be borne in mind that "hazardous substances" with which this legislation is intended to deal constitute a completely different family of substances which are distinct from foods, drugs, cosmetics or therapeutic devices to which the application of the Food and Drugs Act is confined.

Also the enforcement machinery that has been developed under the Food and Drugs Act is designed to deal specifically with matters pertaining to substances or articles specifically recommended for use as food, or for the treatment of bodily disorders, or which, for aesthetic purposes, are intended to be used or applied to the body. In view of the increasing number and complexity of problems resulting from technological advances, it was felt that widening the scope to include another large and completely different class of commodities would adversely affect the quality of control considered necessary in the field now covered by the Food and Drugs Act.

A study of the individual clauses of the bill will show that the structure of this act is patterned largely after the other pieces of criminal legislation administered by the Department of National Health and Welfare, and I will refer to the main points of similarity to the Food and Drugs Act as we go along.

For example, in section 2 the verb "advertise" is defined as compared with the noun "advertisement" in the Food and Drugs Act but otherwise the definition is the same.

An "analyst" is defined as an analyst under the Food and Drugs Act, and apart from the definition of "hazardous substance" 2 (c), and "inspector" 2 (d), the definitions are all the same as in the Food and Drugs Act. "Inspector", however, is defined differently because he is a different kind of person, requiring different qualifications, training and experience.

Section 3 prohibits the sale or advertisement of substances in Part I of the schedule, authorizes controlled sale of substances in Part II of the schedule and sets forth the penalties for violation and time limits for prosecution. It corresponds very closely to section 3 of the Food and Drugs Act, and the penalties correspond to those provided under section 25 of that Act. It is anticipated that most prosecutions will be by way of summary conviction; but should it appear, as has happened on occasion in the administration of the Food and Drugs Act, that individuals or corporations have not been deterred by the imposition of a fine or, where there has been apparently a flagrant disregard for public safety, prosecution by indictment will be possible.

Section 4 gives the definition of "inspector," to which I have already referred. This is a simpler procedure, because it authorizes the minister to appoint the inspector from his own staff, whereas under the Food and Drugs Act an Order in Council is required.

Section 5 sets forth the authority which may be exercised by inspectors to enter places, to open and examine packages or receptacles, to examine articles and substances, to make seizures, and to examine books, records and documents. This closely parallels the powers provided inspectors under section 21 of the Food and Drugs Act, and is considerably less than the powers provided under Part III of the Food and Drugs Act in relation to controlled drugs, or under the Narcotic Control Act in relation to narcotics.

Section 6 contains provisions similar to those provided in respect of controlled drugs and narcotics, and provides means and procedures whereby persons whose property has been seized under this legislation may make application for an order of restoration and may, in certain circumstances, have the seized commodities restored to them.

Section 7 authorizes the regulations which would provide the administrative machinery, and provides also the authority to impose conditions with respect to the sale and advertising of hazardous substances included in Part II of the schedule.

Section 8 authorizes the Governor in Council to add to, or delete from, either part of the schedule.

Section 9 has no counterpart in the Food and Drugs Act. Hazardous substances occur in new forms all the time. This section provides authority to get all the information that is necessary to determine whether a substance is hazardous or not. However, information disclosed under this section is to be treated as confidential. Authority to enforce the section is included in section 12.

Section 10 contains nothing new. It is, in effect, a re-enactment of sections which have been in effect in respect of the Food and

Drug Administration for a considerable time. Section 10 corresponds to section 34 of the Food and Drugs Act, and to section 7 (2) of the Narcotic Control Act. All these sections reflect the established principle of law that statutory exceptions, exemptions, excuses and so forth relating to an alleged offence are for the accused to establish. Here, again, it should be noted that the offence does not lie in the possession of a hazardous substance, but in the advertising or selling of it.

Section 11 corresponds to a section which has been found essential in the administration of food and drug legislation. It enables the certificate of an analyst to be produced as prima facie evidence. It is similar to the provision found in sections 29 and 35 of the Food and Drugs Act and in section 9 of the Narcotic Control Act. The wording of section 11, however, has been improved to provide greater clarity and to ensure adequate protection to the accused in the matter of cross-examination.

Section 12 provides for the enforcement of the regulations made under this act and of the other sections of the act itself, apart from section 3 which provides for its own enforcement.

Section 13 confines the provisions of this act to hazardous substances and avoids overlapping the provisions of the Explosives Act, the Food and Drugs Act, and the Pest Control Products Act.

Section 14 provides for its coming into force.

To facilitate comparison, a table has been prepared listing sections 2, 3, 5, 6, 7, 10 and 11 of this act in one column, and in opposite columns listing the corresponding sections of the Food and Drugs Act and the Narcotic Control Act. For the sake of convenience in cross-checking, I would ask permission to have this short table inserted in *Hansard* at this point.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

Comparative Table

Hazardous Substances Act	Food and Drugs Act	Narcotic Control Act
Section 2	Section 2	
Section 3	Section 3 Section 25	
Section 5	Section 21 Section 36	Section 10
Section 6	Section 22 Section 36(5)	Section 10(5)
Section 7	Section 24 Section 37	Section 12
Section 10	Section 34	Section 7(2)
Section 11	Section 29	Section 9

Hon. Mr. Carter: The schedule requires no explanation. However, with respect to Part II of the schedule, it may be a point of interest to learn that paragraph 1 lists the family of commodities in everyday use for bleaching and cleaning; while paragraph 2 lists the family of commodities commonly used for cleaning pipes and drains. Poisoning from commodities listed in paragraph 3 is usually fatal, because the oily substance usually gets into the lungs, and there is no way of removing it.

I now come to Part II of the act. The purposes of Part II are to amend three other acts. These are: the Food and Drugs Act; the Narcotic Control Act; the Criminal Code.

Of these amendments, the most important are those which will transfer the control of contraceptives from the Criminal Code to the Food and Drugs Act. This is accomplished by means of sections 15, 16 and 17.

Section 15 defines articles and contraceptive devices, and amends section 2 of the Food and Drugs Act by adding to it the new definition. The new definition has also been reworded to eliminate deficiencies that have been found by experience to exist in the present definition.

Section 16 amends section 3 of the Food and Drugs Act by adding to it a new subsection which authorizes the regulation and control of advertising with respect to contraceptive devices and drugs.

Section 17 amends section 24 of the Food and Drugs Act by adding a new paragraph which gives the regulation-making authority power to control the advertising of contraceptive devices and drugs, and prescribes the means by which such control may be effected.

These three sections—15, 16 and 17—have the effect of "legalizing" the controlled sale and controlled advertising of contraceptive devices and drugs, and the dissemination of related information, all of which at the present time is prohibited by section 150 of the Criminal Code.

Section 23, the last section in the bill, repeals paragraph (c) of subsection (2) of section 150 of the Criminal code which contains the present prohibitions, and substitutes a new paragraph which differs from the old wording only by omitting the prohibition of the prevention of conception.

Section 19 amends section 31 of the Food and Drugs Act by enlarging the definition of "controlled drug" to make it possible to include generic substances such as barbiturates and amphetamines. These drugs are now easily available and can be used to produce effects similar to drunkenness. Many cases of impaired driving and irrational behaviour, especially among adolescents, have been found to be the result of improper use of these drugs. Experience with barbiturates and amphetamines has pointed up the need for some control over the basic ingredients or chemicals contained in drugs. For example, lysergic acid, which is used as a starting material in the production of LSD, does not always come within the definition of "drug" provided in the Food and Drugs legislation. This is the case when lysergic acid is not manufactured, sold or represented for use in the diagnosis, treatment, etcetera, of diseases or disorders of the human body; and the same is true of other chemicals as well.

Section 20 repeals subsections (2) and (3) of section 33 of the Food and Drugs Act. The present situation is that these two subsections constitute a defence against a charge of being in possession for trafficking of a controlled drug on the ground that the accused acquired the controlled drug from a person authorized to sell or deal in it. This section substitutes two new subsections which remove this defence.

The three remaining sections, namely, sections 18, 21 and 22, all have to do with the certificate of the analyst.

Honourable senators will recall that when I was dealing with section 11 earlier—which also deals with certificates of analysts in connection with hazardous substances—I pointed out that as compared with the corresponding sections in the Food and Drugs Act the wording of section 11 had been greatly improved so as to achieve greater clarity. Sections 18 and 21 will substitute the wording of section 11 for the prsesent wording of sections 29 and 35 of the Food and Drugs Act, and section 22 will do the same for section 9 of the Narcotic Control Act. So, the related sections in all these three pieces of legislation will be identical.

It should be noted that the new wording of these sections eliminates the necessity of having to identify the analyst and prove his signature.

Honourable senators, I hope I have said enough to demonstrate that this bill merits your support. It is my intention, if this bill receives second reading, to move that it be referred to a committee for further study.

Hon. Arthur W. Roebuck: Honourable senators, I should like to compliment the honourable senator who has just resumed his seat on the homework he has done in connection with this bill before embarking upon a speech as complicated and difficult as the one he has just delivered.

Hon. Senators: Hear, hear.

Hon. Mr. Roebuck: The honourable senator is a relatively new member of this house, and I was delighted to hear him deliver such a masterly address. I take the liberty of commenting that he has strengthened the debating force of this chamber.

However, I should like also to point out that the house generally has had very little time in which to study this bill and, indeed, to do any homework in respect of it. It was delivered to us only after we arrived in the chamber today, and so it has been very difficult to follow the remarks of Senator Carter.

I should like to ask a question which will perhaps show my ignorance of the bill itself and of the existing legislation. When I turn to the schedule, Parts I and II, I see:

> Bleaches, cleansers and sanitizers for household use containing chlorine or compounds thereof.

But I see no amount stated of chlorine and so on. I am wondering, were I a manufacturer of the substances, or importing and selling them, if there are any means in the department whereby I can submit the material and have it certified as fit for use or not, or be informed whether it contravenes any of the rules. Is there any method by which a dealer in these articles can assure himself that he is not stepping outside the law, and that he is justified in selling any particular article in question?

Hon. Mr. Carter: Honourable senators, I thank Senator Roebuck for the very kind words with which he introduced his question.

In reply to his question I would say that no doubt there is machinery. There is machinery in the Food and Drugs Directorate by which substances can be analyzed, and the chemical formula of these common household substances can be broken down. But, even if it is proved that they contain ingredients in such amounts or concentrations as to be dangerous to health, there is no means of preventing their sale or of preventing their being marketed. That is why this legislation is necessary. These substances will now be declared hazardous substances, and the manufacture, sale, and advertising of the product can be controlled.

Hon. Mr. Roebuck: That does not answer my question. I should like to know whether it is possible for a manufacturer or dealer in these substances, or similar substances, to obtain a certificate from the department that the particular substance he is selling does not contravene the act.

Hon. Mr. Connolly (Ottawa West): Perhaps the honourable senator would like me to say a word here.

The answer to Senator Roebuck's question lies in section 3 (1) of the bill which prescribes that the hazardous substances set out in Part II of the schedule—and that Part of the schedule can be enlarged—are to be subject to regulation. Section 4 of the bill also provides for inspectors.

So, first of all, the regulations, which will be prescribed in due time, will set out the danger level or the allowable level of the hazardous substance. In the second place, if there is any doubt in the mind of a manufacturer then I am sure that the inspector's staff, in addition to the other chemists to whom Senator Carter has referred and who are on the staff of the department, can provide a solution to any problems which a manufacturer might have.

Hon. Gunnar S. Thorvaldson: Honourable senators, before moving the adjournment of this debate, which I intend to do in a moment, I want to emphasize the importance of Senator Roebuck's question, and say I do not think it has been answered. I would suggest that in due course, and before the debate is completed, the honourable sponsor of this bill, Senator Carter, might discuss this matter with the officials of the department.

I make this suggestion for the same reason that prompted Senator Roebuck's question. A manufacturer or an importer of an article that he wants to sell may be somewhat fearful that it may be a substance that would come under the provisions of this bill, and he would like to go to the department in order to find out, from samples he would submit, whether the substance is hazardous.

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

[*Later:*]

Hon. Mr. Carter: Honourable senators, before the Senate adjourns, I wonder if I may have your indulgence to place on record the answer to Senator Roebuck's question in connection with Bill S-22. I apologize to Senator Roebuck for misunderstanding the import of his question. I can say that any manufacturer may make representations to the minister in respect of any commodity, whether it is on the schedule or not, and it is always up to the Governor in Council to remove a commodity from the schedule if circumstances warrant it.

Hon. Mr. Roebuck: Thank you.

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY— DEBATE CONTINUED

The Senate resumed from Friday, June 30, consideration of His Excellency the Governor General's Speech at the opening of the session, and the motion of Hon. Mr. Desruisseaux, seconded by Hon. Mr. Nichol, for an address in reply thereto.

Hon. Clement A. O'Leary: Honourable senators, perhaps some of my remarks will not evoke too much happiness but, at least, I want to begin on such a note. I do so by extending my congratulations and best wishes to His Honour the Speaker, and Mrs. Smith, and assuring them that by their marriage they have added significantly to the many other happy celebrations of our Centennial summer.

I join too with those honourable senators who last evening spoke so well and so warmly in their tributes to Senator Reid following his retirement after some 37 years of distinguished public service in the Parliament of Canada.

Many kind and most deserving eulogies were spoken of the late Senator Wishart Robertson. His years of dedicated service to his native province, to this chamber, and to

Canada were nationally recognized, spoken of and written about several years prior to his death. I am very proud to have been one of his friends and I join with all honourable senators in publicly expressing my deepest sympathy to Mrs. Robertson and her family.

The official announcement of the resignation from office of our esteemed past leader on this side of the chamber did not take me completely by surprise, because I appreciated the good and valid reasons why Senator Brooks should wish to take it just a bit easier at this time. As I have already told him, personally, I was very sorry that he found it necessary to make this decision because I—and I know all others—will certainly miss him in that capacity, not only personally, but for the capable, efficient, dignified and constructive manner in which he served here.

When one goes back over the political career of Senator Brooks one finds that even the official record goes back to 1922, followed by ten years in the New Brunswick Legislature, from 1925 to 1935, 25 years in the House of Commons and then seven years in the Senate, which happily will continue. He referred in a recent press statement to having been "forty years on the job". This statement is somewhat inaccurate but that, of course, is typical of his modesty. So, regretting as we all do his stepping down, his intention to remain as a member of the Senate is one to be applauded. This means that as a wise and prudent counsellor, and a diligent worker, he is still available to us.

If the resignation of anyone so affectionately respected as Senator Brooks can have any indirect happy consequences, surely here is an instance where we have just that. I refer to the election of our new leader, Senator Jacques Flynn. For me to pledge him my loyalty and complete co-operation is, of course, a simple matter, and I give him that assurance wholeheartedly and with extreme pleasure. Those of us who sit with him in the Opposition owe him our sincere thanks for having accepted this responsibility and honour. Nor must we lose sight of the fact that we too have accepted the responsibility and obligation of doing much more than simply uttering our loyalty, co-operation and assistance. I am sure that our sincerity will be assessed by our equitable and enthusiastic sharing of the work load, both here and in committee, in proportion, of course, to our abilities and talents. I do believe that in this all important area we will justify the optimism we were all so pleased to see him generate.

Honourable senators, in approximately one week's time it will have been six months since His Excellency the Governor General opened the second and Centennial session of this twenty-seventh Parliament, and read the Speech from the Throne. I understand it is the intention of the Government to conclude this Centennial session before the Christmas recess, provided we have one. I do hope it will be possible to conclude it then. but at this time it would not appear to be too probable if a major portion of the Throne Speech items is to receive attention.

To date 21 honourable senators have spoken to the address in reply, including the mover (Hon. Mr. Desruisseaux) and seconder (Hon. Mr. Nichol). Some very splendid contributions have been made and, of course, I first single out the mover and seconder, who proved that they well merited the honour accorded them.

I have no intention of commenting on the subject matter of even a small number of these presentations, but I think honourable senators will agree it is most interesting to recall or go back and read some of the comments made in May and June and weigh and judge them in the light of present-day circumstances. It is not at all extraordinary to find that in the area of praise as well as in the area of criticism some of both have proven to be justified and some unjustified as well. I guess this shall always be, so long as we mortals cannot acquire 20-20 prophetic vision.

In this Centennial year the majority of Canadians cannot help but feel an increased pride in their country and in its people. The Government leader spoke very well on this very theme last evening. Those few who were so unfortunate as perhaps to have little or no prior pride must surely now have caught a spark of it this summer. I do not see how they could escape, and I am certain that their lives must be the richer for it. Those of us who spent the greater part of the summer here in Ottawa could not help but be appreciative of the fortitude—and I repeat fortitude, because it was an exercise in just that—as well as the never failing courtesy and hospitality of our delegated hosts and their staffs who received and entertained the constant flow of so many distinguished visi-

tors from so many parts of the world. I congratulate them most warmly for a job exceedingly well done.

The highlight of the year was Expo. Again, all Canadians owe a deep debt of gratitude to those whose vision brought it to Montreal, to its planners, its management and staff. Needless to say, the splendid co-operation of all the participating countries was an essential ingredient to its success, as was the enthusiastic participation of all the provinces. In the final analysis its crowning success was achieved by the magnitude of the numbers admitted at Expo, and here of course we must give credit to the millions of Canadians who really set the example.

In addition to Expo there were so many Centennial programs and attractions, varying in size and content but all contribuing something of value and interest, with a distinct appeal to all ages and tastes. One could perhaps single out such things as the Centennial Train and the Centennial Caravans. Of course, by way of a major item certainly the Pan-American Games in Winnipeg was one of the most outstanding attractions of the year. All Manitobans have ample reason to be very proud of the efficiency and success of this international athletic event. I happened to be one of those who enjoyed it in front of my television. I know I missed something by not being there, but I must say that in my humble opinion I thought the television coverage was excellent.

Unfortunately, in the midst of our warranted celebrations, hard and cruel problems, some continuing, some entirely new ones, were facing the Government and the economy. I will not detail them because they are many and all honourable senators are aware of them. As a Nova Scotian, and more particularly as one from the eastern section of that province, I must refer in this chamber to the plight of the some 3,200 steel workers and their families, and the direct and indirect results on the economy of all of Eastern Nova Scotia as a result of DOSCO's sudden announcement on October 13 to cease operations at their Sydney plant.

So far as DOSCO is concerned—or more correctly Hawker Siddeley of Britain, DOSCO's parent company—this is an irrevocable decision, and as I understand it their plans at the moment are to start closing the plant in November, on November 15 to be exact, and to begin curtailing production on January 13, 1968. By April 30, 1968, a skeleton crew of 60 would be left of the present 3,200 staff. This, I presume, would simply amount to a caretaker staff. Senator Macdonald from Cape Breton, and Senator Urquhart can correct me if these figures are not correct. At least they are the best figures obtainable at the moment. All honourable senators, I know, have heard, seen and read of the various forms of discussions that have taken place relating to this problem. Numerous meetings have been held involving federal, provincial and company officials. Both governments have pledged their assistance in an attempt to maintain the industry at a normal operational level until April 30 at least.

Irrespective of whether private or public ownership decides to take over after that date, it would seem logical that only DOSCO could keep the entire present work force employed until that time, and if they agreed to do this, the Government would be obliged to make up the losses during the period from January to the end of April.

One report states that DOSCO is presently having current losses of $1 million per month. Among other conditions laid down by DOSCO—and they are still laying down conditions—according to the latest report, is that, if DOSCO is prevailed upon to continue with its full staff until April 30, the Government of course will pay the losses incurred during that time, so we could interpret that as $4 million. That would be point number one.

Secondly, it is reported that the Government would buy out the plant on April 30 and keep the plant open until April 30, 1969, at least, to supply other DOSCO divisions with steel at a competitive price.

It is a bit difficult, I am sure, for any of us to understand this third condition, in view of the fact that with their decision to close down on April 30 of this year, they did not seem concerned about a supply of steel from Sydney for their other divisions at any price, much less at a competitive price because it just would not be available there.

As all honourable senators are aware, an emergency debate was called for and granted in the other place at the first opportunity following DOSCO's announcement on Friday, October 13. The debate was called for and took place in the afternoon of October 20. During this debate, I am sure it reflects to the credit of all members of all parties who

took part in it, that they conducted themselves in a totally restrained and non-partisan atmosphere. Their views were serious and well defined. They knew and appreciated that they were dealing with a crisis. They were unanimous in their condemnation of DOSCO's sudden and cruel decision. They differed somewhat in their views and suggestions as to who should shoulder the responsibility for continued operation of the plant and as to the best methods by which this might be done.

Since that time, and on a continuing basis, both provincial and federal governments have devoted many long hours in their search to accomplish three main objectives, namely, (1) to prevent massive lay-offs between now and April 30, as was DOSCO's plan; (2) to buy time if necessary, and it appears certain it must be bought, to make a thorough examination of the actual financial picture of the operation there, covering such items as markets, present and future, present efficiency and the possibility of its being improved; and (3) with the information obtained from this study and examination, they would be then in a position to judge if the plant should be kept in operation over a long or short-term period; and if an affirmative decision might be hopefully arrived at, the final decision would be the "who" part of the problem as far as future operations were concerned.

At this time, those of us who are deeply concerned, I believe, are fairly optimistic that right and favourable decisions may be reached, even at some considerable expense or cost to the taxpayer. It is neither practical nor possible to wind up this industry on such a short-term basis as the company dictated. Where 3,200 steel workers and over 100,000 lives which are directly affected, left to their fate, the personal and governmental problems resulting would be insurmountable, particularly in an area where unemployment is already too prevalent and incomes for those working are approximately 30 per cent below the national figure.

Honourable senators, if a person had not heard or read the introductory remarks of the last speaker in this debate on June 30, and had simply looked at the main body of his address, I am sure he would conclude that a federal election had been called—because here, undoubtedly, was a first class campaign speech. My honourable friend, Senator Argue, listed in detail every accomplishment and effort of the present administration. I do not believe he missed even an item of the Government's good intentions. His concluding paragraph was really a glowing one and I am sure it warmed the hearts of every member of the Cabinet.

To be fair and accurate, however, we must look back to where he laid the groundwork for this eulogy. He did this by way of indicating his abhorrence for a certain type of journalism that disgraces itself in making unjustifiable attacks on our national political leaders. On this subject I agree with him wholeheartedly. Then he went to the defence of his party leader, the Right Honourable the Prime Minister of Canada.

Perhaps Senator Argue was trying to convey a message by his words, something for more of us to emulate in coming to the defence of our leaders in time of adversity. Whether or not this chamber is the ideal forum for such a defence is a matter for each one to decide. In any case, I will be the first to admit that my honourable friend did a masterful job of doing exactly what he set out to do.

Honourable senators, this subject gives me an excellent opportunity to conclude my remarks by referring to the ultimate result of a National Centennial Convention held in Toronto in early September. The Honourable Robert L. Stanfield, as the new leader of the Progessive Conservative Party of Canada, has accepted a challenging and onerous role. He has already contributed much by way of invaluable service to his home province of Nova Scotia, in the office of Leader of the Opposition and in the office of Premier. Now there is every reason to believe that he will acquit himself equally well in the national field.

I know all honourable senators wish him well, even though all may not wish him the same degree of success that I do.

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

PRIVATE BILL

CO-OPERATIVE TRUST COMPANY LIMITED—SECOND READING

Hon. David A. Croll moved the second reading of Bill S-20, respecting Co-operative Trust Company Limited.

He said: Honourable senators, the Co-operative Trust Company Limited was incorporated by a special act of the Saskatchewan Legislature in March 1952. It was through the efforts of the Co-operative Union of Saskatchewan and many co-operators that the company came into existence.

The founding of such a company was in response to the growing need for co-operative long-term mortgage credit and other trustee services for co-operative and credit union members. In its first year of operation in 1952 it accumulated assets of $250,000.

The company has grown rapidly with assets increasing from $22 million in 1956 to $28 million at the end of 1966; assets at the end of April 1967 have grown to $33,700,000. Part of the growth of the company has resulted from making mortgage loans under Saskatchewan's Family Farm Credit Act. The Government of Saskachewan supplied funds to the company of approximately $4,400,000 for this purpose.

In 1965 the Saskatchewan Government decided there were adequate loan funds available through other sources and no new loans under that act have been made to date. Yet the company continues to grow rapidly but firmly, with a continuing public display of confidence.

The share capital and reserves of the company had grown from $50,000 in 1952 to $1,473,000 at the end of 1966.

The company opened an office in Regina in 1953 which was moved to Saskatoon in 1956. The company now has offices in Saskatoon, Regina, Melfort and Swift Current.

Initially the company operated under a board of directors through caretaker management facilities. In 1956 the operation of the company had grown sufficienly to warrant the appointment of a full-time management. The shareholders as of April 30, 1967 are as follows:

Credit Unions	257
Provincial Co-operative	35
Central Co-operatives as listed below:	11
Canadian Co-operative Implements Limited	
Co-operative Fire and Casualty Company	
Co-operative Hail Insurance Company	
Co-operative Life Insurance Company	
Credit Union League of Saskatchewan	
Credit Union Mutual Aid Board	
Federated Co-operatives Limited	
Interprovincial Co-operatives Limited	
Co-operative Creameries	
Saskatchewan Co-operative Credit Society	
Saskatchewan Wheat Pool	
	303

The total is 303 shares.

The need which brought about the incorporation of the company in 1952 for co-operative long-term mortgage credit and trustee services for co-operative and credit union members has been evident and pressing for some time in other provinces. The boards of central co-operatives and credit unions in these provinces have requested that the Co-operative Trust Company expand its operations in order that these trust company services may be offered to their members on a co-operative basis.

If you look at Section 7 of the bill you will see there the term "co-operative basis". This means that the shares of the proposed company can only be held by credit unions, co-operative associations and companies which operate on a co-operative basis. Members of the board of directors can also hold the number of shares required by the Trust Companies Act, but they are not entitled to any of the privileges of these shares other than that of being a director. All transfers or purchases of shares are subject to the approval of the board of directors.

Each member, or shareholder, will be entitled to one vote only, regardless of the number of shares held. Members will be allowed to vote only through their representatives at general meetings.

The company will be allowed to redeem or buy back shares of the company from its members so long as such redemptions will not reduce the share capital of the company below the amount outstanding on January 1 of the year in which the redemptions were made.

One of the most important reasons for federal incorporation is that provincial boundaries are too restrictive in this age of mobility when so many people change their residences so often. It is felt that the expansion of an existing trust company is a more economical proposition than incorporating a trust company in each province.

The existing Co-operative Trust Company Limited has gained considerable experience in the trust company business which would be unnecessarily duplicated by the formation of additional companies. The economics and expertise which accrue through experience, know-how and size would be enjoyed by one federally-incorporated trust company to a greater extent than they could be by a number of smaller provincially-incorporated trust companies.

For the information of the Senate, I may say the Province of Saskatchewan has consented to this bill.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Croll, bill referred to the Standing Committee on Banking and Commerce.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Thursday, November 2, 1967

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

Prayers.

CURRENCY, MINT AND EXCHANGE FUND ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Leave having been given to proceed to Order No. 5:

Hon. Douglas D. Everett moved the second reading of Bill S-23, to amend the Currency, Mint and Exchange Fund Act and the Criminal Code.

He said: Honourable senators, I wish to express my thanks for the permission given to me to have this bill taken as the first item of business.

This is a bill to amend the Currency, Mint and Exchange Fund Act and the Criminal Code. Its main purpose is to give effect to the announcement made by the Minister of Finance on December 23, 1966 that it was his intention to change the coinage of Canada from silver to pure nickel. This change has been caused by a worldwide shortage of silver. The history of that shortage starts with the American Government commencing to stockpile silver some years ago. That stockpile eventually achieved an aggregate total of 2 billion ounces and was so large that the American Government was capable of maintaining a ceiling price on silver of $1.29 per ounce. However, more recently there has been an enormous increase in the demand for silver, but this has not been matched or even closely matched by an increase in its production.

It might be interesting to note that while we remove from the coinage of the realm each year those coins that are defaced or worn, this amounts to very little coinage and virtually the entire production of the Mint is to increase the amount of coinage within the country.

This depletion accelerated over the last three years to the point where the United States lifted the ceiling on the price of silver, and as a result silver became uneconomic as a medium of coinage. In 1965 the United States discontinued the use of silver in its coinage following the route taken by many other countries. Also as a result of this, on August 18, 1966, Canada reduced the silver content of its coinage from 80 per cent to 50 per cent, with 50 per cent copper.

What are the main problems in transferring to non-silver coinage? There are problems which have to do with debasing the coinage and counterfeiting, but they are not really important when talking about coinage but are more appropriate to paper currency.

There are two main problems with regard to coinage. The first is the problem of the vending machine. There are over 500,000 vending machines in Canada, and this does not include the unsophisticated type of vending machine such as the parking meter. The problem with the sophisticated vending machine is what the Mint terms the slugging problem. That is the act by someone of taking a piece of metal the size of a dime or a 25-cent piece and feeding it into a machine in such a way that the machine is activated as it would be by actual legal tender. The sophisticated vending machines have a mechanism called a coin selector. Most of these selectors have two magnets, and as the coin goes into the vending machine it is sized, and if it is sized correctly it then drops between the two magnets. If it is a copper coin it is not accepted by the magnets, but drops straight through the selector and into the reject portion of the machine. If it is a non-silver coin it is deflected to one side by the magnets and drops into the reject part of the machine. But if it is a silver coin, it is deflected the other way and goes into the mechanism which causes the machine to operate.

It is clear that if we change to non-silver coinage we will require new selectors for every vending machine presently installed in Canada. Clearly, if that is to be the case, it is going to take time to develop a new method of coin selection because they will be dealing with new metals. It will also take time to install the new selectors, and they will cost money. That is the first major problem with which we have to deal in changing the coinage of the country.

The second problem lies in the attractiveness of the metal. Certain metals, I am told, do not mint well. They do not receive the impression from the presses in the way other metals like silver do. Also, when you are

dealing with a metal you must make sure it has the weight we are used to. In this regard aluminum would not be suitable. The metal must have a brightness, and above all it must have a durability, otherwise the coinage will wear out very quickly.

How did the United States solve these problems when they moved to a non-silver coinage? In looking at their solution we have to remember that they were influenced, to a large extent, by the vending industry in the United States. They went to a laminated coin. They took a piece of copper and they sandwiched it between two pieces of cupronickel. They did this because a coin so made had the same effect on their vending machine selectors as a silver coin. So, there was no need in the United States to make any change in the vending machines.

They have now discovered that this coin, while it works in the vending machines, is not as attractive as the old coin. It is sharp at the edges. It tends to rip materials, and to tear trouser pockets and the linings of ladies' purses. It tends to grow dark with use. The people in the United States Mint are disappointed with the unattractiveness of their coinage, and they have now found, to their dismay, that while the coins work like silver coins in the vending machine selectors it is possible to take a piece of copper and put a little piece of solder on it and, if it is the same size as, say, a quarter, it will go right through the selector and react in the same way as a legal quarter. The machines now can be extremely easily slugged.

As a result of this experience and the guidelines that have been set, Canada proposes to use pure nickel for the following reasons: Nickel mints extremely well. Its weight is 90 per cent of the weight of silver. Anybody who pulls a silver coin and a nickel coin out of his pocket will see that the nickel coin retains its brightness extremely well—in fact, far better than the silver coin. Nickel is actually harder wearing than silver.

This morning the Master of the Mint brought two or three of the new 25-cent and 10-cent nickel coins up to my office, and I thank him for doing so We dropped them on the table for 15 or 20 minutes, and we found that the ring of the new coin is not unlike the ring of the silver coin.

The other reason Canada chose nickel as its coinage material is that nickel is identified with Canada. We are one of the world's major producers of that commodity, and we hope that many other countries will use nickel in their coinage so that we may derive export benefits therefrom.

But, if we use nickel it is going to create special problems for our vending industries, because immediately nickel is used in the coinage the selectors in our vending machines will have to be changed. They have to be able to accept nickel coinage and the existing Canadian silver coinage, for that is not going to be withdrawn, and in the interests of the tourist trade they will have to be able to accept American silver coinage and the new American laminated coinage. That is why the Minister of Finance has announced the intention to transfer our coinage to nickel so early. He wanted to give the vending machine industry an opportunity to work out the problems associated with the new coinage. The vending machine industry, the Department of Finance, and the Mint have been working on this problem, and I am given to understand that the National Research Council has worked out an invention based on electrical conductivity, which is ten years ahead of its time and which determines as between nickel coinage and silver coinage and slugs. However, at the present time it is too expensive for general use. It would appear that the vendors today intend to use a selector system that will size the coin and will measure the size of the serrations around the edge of the coin as a means of selecting or rejecting coins. In any event, whatever the result is, I am informed that the manufacture of these selectors will for the first time take place in Canada.

I am given to understand also that we will start to issue the new nickel coinage sometime in 1968 and at that time the vending machine industry will be in a position to proceed with whatever new selector system is necessary.

If the vending machine industry does have this problem—and I am informed it is a real problem—then, how can the Government help in this changeover? First of all, it has done just that in giving the industry time, and in working with them to determine how the new selectors can be manufactured and installed. Secondly, it seems to me that the Mint could help. It may surprise you, and it did me, that the Mint is a money-making operation—in other words, it shows a profit. It is in the business of buying metal and selling coinage and for a number of years now the Mint has shown a substantial profit.

When the silver content of the coinage was reduced from 80 per cent to 50 per cent, the Mint made more money. When you reduce the content of the coinage from silver to nickel, the Mint makes a great deal of money. As a result, they have received representations from the vending machine industry that perhaps some of this profit could be used to offset the costs of the vending machine industry in changing over their selectors to take the new coinage.

Honourable senators, I would like to make on or two other observations regarding the Mint. I understand that our Canadian Mint has probably the finest reputation for quality work anywhere in the world.

Hon. Senators: Hear, hear.

Hon. Mr. Everett: However, it has been in the same place and the same location in Ottawa since 1908, its machinery is old and its quarters are extremely cramped. Therefore, this bill creates conditions in which it will be possible to relocate and to build a new Mint. It will also permit the Mint for the first time to manufacture coins for other countries in other currencies.

Before I leave the problem of coinage, I would like to mention just one special problem regarding the 50-cent and dollar coins. Generally, they are not used in commerce. People find them too bulky and heavy, and for the most part they are used for numismatic purposes. The Mint has been concerned with the need for the use of these larger denominations so they have developed a smaller 50-cent piece and a smaller one-dollar piece made of pure nickel. They intend, even while they are producing these coins to continue to produce the 50-cent silver piece and the one-dollar coin in their original sizes, again for numismatic purposes only.

Since this is a short bill, I would like to deal with it clause by clause very quickly.

Clause 1 authorizes the Governor in Council to mint either nickel or silver coinage.

Clause 2 authorizes the Governor in Council to increase or diminish the remedy allowance. The remedy allowance is the amount by which coinage can vary from the standards laid out in the schedules to the bill and still remain legal tender. Previously, under the old act, the Governor in Council was permitted only to diminish the remedy allowance.

Clause 3 prohibits the melting of coinage which is legal tender. Under the act itself, that prohibition extends only to gold coins. As far as other coinage which is legal tender is concerned, the Criminal Code prohibition against defacing of coinage protects against that action. This amendment extends the provisions of the Currency, Mint, and Exchange Fund Act to all coinage and prohibits all melting down.

Clause 4 deals with the problem I mentioned earlier, that the Mint is confined to Ottawa and can mint only Canadian currency. This amendment says that the Mint can be located anywhere in the national capital region and can mint coins of foreign currencies.

I shall return to clauses 5 and 6 in just a moment.

Clause 7 amends the schedules to the existing act, and the new schedules will be found at the back of the present bill. They set out the standard for the 50 per cent silver coinage and for the pure nickel coinage and also of course refer to the bronze coin, the penny.

Clauses 8, 9 and 10 are amendments to the Criminal Code which extend the provisions pertaining to silver coinage to nickel in reference to counterfeiting, uttering and defacing.

Clause 11 deals purely with the coming into force of certain provisions of the bill referring to nickel coinage only.

Finally honourable senators, I would like to deal with clauses 5 and 6. They are amendments to Part III of the act which deals with the Exchange Fund. The Exchange Fund is a fund which holds the foreign exchange assets of Canada.

Clause 6 is purely a technical clause. The present act permits transfers from the Exchange Fund to the Consolidated Revenue Fund of interest and discount on the securities held in the portfolio of the Exchange Fund. But the Exchange Fund has other incomes. It derives incomes from its trading operations and from the revaluation of its assets from time to time.

The Auditor General and the Public Accounts Committee suggested some time ago that these other incomes be carried into the Consolidated Revenue Fund. The authority was provided by the supplementary Estimates for the year ended March 31, 1968, to carry into income these other revenues from 1964 onwards. This amendment is designed to bring the Currency, the Mint, and the Exchange Fund Act into line with the authority granted under the supplementary Estimates.

Finally, I come to clause 5. The Exchange Fund may purchase with its assets certain items and obligations It may purchase gold; it may purchase United States currency or bank deposits in United States currency; it may purchase United States treasury bills and United States Government obligations; it may purchase currency and bank deposits that are transferrable and freely convertible into United States dollars and gold; it may purchase securities guaranteed by the Government of Canada, and it may purchase securities of the International Monetary Fund maturing five years after issue.

This amendment proposes that, in addition to all those rights to purchase, the Exchange Fund be permitted to purchase the securities of the International Bank for Reconstruction and Development that mature within two years after date of issue.

If this amending bill receives assent, the Fund expects to purchase from the International Bank for Reconstruction and Development an issue known as Central Bank Bonds. They were first brought into being in 1964; they are saleable to the central bank and government institutions only. They are denominated in United States currency. They are offered every six months for a period of two years from the date of issue and the last loan was at 5¾ per cent interest. I am informed that such an investment, in international terms, is extremely attractive; but more than that, that this is an opportunity for Canada to assist the International Bank for Reconstruction and Development, which has been extremely effective in economic development throughout the world.

If Canada wants to be a great nation, then it is going to have to be constantly outward looking and certainly it will have to more than fulfill its obligations to others, and this is, albeit a quiet means, nevertheless one means of being able to do so.

Hon. Mr. Roebuck: Honourable senators, may I ask a question of the honourable gentleman who has just sat down? Before doing so, however, may I congratulate him on the remarkable address he has just made, for its clarity and its interest. It was an interesting address on an interesting subject.

I would like to ask him whether he can give us any assurance with regard to the new coinage. One of the difficulties which our people are meeting is the constant falling of the purchasing power of our money, and our friend now proposes to change the intrinsic value of the coins to some material of lesser value. That will mean more profit, he says, to the Mint, which is very satisfactory. What is a Mint for if it is not to make money? But can he give us some assurance as to the purchasing power? I am not suggesting that the change in content will be one thing or the other, but will it, when you have reduced the intrinsic value of the coin, also tend to reduce its purchasing power?

Hon. Mr. McCutcheon: What is the intrinsic value of a paper dollar?

Hon. Mr. Everett: Honourable senators, the point is well taken. I suggest to you that this is a matter which must have concerned legislators many years ago, for it is the very matter that concerned paper currency. At that point when we developed the whole concept of paper currency we removed the inherent value of currency from the currency itself. Currency is really nothing more than an obligation of the Government. I am afraid that I can give you no undertaking that when the intrinsic value of the coinage is reduced there will not be a change in value in it, or a reduction in its purchasing power.

Hon. Mr. Pearson: Does the sponsor of the bill know what percentage of silver the Mint is now using in its production of coins? Furthermore, if we stop using silver how many silver mines in Canada will be forced to close down? Can the honourable senator answer those two questions?

Hon. Mr. Everett: Yes. At the present time the dime and the quarter are 50 per cent silver and 50 per cent copper. The 50-cent piece and the silver dollar, while they are not being made at the present time, are 80 per cent silver and the remainder copper.

The price of silver has gone from the controlled price of $1.29 per ounce to the present price of $2.08 an ounce, I believe. This is an expression of the enormous demand for silver. While I am not in a position to assure the honourable senator what will happen to the production of mines, it seems to me that if the increase in price has been from $1.29 to $2.08, and if the United States Government has found it necessary to take its coinage off the silver standard, there is no possibility that mines will close because of moving to a nickel coinage.

[*Translation*]

Hon. Mr. Desruisseaux: Honourable senators, I realize that, in this discussion, other economic factors are involved. The fact that the price of silver increased from $1.29 to about $2 per ounce has given rise, a few weeks ago, to speculation in some quarters that it might be useful for a foreign country, for instance, to purchase coins from a country where the silver content is 80 per cent, then to convert it into pure silver and resell it on the market. I think this is perhaps one of the main reasons for considering at this time a change in the metal used in coinage.

There is also the fact that we are one of the last countries in the world to use silver coins such as we have now.

Moreover, I understand that our present coins have one of the highest silver content. This works against us, economically speaking. I submit that this contributes to the disappearing of our silver, because it is being bought by other countries to be melted down, and we must then, as a country, buy silver on the open market at over $2 per ounce. I believe this is one of the reasons for the change proposed now.

[*English*]

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

PUBLICATION OF STATUTES ACT

BILL TO AMEND—SECOND READING

Leave having been given to proceed to Order No. 9:

The Senate resumed from Friday, June 30, the adjourned debate on the motion of Hon. Mr. Connolly (Ottawa West) for the second reading of Bill S-18, to amend the Publication of Statutes Act.

Hon. David Walker: Honourable senators, I am sorry if I seem to be arranging the business of the house. All I wish to say on this matter is that I have no comment, on the understanding that the bill is going to committee. Is that not correct, Mr. Leader?

Hon. Mr. Connolly (Ottawa West): Yes.

Hon. Mr. Walker: Thank you very much.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Connolly (Ottawa West), bill referred to the Standing Committee on Banking and Commerce.

ADJOURNMENT

Hon. Mr. Connolly (Ottawa West): Honourable senators, I move, with leave of the Senate, that when the Senate adjourns today it do stand adjourned until tomorrow, Friday, November 3, 1967, at 11 o'clock in the morning.

Motion agreed to.

CRIMINAL CODE (HATE PROPAGANDA)

MOTION FOR APPOINTMENT OF JOINT COMMITTEE RESCINDED

Hon. John J. Connolly moved:

> That the motion of the Honourable Senator Connolly, P.C., seconded by the Honourable Senator Deschatelets, P.C., for the appointment of a Special Joint Committee of the Senate and House of Commons to study and report upon amendments to the Criminal Code relating to the dissemination of varieties of "hate propaganda" in Canada as set out in Bill S-5, intituled: "An act to amend the Criminal Code," which was adopted by the Senate on June 29, 1967, be rescinded; and
>
> That a message be sent to the House of Commons to acquaint that House accordingly.

He said: Honourable senators, perhaps I should say a word about this motion.

Honourable senators will remember that during the last session this bill, which is on our Order Paper now, was debated at great length. It was introduced and explained by the honourable Senator Roebuck on November 9, 1966, and the debate on second reading concluded on March 20, 1967. In the meantime there had been ten contributions from both sides of the house, with criticism of the measure by some honourable senators and support on the part of others.

We were concerned at that time too about the reference to a committee. So, when the bill was reintroduced at the opening of this session it was thought that it should be referred, as had been the case at the previous session, to a joint committee of the Senate and House. Much discussion has been generated by this bill, and I think ample study should be given it. Although the practice we followed earlier in this session was to establish the committee to which the bill could be referred after the debate, if any, on second

reading, I think that this should be done before the debate begins.

I also feel—and perhaps in this I am joined by all senators—that probably there would be a better opportunity to give the kind of consideration this bill deserves if it were referred to a Senate committee rather than to a joint committee of both houses. There has been a royal commission on this subject, and it is now proposed that not only should some of the people be called, but, in addition, other interested parties. I think it was generally felt that the Senate is a more appropriate forum for a discussion of this kind, and I do not downgrade joint committees when I say that. The fact of the matter is that there are a great many committees sitting on the other side, and a Senate committee could sit more frequently and give this bill more thoroughgoing consideration than could a joint committee.

Therefore, it is for this reason that this motion is being made to rescind the former order of this house to establish a joint committee. If this motion passes, another motion will be made immediately, to set up a Senate committee.

Hon. Jacques Flynn: Honourable senators, I merely want to say it is obvious that the resolution we adopted on June 29, 1967, cannot serve its purpose. Therefore, no other course is open than to agree with the motion now made by the Leader of the Government.

Hon. Jean-François Pouliot: Before this motion is adopted, I wish to say I am surprised at this procedure; it is quite unusual. The bill was debated by the Senate last year and submitted to a joint committee for consideration. Now the bill is coming before us again in another form, for discussion before a committee of the Senate.

There might be elsewhere the hate propaganda which is mentioned in the extensive report that has been published, but I do not see the use of giving people the impression that hate propaganda exists on a large scale in this country. If it happened, it was an exception, and if we insist on the hate propaganda story, people will be given a false impression about the feelings of our fellow Canadians; they are very friendly towards every race in Canada, and at the present time a feeling of friendship exists throughout the country. There is not now such animosity as was noticed in years gone by. The people seem to be more charitable and more inclined to support each other.

Besides that, I have another reason to object to this kind of legislation. It is that we have much work to do. Our parliamentary work is very extensive, and it takes most of our time. Very often we have to neglect our correspondence and other pressing duties that we are expected to perform in order to attend sittings of committees, caucuses, and especially the sittings of this chamber. The members of the Senate, as well as those of the House of Commons, are working very hard.

The other day in the proper place I complained strongly about something that had been said by a member of the House of Commons, to the effect that the members of the House of Commons were paid $18,000 a year to do nothing. I have the excerpt here, and I was shocked when I read it. If we discuss matters like this hate propaganda bill, much time will be wasted by the members of the committee.

The quotation that I have in mind is from the Montreal *Gazette* of October 20, 1967. It is a "Front Page Challenge," and I quote:

> $18,000 a year is not enough to pay a man who is doing absolutely nothing and is asked nothing.

That was said by a member of the House of Commons; it refers to the House of Commons. However, I believe that there must be a certain solidarity between the members of the two houses and as one of you, honourable colleagues, I am greatly impressed by the work that is done by you. You study legislation with great care in committee, and you are punctual, much more punctual than our colleagues in the House of Lords in England, and the attendance of the Senate is striking. We have only to look at the first page of the *Minutes of the Proceedings of the Senate* to see that you are faithful to your duties in attending the sittings of this chamber, and the same applies with regard to the sittings of committees. You attend and you ask pertinent questions which require a study of such works as the Estimates and the reports of departments. You receive an enormous quantity of reading material from all the branches of Government, and you are accused of doing nothing. It was not you who were accused; it was the member of the House of Commons, but I was truly shocked, because I know it is untrue. A member who speaks that way should not be allowed to sit in the House of Commons.

Coming back to this legislation, honourable senators, I find it futile, uncalled for, and untimely. I regret that it has been brought before us again, and I will have to oppose it. My reason for opposing it is not because I am not sympathetic with what it is hoped to accomplish, but because the question of hate does not apply to Canada. In a report that was published, and probably at very high cost, there is mention of concentration camps in Germany and other parts of the world. There are no concentration camps in Canada at the present time, and we do not live under a military regime. Our people are free. Besides that, there is the Royal Canadian Mounted Police, a force that does its work very well, the provincial police forces, and the municipal police forces. The members of those forces deserve great credit for the way in which they have stopped agitations and such nonsense when they have occurred in this country.

For those particular reasons I hope that the honourable Leader of the Government (Hon. Mr. Connolly, Ottawa West) will reconsider his sponsorship of this bill on second reading. I hope he will leave it at that, and let it die its ultimate death on the Order Paper.

Hon. Mr. Hollett: Hear, hear.

Hon. Mr. Choquette: Hear, hear.

The Hon. the Speaker: Honourable senators, is it your pleasure to adopt the motion?

Hon. Mr. Pouliot: No.

Motion agreed to, on division.

APPOINTMENT OF SPECIAL COMMITTEE

Hon. Mr. Connolly (Ottawa West) with leave, moved:

That a Special Committee of the Senate be appointed to study and report upon amendments to the Criminal Code relating to the dissemination of varieties of "hate propaganda" in Canada as set out in Bill S-5, intituled: "An Act to amend the Criminal Code"; and

That the committee have power to call 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, and to sit during sittings and adjournments of the Senate.

He said: Honourable senators, I wish only to say that in my opinion this motion speaks for itself. I have on the previous occasion explained the purpose, namely, to set up a committee of the Senate.

May I say to Senator Pouliot who spoke on the other motion that the bill happens to be a Government bill and, if for no other reason than that of cabinet solidarity, I am obliged, as a member of the Government, to sponsor this bill and to support it.

I quite understand any honourable senator having serious objections to parts, or even the whole of the bill, but there will be ample opportunity, particularly in committee, for the making of whatever objections there are to any part of this bill and to have them considered by the committee.

Hon. Mr. Pouliot: If I am permitted, honourable senators, I should like to say that some Government bills are not always good legislation.

Hon. Mr. Connolly (Ottawa West): With that I agree.

Hon. Jacques Flynn: Honourable senators, the Leader of the Government has summed up the situation very well. There are contrary opinions as to this bill, but I agree that the best way of trying to resolve them, if that is at all possible, is to consider them in committee.

Therefore, in order that all views may be expressed freely—and not only the views of the members of this house but those of people elsewhere—this motion should be supported.

The Hon. the Speaker: Honourable senators, is it your pleasure to adopt the motion?

Hon. Mr. Pouliot: On division.

Motion agreed to, on division.

APPOINTMENT OF MEMBERS TO COMMITTEE

Leave having been given to revert to Notices of Motion:

Hon. John J. Connolly moved, with leave:

That the Special Committee of the Senate appointed to study and report upon amendments to the Criminal Code relating to the dissemination of varieties of "hate propaganda" in Canada as set out in Bill S-5, intituled: "An Act to amend the Criminal Code", be composed of the Honourable Senators Boucher, Bourque,

Carter, Choquette, Croll, Fergusson, Gouin, Hollett, Inman, Laird, Lang, Lefrançois, Methot, O'Leary (Carleton), Prowse, Roebuck, Thorvaldson and Walker.

The Hon. the Speaker: Honourable senators, is it your pleasure to adopt the motion?

Hon. Mr. Pouliot: On division.

Hon. Mr. Hollett: Honourable senators, I should like to say that I did not know my name was on the list of members of that committee. As I am very much opposed to this bill, I do not think it fair that I should act as a member of this committee.

Hon. Mr. Connolly (Ottawa West): Perhaps the honourable senator would speak to the Whip on his side, because his name was among those given me as members of the committee from the opposite side of the house.

Hon. Mr. Flynn: Honourable senators, I submit that we need people who are opposed to this bill as members of the committee, in order that all views of this house be reflected.

Hon. Mr. Bourget: Hear, hear.

Hon. Mr. Flynn: I hope the honourable senator will reconsider his objection.

Motion agreed to, on division.

EXTERNAL AID

COMMITTEE EMPOWERED TO MAKE INQUIRY

Leave having been given to revert to Motions:

Hon. John J. Connolly moved:

That the Standing Committee on External Relations be authorized to examine and report upon the Report of the Department of External Affairs for the year ended December 31, 1966, tabled in the Senate on March 22, 1967, with particular reference to that portion thereof which deals with External Aid; and

That the said committee be empowered to send for persons, papers and records.

He said: Honourable senators, it seems to me that this is a particularly appropriate kind of motion to have before this house. Canadians generally, I think, have developed a special interest in the developing countries, and this has become more apparent since the end of the last war. Many countries in Southeast Asia, Africa, and the Caribbean area, have acquired independence in that period. Curiously, most of the so-called emerging or developing countries are in the tropics or the sub-tropics.

There is a genuine interest on the part of Canadians in the problems of these developing countries. I think this is because not too long ago Canada itself was a developing country. Had it not been for the work of the early explorers and the missionaries this country might not have developed as it has.

It seems to me that this house has a special capacity for dealing with problems and matters of the kind proposed in this motion. The members of the Senate of Canada have been very active in the work of the United Nations, NATO, the Commonwealth Parliamentary Association, and the International Parliamentary Union. They have shown a special capacity for dealing with foreign affairs, and this is in that category. Public opinion in Canada is in sympathy with the kind of work that is being done in this field. I think the more that is known of policies, programs, and costs, and the way in which these policies are carried out, the more effective and useful will be the policies for the people they are designed to help.

The Director of the External Aid Office, Mr. Maurice Strong, who joined the Government service about a year or so ago, was formerly with Power Corporation and is extremely dedicated to this work. Of course, he will be available to the committee. Honourable Senator Thorvaldson, chairman of the committee, will no doubt be dealing with this matter in an urgent way; there will likely be a steering committee, and a thoroughly good forum will be provided for study and deeper understanding of the problems involved. It seems to me that not only should the people in the department concerned be consulted, but other agencies in Canada, both public and private, like CUSO, should be called. Also, some of the church organizations which do a good deal of work particularly in the developing countries and which in some cases preceded both the sectarian and governmental organizations, in trying to help underprivileged people, might very well be called before such a committee. In this way a full assessment can be made of the contribution by Canada as a whole in the field of external aid.

For this and other reasons I have great pleasure in commending the passage of this motion to the Senate.

Hon. Norman A. MacKenzie: Honourable senators, I would like briefly to say a few words in support of this motion. I do so for two reasons. First, the Government and people of Canada at the present time are spending over $300 million annually on external aid. I think it in order that a committee of this Senate should study the ways in which this money is spent, to ensure to the best of our ability that it is being spent in the most efficient way. Also, I know there are some who wonder about the need or the wisdom or the responsibility of Canada spending moneys of this amount on work of this kind, particularly in a period when there seem to be deficits in our own budgets, very high interest rates, and the possibility of increased taxes. For these reasons, this matter deserves and requires study and consideration.

The other reason is a more fundamental one. The world's population at present is about 3.3 billion. About one-third of that population have an average annual income per capita of less than $100; and another one-third have an average annual income which does not exceed $250 per year. This compares with $3,000 per capita per annum in the United States and over $2,000 per annum in Canada. This means that the bulk of the world's population lives at what is barely a susbsistence level, or even below it. This unhappy situation is made more serious by the fact that the world's population is increasing with great rapidity and is expected by the year 2000 to have risen from the present 3.3 billion people to something like 7 billion people, an increase of 130 per cent.

The world's food supply is increasing, but with much less rapidity than its population. The result is that the gap between population and adequate food supplies is widening rather than narrowing. This is an age of rapid and worldwide communications, and human beings are unlikely to accept the condition of being at the starvation level when there are more fortunate peoples like those of us in Canada who have not only enough for themselves but surpluses as well.

For these basic reasons I feel it is in order for the Senate Standing Committee on External Relations to investigate this matter and the policy and actions of the Government of Canada.

In many respects, we the people of Canada have been engaging in a variety of forms of external aid throughout our history. I say this because external aid does and should include the contributions made by private bodies, organizations and individuals as well as by governments. In some respects the trade we have carried on with other countries and our business activities in those countries, and the contribution made by private citizens of Canada who have gone abroad and worked in other countries, in so far as these have contributed to the development of the other countries, are forms of external aid.

Probably the first of these were our sailors who put out in sailing ships from many of the ports and harbours along our Atlantic shores, not only to the West Indies, Portugal, Spain and the Mediterranean, but in such numbers and to such an extent to other countries, that the fame and reputation of *Bluenose* skippers, mates and sailing ships were known across the Seven Seas and in practically every country in the world.

Later on, our missionaries, who were and still are genuinely concerned with very important aspects of external aid, travelled to practically every corner of the globe and contributed in a variety of ways to improving the conditions of the peoples among whom they lived and worked. In many cases, this was done with great sacrifice on the part of those going and little, if any, reward other than the satisfaction of involvement in work that they believed to be of major importance.

My father's oldest brother, Dr. John William MacKenzie, went off as a young man to one of the islands in the New Hebrides in the South Pacific. Some others on neighbouring islands, notably Eromanga, "the Martyr Isle," a little earlier had been killed by the natives who were, at that time, uncivilized people engaging in frequent local wars and resorting on occasion to cannibalism. My uncle's young wife and three of his small children are buried on the coral beaches of that island Efate where he and his wife were the only white human beings.

Then there were our banks which helped to develop the West Indies and, to a lesser extent, certain of the countries in South America. Business concerns, insurance companies, engineering firms and the like also engaged in business activities in these areas. But it has only been since the end of World War II that external aid has become recognized as a responsibility of the important and fortunate nations and has been engaging, to an increasing extent, the attention of Canada

and of many other western and prosperous nations of the world.

I have already indicated in terms of dollars the extent of external aid, but a few other facts should be included in this brief review. The first concerns the number of countries assisted. Canada gives aid directly to 69 countries and territories and indirectly to 17 countries in Latin America who are eligible to receive aid through the Latin American Development Bank to which Canada gives $10 million per year.

The report of the Department of External Affairs on External Aid gives a most interesting account of the many ways in which we have helped and are helping, through the Colombo Plan with its 18 member countries; in the West Indies and the Commonwealth countries in Africa; the French language countries in Africa; in Viet Nam, Laos and others of the countries of South and Southeast Asia.

As of September of this year there were something in the order of 860 individuals under CUSO—the Canadian University Service Overseas—serving abroad, and it is expected that by the end of the year this number will be increased to at least 1,000.

A similar program in the French-speaking countries of Africa has been developed and this year some 218 Canadian teachers are serving in these countries, and 137 trainees from those countries are studying in Canada.

Concerning other private organizations, the Overseas Institute of Canada has been in operation for the past six years, and has helped and is helping to achieve effective cooperation among and between various private organizations in Canada working in the fields of external aid. The list of their membership is very impressive. This year they had some 46 institutional and corporate members and some 2,500 individual members here and abroad. In 1966 they were responsible for sending over one million books to 550 centres in 54 different countries.

But more of this information, which is both important and interesting, can better be brought out and recorded by our committee in the course of its study of this question.

There is just one other point that I want to mention. In my view, in the long run, the only sensible way of dealing with this problem is to help those nations and peoples concerned to help themselves. In times of emergency—famines and the like—outright gifts, charity if you like, are both essential and desirable.

No doubt, assistance in the construction of hydro dams, nuclear power plants and railways is important, but I am convinced that the making available of our skills, our techniques and our know-how to the young citizens of these countries should head the list of priorities. If enough of these can be trained and educated soon enough, then with our continuing assistance in more practical forms, there is some hope that there may be some balance brought about between the increase in population and food production, and some hope too that their other problems can be solved.

Here may I say that I have a great interest in and a high regard for the private agencies that are working in this field. I could list them and give you details about many of them, but I only propose to do that in respect of one or two. The World University Service has had a long and distinguished record of achievement, dating back under various names to the aftermath of World War I.

Then there is the Cody Institute at St. Francis Xavier University in Antigonish. It brings to Antigonish each year for periods of six or nine months, groups of appropriate and outstanding individuals from a variety of countries throughout the world. They get, while they are at the Cody Institute, the special experience in adult education extension work for which St. Francis Xavier is famous and in which it has given a lead to this continent and to the world.

They have done this out of their own resources and without Government assistance. I suggest that in view of the amounts of money that our Government is contributing —over $300 million annually—some of this money might very well be invested in private projects of this kind. This would ensure that the initiative, the experience and the abilities of private citizens, organizations and institutons can be made to effectively assist the Government and co-operate with it in the future.

These, honourable senators, are some of the reasons why I am delighted that the Leader of the Government in the Senate, Senator Connolly, has moved that this very important matter be sent to our Standing Committee on External Relations.

Hon. Gunnar S. Thorvaldson: Honourable senators, I have very little to add to the

remarks that have already been made in regard to this motion, except first to commend the Leader of the Government for presenting the motion to this house.

Senator MacKenzie has given a thumbnail sketch, and a very accurate one, of the need for external aid to which Canada, among other countries, contributes quite generously. He has also indicated in a general way what is done with the moneys that are invested in this objective. The moneys are invested in an extremely large number of fields as he has said; for example, feeding people in the underdeveloped countries, providing industrial know-how, industrial equipment, and helping to build electric power plants; helping in such projects as the Mekong Delta Plan in South-East Asia—which in itself is a tremendous development—helping in the field of education and with many other projects and needs.

We have sent many teachers to the developing countries and in return we are host to a large number of students who come from them. There are innumerable other fields where our internal aid funds are used.

I want to say a word particularly in regard to the new head of the External Aid office, Mr. Maurice F. Strong. Mr. Strong is a truly dedicated Canadian. He was born and brought up in western Canada. At a very early age he became one of the leading businessmen and entrepreneurs of that part of our country. Later he became the executive head of one of the great corporations of this country, based in Montreal. He was on the way, as everyone who knew him was aware, to the very highest offices of our nation in a business way. However, he felt a dedication to public service of a kind which would be of help to suffering humanity. Consequently at obvious personal sacrifice, he offered his services to the Government of Canada as Director General of External Aid.

I had hoped that we might start our inquiry next week, but I find that Mr. Strong will be out of the city for the next few days. Consequently, we will commence our sittings about ten days from now.

Again, I want to say that I believe this will be an excellent objective for the Senate committee on External Relations and for this body.

Hon. Allister Grosart: Honourable senators, I have reported to this house on some of our external aid programs on other occasions, and perhaps I should make a few remarks on the bill that is now before the Senate.

In particular, I hope that the work of this committee will not be a re-examination of the policy as laid down over the years for our external aid program, nor a mere recounting of the useful and important things that the Canadian external aid program has done. I would hope that this would be a critical examination of the Canadian external aid program. In saying that, I should add that I completely support the program and the objective set by our Secretary of State for External Affairs, Mr. Martin, of a level of Canadian aid approximating one per cent of our gross national income by 1970. As Senator MacKenzie pointed out in the Finance Committee this morning, that might mean a total expenditure on external aid by 1970 of possibly $500 million dollars, or maybe $600 million, instead of the present level of $300 million. I say I am in favour of our meeting that objective, but I hope the committee will examine that objective in relative and comparable terms.

Much nonsense has been published by people who should know better about Canada's position in regard to external aid. I would hope that the committee would carefully examine the claims of other countries, and compare them with what Canada is actually doing. I think the committee would perform a great service if it would come forward with exact amounts that would, in international terms, bring us to 75 per cent or 100 per cent of this objective in any given year. I say that because at the present time the figures we have from other countries include private as well as Government investment. They lump them together and say that they have 1 per cent or some such proportion of it. It so happens that Canada's investment in the private sector in these countries is very high. There are reasons for that situation. Some countries include in their aid the normal payments they are obligated to make to former colonies, so the figures that we are given today are not properly comparable.

Therefore, I would recommend to the chairman of the committee that he call the necessary witnesses to let us have some realistic figures so that we, as Canadians, will not be subjected to unfair comparisons and to the kind of statements that are made from time to time by heads of international agencies

who compare our effort to those of other countries.

A second subject that might concern the committee is our position in a world in which the large donor countries are today decreasing their foreign aid. This is true of the United States; it is true of Great Britain. Canada has increased its foreign aid on a per capita or income basis; so has Japan and so has Australia. But, as I say, the large donor countries are cutting back. I think this is something the committee might well examine and see where we stand in relation to this situation. One wonders whether it makes sense to increase our aid to these countries if we are merely replacing money or investment withdrawn by some of the larger countries.

I would hope the committee would examine the nature of our aid. Here again, inaccurate comparisons are being made. For example, Canada pioneered in the soft, soft loan. Two years ago we introduced the type of loan which is, in effect, interest free. In fact we even abolished the very small service charge on these loans. Great Britain followed suit a year later, and I heard a prominent British statesman rise and say that Britain had pioneered this, when it was in fact Canada. There is no sense trying to compare lump-sum figures. There is no sense comparing, as is done today, a commercial investment or a commercial loan in one of these developing countries with a 30-year soft, soft loan from Canada. It is just not the same kind of money, and should not be compared in the same table of figures.

I would hope the committee would examine the distribution of our aid by countries. Traditionally, because our aid program arose out of the Colombo Plan, it has gone largely to India and Pakistan. There is no question but that these are probably the two countries in the world most in need of aid from the developed countries, but there are other areas closer to home. Personally, in the committee, I will seek to get a commitment from Mr. Strong or the policy-makers that we begin to divert a larger percentage of our total aid program to our closest neighbours among the developing countries, namely, the countries of the Caribbean, because the much greater impact of Canadian aid on the economies of those countries must be quite obvious, compared to that of, say, India or Pakistan. I hope I will not be misunderstood as suggesting that we cut back our aid to India and Pakistan. I am merely suggesting that, as we raise the total level, a greater proportion should go to help our closest neighbours in the Commonwealth who are developing countries.

I am sure that the committee will be a successful one under the chairmanship of Senator Thorvaldson. I know that he has given a great deal of time and thought to this particular problem. I hope the committee will meet soon and that it will meet often, and that it will be possible to bring before it some businessmen who are actually engaged in external aid. There are criticisms; there are problems; there are questions that businessmen are raising about the method by which this or that firm is chosen to be the vehicle for our aid. I am not suggesting that there is anything amiss in this, but I merely say that questions are being raised, because the conditions under which the opportunities are given to Canadian firms are not clear to everyone.

Having said that, honourable senators, I wholeheartedly support the motion and wish the committee very great success.

Hon. Jean-François Pouliot: Honourable senators, I too wholeheartedly support this motion, and I am very glad that the Leader of the Government has sponsored it. I am a member of the External Relations Committee, and I appreciate the able and competent chairmanship of Senator Thorvaldson. He is fair when questions are asked, and he does not need to protect the witnesses, because they are very well received by the committee.

There are two points that interest me. I have already asked a question that has not been answered. It was about the interest-free loans that are made to some countries. I would like to know in due course from the witnesses who will come before the committee how many such interest-free loans have been granted by Canada to any developing country, at what time, and for how much money. I asked that question for the reason that if Canadians cannot have interest-free loans I do not see why other countries can get them.

My second question is about the fabulous so-called pensions that are paid to the Rajahs and Maharajahs of India and Asia. Some newspaper articles were published that informed us there was a group on that continent who were working towards the cancellation of those pensions, which amount to

millions of dollars. Is it not your opinion, honourable senators, that before we send any more money to India, or any other part of the world where such pensions are paid, those pensions should be cancelled and the money spent on the relief of hunger and famine amongst the peoples of those countries? It is a sad thought that in this world of plenty there are people who die of hunger. Everyone in this chamber, and I presume everybody in Canada, is willing to do his best, but it is important to know where the aid goes, and if those who need it get the full benefit of it.

In due time I will have an opportunity of asking these questions, and when I ask questions like these I want them to be answered. The witnesses from the Department of External Affairs who will come before the committee will have to be ready to answer those questions, for I will not be willing to wait for an eternity to get a complete and satisfactory reply to each one of them.

Motion agreed to.

FEDERAL SCIENTIFIC POLICY

MOTION FOR APPOINTMENT OF COMMITTEE—DEBATE ADJOURNED

Hon. Maurice Lamontagne moved, pursuant to notice:

That a Special Committee of the Senate be appointed to consider and report on the scientific 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 scientific policy for Canada.

That the committee have power to engage the services of such counsel and technical and clerical 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 sit during sittings and adjournments of the Senate, and to report from time to time.

He said: Honourable senators, all those who listened to or read my maiden speech in this chamber on June 29 last will readily understand why I am moving this motion today. I intend to add just a few comments.

[*Translation*]

In my speech on June 29 last I wanted first of all to draw the attention of the honourable members to the vital necessity, especially for an industrialized country, to have a dynamic, well-balanced and efficient scientific policy in order to be able to meet the challenges of permanent revolution and perpetual change which we will have to face from now on.

Moreover, I think I demonstrated that the efforts of Canada in the research field lacked intensity, that the level of expenditures devoted to that purpose was inadequate, compared to that of other developed countries and to the requirements of our total growth and national independence. I also tried to prove that our scientific effort lacked quality and efficiency, that it was too much scattered, and resulted in undesirable gaps and duplications. To conclude, I stated that it was time to conduct a general study on Canada's scientific effort and on the federal Government's scientific policy, and I suggested that such a study should be made by the Senate.

[*English*]

The motion which is now before us is designed to accomplish this very purpose. I do hope that it will receive the unanimous approval of this chamber without undue delay and that the investigation will begin as soon as possible.

The proposed terms of reference are wide in scope. They are intended to cover all aspects of Canada's scientific effort, and of the federal Government's scientific policy. They involve a review and an appraisal of

organization and programs concerning research and development in the fields of the physical sciences, the life sciences and the human sciences, in the public as well as in the private sectors. They require that our research effort be judged in comparison with that of other industrialized countries, and in the light of the requirements of the new scientific age. Thus, the proposed investigation represents a complex but also a challenging task.

Our work, however, would be greatly facilitated by what has already been done by such international agencies as O.E.C.D. and the Science Policy Division of UNESCO. We would also, I am sure, receive valuable assistance from the Science Secretariat located as we all know, in the office of the Privy Council; from the Science Council of Canada and the Canada Council, which are now engaged in a joint study which would be most useful to us. All federal research agencies should be asked, of course, to submit their views and proposals. Finally, I would expect that provincial and private research institutions, including universities, industry, professional groups and even individual researchers, would be invited to describe their activities, their problems and their needs. I am convinced that, with such assistance and co-operation, the proposed committee would be in a position to do a thorough and most effective job.

This chamber now has a wonderful opportunity to render a great service to our country. A dynamic, balanced and effective scientific effort is rapidly becoming the main foundation of the overall development of industrialized countries. Canada, however, is lagging more and more in the international scientific race. Canadians have the right to be informed of this situation and of its long-run implications for their well-being and their independence. When they have been informed, they will be prepared, I am sure, to give a higher priority to a more active and more effective research effort, provided they are shown how it should be organized and strengthened. This is the major task that we can fulfil, this is the national challenge that we can meet, if we adopt the motion which is now before us.

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

ELECTORAL BOUNDARIES READJUSTMENT ACT

BILL TO AMEND—SECOND READING

Hon. John J. Connolly moved the second reading of Bill C-159, respecting the Electoral Boundaries Readjustment Act.

He said: Honourable senators, this is a very simple bill. It proposes to change the name of the electoral constituency of Peel-Dufferin to the name Peel-Dufferin-Simcoe. This is to be accomplished by amending paragraph 53 of the schedule to the Electoral Boundaries Readjustment Act. The schedule is contained in the proclamation issued pursuant to Section 23 of that act. The proclamation is to be found in the issue of the *Canada Gazette* of June 25, 1966 at page 2024, and the paragraph of the schedule which this bill seeks to amend is to be found on page 2041 of the *Canada Gazette* of that day.

The only way in which the designation can be changed, because of the provisions of section 23 of the Electoral Boundaries Readjustment Act, which is chapter 31 of the Statutes of 1964, is by an act of this kind. The reason for that is that section 23 provides that the Schedule to the Proclamation issued pursuant to that section is the law, and if the law is to be amended, then a new statute is required.

Having said that, honourable senators, if I speak for just a moment about the district itself, it will give a little background about the situation in this particular part of Ontario.

Under the British North America Act there was established an electoral district known as Peel. There were two electoral districts established, the north riding of Simcoe and the south riding of Simcoe. These ridings remained until the legislation was changed in 1903. At that time, there were established electoral districts of Peel, Dufferin, and of Simcoe, corresponding perhaps actually to the boundaries of the counties which bore those names.

In 1924, due to population shifts and so on, the ridings of Dufferin and Simcoe were combined into a single riding of Dufferin-Simcoe, while the riding of Peel remained as it had been previously designated since Confederation.

The present sitting member of the area to be affected is Mr. J. E. Madill. I understand that half of the County of Simcoe is in the

riding designated in the schedule as Peel-Dufferin, the other half being in a new riding called York-Simcoe. Dufferin-Simcoe of course is an historic riding. Certainly, it is historic from the point of view of gentlemen opposite, because for eleven general elections it was an area represented by the honourable Earl Rowe, who also succeeded in winning a by-election there at the beginning.

It was represented from 1873 and for two general elections thereafter by the honourable Thomas White who was one time Minister of Finance. The Peel riding was represented between 1935 and 1953 by a friend of people on all sides of the house, the honourable Gordon Graydon, who won it in five general elections. It is represented now by Mr. Bruce Beer.

Dufferin-Simcoe certainly is not considered to be a swing constituency in any sense of the word, and since this is a matter which primarily concerns the people in the area, more particularly the people who know the local situation best, this is a bill to which the Senate should give its consent quite readily.

Hon. Jacques Flynn: Honourable senators, the honourable leader has given all the good reasons why on this side of the house we should support this bill.

Motion agreed to and bill read a second time.

THIRD READING

The Hon. the Speaker: Honourable senators, when should this bill be read the third time?

Hon. Mr. Connolly (Ottawa West): Honourable senators, with leave of the Senate, I move that this bill be read the third time now.

Motion agreed to and bill read the third time and passed.

ELECTORAL BOUNDARIES READJUSTMENT ACT

BILL TO AMEND—SECOND READING

Hon. John J. Connolly moved the second reading of Bill C-165, respecting the Electoral Boundaries Readjustment Act.

He said: Honourable senators, at this time I need not repeat what I have said with reference to Bill C-159, which has just been passed, at least in respect of that part of it which lays before honourable senators reasons for legislation of this kind to change the provisions of the Proclamation in the *Canada Gazette* of June 25, 1966.

The purpose of this bill is to change the riding designation in the Schedule to the Proclamation as the riding of Oshawa to the name Oshawa-Whitby.

Both Oshawa and Whitby are incorporated municipalities within the riding described in the proclamation as that of Oshawa. Whitby, in fact, is the county seat. Oshawa, of course, is a large and important industrial city in Ontario. Whitby, being the county seat, is the centre of the judicial and municipal activity in the area.

In the British North America Act, in the Redistribution Act, 1892 and in the Redistribution Act, 1903, the area was in a district designated as Ontario South. From 1924 until the present time the area was designated as the riding of Ontario.

The present member of the riding is the Honourable Michael Starr, P.C., the acting Leader of the Opposition in the other house. He has won Ontario in six general elections and was elected once in a by-election.

It has not always been a Tory riding. Mr. W. H. Moore was a member there from 1930 to 1945. Mr. W. E. N. Sinclair at one time sat for it, and he was a Liberal. The C.C.F. won the by-election there in 1948. Therefore, I would not wish to describe it as a swinging seat, but the pendulum did vary from time to time, but rather slowly, and perhaps paused at one side for a little while and then moved over to the other side.

Hon. Mr. Grosart: It is now stuck.

Hon. Mr. Connolly (Ottawa West): I remember the late W. H. Moore in particular because during the war I had occasion to go to Oshawa with the Honourable Angus Macdonald, then Minister of National Defence for Naval Services, in connection with a bond drive. There had been some trouble at a prisoner-of-war camp at Bowmanville, which is nearby, and Bill Moore and I drove over with the Minister, who wanted to see the commandant of the camp. Bill Moore ever after referred to me as the person with whom he had spent a night at a prisoner-of-war camp!

Honourable senators, the area is well known to all Ontarians, and the proposal to designate the riding as Oshawa-Whitby, for the reasons I have given, is a worthy one, and I feel that the wishes of the sitting member in this

respect, and of the people there, should commend themselves to the favourable attention of this house.

Hon. Allister Grosart: Honourable senators, the constituency to which this bill refers is the general area of my territorial designation. The bill was introduced, as the Leader of the Government has said, by the Honourable Michael Starr, the Acting Leader of the official Opposition in the other place.

This bill is a tribute to him in that, unlike most private bills, it was passed through the various stages in the House of Commons in record time. As the sponsor of the bill has said, it changes the name of the riding from Ontario riding, as it was previously known, to Oshawa-Whitby. It thus honours a thriving, picturesque town along the shore of Lake Ontario between Oshawa and Toronto.

Incidentally, Whitby is one of a number of Yorkshire town names, others being Pickering and Scarborough, which commemorate the nostalgia of the early pioneers there for their original homes.

I should perhaps add, too, that Whitby is one part of the Honourable Michael Starr's constituency, which consistently approves of the representation he gives to the constituency in the House of Commons—which may or may not be a reason for his introducing this bill in the other place.

Motion agreed to and bill read second time.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Connolly (Ottawa West): With leave, I move that the bill be read the third time now.

Motion agreed to and bill read third time and passed.

PRIVATE BILL

TRANS-CANADA PIPE LINES LIMITED—
SECOND READING

Hon. Daniel A. Lang moved the second reading of Bill S-26, respecting Trans-Canada Pipe Lines Limited.

He said: Honourable senators, this bill has to do with a company with which we are all familiar. In fact, its history seems to be carried pretty consistently on the journals of this Parliament. Despite the way in which politicians have tried to affect this company over the years, it seems to have flourished. In fact, it is interesting to note that since its incorporation in 1951 the natural gas product it transmits by pipe line has increased from 3 per cent to 18 per cent of the total energy consumption of Canada. Similarly, the dollar sales volume of Trans-Canada Pipe Lines during the period from 1960 to date has risen from $29 million to $154 million.

As I mentioned, the company was incorporated in 1951 and certain provisions of the original act passed at that time were amended in 1954. The amendment at that time was in connection with its preferred share structure, and since that time, which was prior to the commencement of construction of the company's pipe line, there have been no amendments to the act of incorporation.

During the intervening period of over 13 years the company has constructed natural gas pipe line facilities which now stretch from Alberta to the Quebec-Vermont border. The company has also constructed and installed, annually, extensions and improvements to its initial system, including pipe line looping and additional compressor stations.

During the six years down to December 31, 1966 the company's gross investment in gas transmission pipe lines has increased from approximately $287 million to over $617 million.

Honourable senators will appreciate that in view of this extensive increase in capital investment the authorized capital initially provided for in the act of incorporation in 1951 is no longer adequate. You will appreciate that the requirements for additional expansion of the company's system in the years ahead will make it necessary to increase the authorized capital of the company.

The bill now before Parliament provides for this specific increase in capital. One of the principal provisions of the bill increases the company's authorized capital from 10 million common shares to 25 million common shares and from one million preferred shares to five million preferred shares.

The bill also provides for certain other amendments to the company's special act dealing with the methods of creating and issuing preferred shares, of varying preferred share provisions and of subdividing and consolidating shares, and with the redemption and purchase of preferred shares and payment of stock dividends.

I might add that these provisions are generally in line with the provisions now accorded to companies generally under the Canada Corporations Act.

Also included is a minor amendment to the company's power in dealing with the electronic communications system used in connection with its pipe line.

Honourable senators, if this bill receives second reading now, it is my intention to refer it o the Standing Committee on Transport and Communications.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Lang, bill referred to the Standing Committee on Transport and Communications.

DIVORCE

REPORTS OF COMMITTEE ADOPTED

The Senate proceeded to consideration of reports of the Standing Committee on Divorce Nos. 231 to 276, inclusive, which were presented yesterday.

On motion of Hon. Mr. Baird 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. A. B. Baird, for Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, presented the following resolutions:

Resolution 223, for the relief of Micheline (Michelene) Maria Ruggiero Barriere.

Resolution 224, for the relief of Beryl Georgina Josephine Hawthorne Pattison.

Resolution 225, for the relief of Irina Porges Beladi.

Resolution 226, for the relief of Roger Morency.

Resolution 227, for the relief of Lorna Pollock Ryer.

Resolution 228, for the relief of Karl Beat Immer.

Resolution 229, for the relief of Guy da Silva.

Resolution 230, for the relief of Cecile Marthe Paquin Roy Dechene, otherwise known as Cecile Marthe Paquin Roy Deschenes.

Resolution 231, for the relief of Marthe Hebert Monette.

Resolution 232, for the relief of Brenda Armstrong St. Jean.

Resolution 233, for the relief of Marie Andree Daniele Anne Marcoux Chapman.

Resolution 234, for the relief of Real Thivierge.

Resolution 235, for the relief of Clarice Theresa Desroche Colpitts Creighton, otherwise known as Clarice Theresa Desroche Colpitts Miller.

Resolution 236, for the relief of Edmund Wilbur Markus.

Resolution 237, for the relief of Ghislaine Aubry Bissonnette.

Resolution 238, for the relief of Sandra Margaret Baly Jackson.

Resolution 239, for the relief of Gabrielle Rochon Pinault, otherwise known as Gabrielle Rochon Pineault.

Resolution 240, for the relief of Yvette Lane Forget.

Resolution 241, for the relief of Marie Suzy Renee Belanger Morin.

Resolution 242, for the relief of Gail Louise Lamarche Spritzer.

Resolution 243, for the relief of Claire Winsome McNutt Fontaine.

Resolution 244, for the relief of Mildred Marguerite Francis Stewart.

Resolution 245, for the relief of George Andrew Brady.

Resolution 246, for the relief of Estere (Esther) Henna Kirschbaum Cooper.

Resolution 247, for the relief of Ruth Gail Barbara Savard Kastner.

Resolution 248, for the relief of Gabrielle Helen Anita Lefebvre Lane.

Resolution 249, for the relief of Sophie Zalinsky Dobush.

Resolution 250, for the relief of Marie Annette Ghislaine Morency Leduc.

Resolution 251, for the relief of Helen Gail Lapkoff Farber.

Resolution 252, for the relief of Bruce Norman Baker.

Resolution 253, for the relief of Ida Berger Hoffer Rudy.

Resolution 254, for the relief of Robert Paul Goux.

Resolution 255, for the relief of Marie Paule Patricia Marotte Messier.

Resolution 256, for the relief of Joseph Laurent Barnabe.

Resolution 257, for the relief of Agnes Lenke Toth Mirkovszky.

Resolution 258, for the relief of Joseph Antoine Petruska.

Resolution 259, for the relief of Donna Florence Barfoot Callan.

Resolution 260, for the relief of Jean Bilodeau.

Resolution 261, for the relief of Rosette Gabrielle Edmee Mommaerts Lombart.

Resolution 262, for the relief of Ilde Luigia Gherpelli Perrella.

Resolution 263, for the relief of Eileen Elizabeth Mouldy Burton.

Resolution 264, for the relief of Julien Simard.

Resolution 265, for the relief of Joan Weilding Hayes.

Resolution 266, for the relief of Michel Cogger.

Resolution 267, for the relief of Marie Claire Lorraine Bertrand Brand.

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

Hon. Mr. Baird: Honourable senators, I move that these resolutions be placed on the Orders of the Day for consideration at the next sitting of the Senate.

Motion agreed to.

BUSINESS OF THE SENATE

On the motion to adjourn:

Hon. Mr. Flynn: Would the honourable Leader of the Government indicate what is likely to be the business before us tomorrow?

Hon. Mr. Connolly (Ottawa West): Yes. We will have the Appropriation Bill for consideration tomorrow. I understand that under the rules it must be disposed of tonight by the other place, so we will have it for consideration when we meet at 11 o'clock tomorrow morning. That bill will, of course, come by way of message, and I hope we will be able to proceed with the debate on second reading tomorrow. Then, if there is time we might consider some of the items on the Order Paper, in the order in which they appear.

Hon. Mr. Flynn: No new item is likely to appear tomorrow?

Hon. Mr. Connolly (Ottawa West): I know of none.

The Senate adjourned until tomorrow at 11 a.m.

THE SENATE

Friday, November 3, 1967

The Senate met at 11 a.m., the Speaker in the Chair.

Prayers.

APPROPRIATION BILL NO. 7, 1967

FIRST READING

The Hon. The Speaker informed the Senate that a message had been received from the House of Commons with Bill C-180, for granting to Her Majesty certain sums of money for the public service for the financial year ending 31st March, 1968.

Bill read first time.

SECOND READING

Hon. Jean-Paul Deschatelets, with leave of the Senate, moved the second reading of the bill.

He said: Honourable senators, Bill C-180 is known as Appropriation Act No. 7. I understand that copies of the bill already have been distributed to honourable senators, along with a financial sheet showing the total figures of the main Estimates, and Supplementary Estimates (A) and (B), for the fiscal year 1967-68.

Honourable senators, I think I can sum up in a few words the general provisions of the bill by saying that we are being asked to grant the balance of the main Estimates for 1967-68, plus the balance of Supplementary Estimates (A), the portion not yet voted, and the whole of Supplementary Estimates (B).

In order to facilitate a better comprehension of the bill, I think I should mention briefly the various appropriation acts we have passed so far during the fiscal year.

Honourable senators will remember that on March 23, by Appropriation Act No. 3, interim supply was granted for the month of April, representing one-twelfth generally of the main Estimates, for a total of $583.6 million.

Appropriation Act No. 4 was passed on May 8, and it granted interim supply for two months, May and June, 1967, representing an additional two-twelfths supply of the main Estimates. The total amount granted by Appropriation Act. No. 4 was $1.03 billion.

At the beginning of last July, by Appropriation Act No. 5, full supply of the main Estimates for eleven departments was granted. These departments have been enumerated, but I think for the purpose of the record today I should mention them. They were Atomic Energy, Defence Production, Energy, Mines and Resources, Fisheries, National Defence, National Health and Welfare, National Revenue, Indian Affairs and Northern Development, Post Office, Solicitor General, and Transport. The total amount granted by Appropriation Act No. 5, being full supply for those eleven departments, amounted, as far as budgetary expenditures are concerned, to $2.4 billion.

On July 6, before we adjourned for the summer recess, Appropriation Act. No. 6 was passed—this was the last one that was before this house—which granted supply for the four months of July, August, September and October, 1967, representing an additional four-twelfths of the main Estimates and Supplementary Estimates (A).

Appropriation Bill No. 6 represents an amount of $965.3 million. It means, therefore, that up to now we have already granted full supply for eleven departments. As far as the remaining departments are concerned, we have granted generally, apart from a few exceptional cases, seven-twelfths of the expenditures for these departments, based on the main Estimates; and also seven-twelfths of the Supplementary Estimates (A) for these departments.

As I said earlier, we are now asked to grant, for those remaining departments which have not been voted in full, the balance portion or five-twelfths, which amounts to $1.01 billion, of the main Estimates.

We are being asked also to grant as Supplementary Estimates (A) the same remaining proportion, five-twelfths, which amounts to $35.3 million. We are also being asked by this bill to grant the whole of the Supplementary Estimates (B), which amounts to $81.2 million.

Now, as to the total figure of budgetary expenditures for the present fiscal year 1967-68—and I know that this is of great interest to senators on both sides of the house—you will find at page 4 of the Blue Book, at the bottom of the third column, the total expenditure for the year 1967-68, of $9.5 billion. This is the main Estimates; that is, the estimated expenditure for the present fiscal year, $9.5 billion. We must add to this, of course, the budgetary expenditures covered

by Supplementary Estimates (A), for an additional $49.5 million, which brings the total to $9.55 billion. If we add now the total covered by Supplementary Estimates (B) we arrive for the present fiscal year at a total of $9.6 billion.

I must say that this does not include loans, investments and advances, which are separately dealt with, nor payments from the Old Age Security Fund or some other accounts which are handled on an extra-budgetary basis.

Honourable senators will recall that the Minister of Finance in his budget speech on June 1, 1967, forecast for the year an expenditure figure of $9.7 billion. Some time in October, I think it was on October 4, in a speech he made in the other place, he forecast an additional expenditure figure for this year in the order of 1½ per cent above that $9.7 billion. I did not make any calculation but, roughly, I think it would represent about $150 million to be added to the $9.7 billion before the end of March, 1968, when, as honourable senators know, most of the remaining bills for the fiscal year are piling in and are paid.

I must say here that if it is true the Minister of Finance has forecast an additional portion of expenditures, he has also forecast an increase in the revenues by 1½ per cent over the original forecast revenue. I think that both forecasts, the increase in expenditures and the increase in revenues, nearly balance, so the Minister does not expect that his original forecast of a $740 million deficit would be changed.

Honourable senators will recall that after the Blue Book was tabled, that is, the main Estimates—which I think was on March 12 or 13 last—it was immediately referred to the Standing Committee on Finance for analysis and study. Before any appropriation bills or acts were passed by the Senate, the Finance Committee had the opportunity to deal with it, and I think this would be an appropriate occasion to express to Dr. George Davidson and his colleague from the Treasury Board, Mr. G. J. Glashan, our appreciation of their great help in our studies of these Estimates.

Yesterday morning we had another interesting meeting of the Finance Committee when honourable senators had what I think was a good opportunity to deal with the new votes of Supplementary Estimates (B), which in fact are the only new items in the present bill. I say this with the purpose of preventing certain criticisms that we are being asked to pass millions of dollars of Estimates after only a few hours discussion. I wish to put on record that at least on four occasions during the present fiscal year we had an opportunity in committee and in the Senate to debate the votes of the main Estimates as well as the Supplementary Estimates (A), and even after the passage of the present bill, if honourable senators agree, I can assure the house that the main Estimates as well as the Supplementaries (A) and (B) will remain under the scrutiny of the Finance Committee for any further inquiry, should an honourable senator wish to get further explanations on any of these votes.

As I said yesterday at the beginning of our deliberations in committee, it is my intention to call a steering committee meeting next week, and we might examine the possibility of having in the future some officials of the department from whom we would like to get additional information.

Now, since the beginning of my remarks, especially when I was mentioning the impressive amounts of expenditures referred to, I had in mind certain remarks and comments raised by honourable senators in the course of past debates on appropriation acts, having to do with the size of these expenditures and their impact on the present conditions of the economy. I gave some thought to this and I would therefore like to comment briefly, not only on these specific amounts of expenditures but also on their relation to other sets of figures, in order that when we talk about expenditures we will be able to put them in their true perspective and proper light. I think it would permit us to draw from the comparison between various sets of figures a more valid conclusion than when we consider only a wide range of budgetary expenditures.

I shall refer first to some figures, being the total amounts of budgetary expenditures since 1960. The totals for the intervening years are as follows:

Year	Amount in billions
1960	$5.9
1961	6.5
1962	6.5
1963	6.8
1964	7.2
1965	7.7
1966	8.7
1967	9.8

The 1967 figure was forecast in the last speech by the Minister of Finance on October 4.

If we examine the Gross National Product by calendar years, starting with 1960, we see the following figures:

Year	Amount in billions
1960	$36.2
1961	37.4
1962	40.5
1963	43.4
1964	47.4
1965	52.1
1966	57.7
1967	61.8

Honourable senators, if we compare these two sets of figures we can draw at least a first impression, that from 1960 to 1967 the budgetary expenditures have increased from $5.9 billion to $9.8 billion, while during the same period of time the Gross National Product, which is the total of goods and services produced by Canadians, has increased from $36.2 billion in 1960 to $61.8 billion in 1967. We can make an interesting comparison. If we compare on a percentage basis for each corresponding year the budgetary expenditures to the Gross National Product, it gives the following percentages. For example a comparison of budgetary expenditures to the Gross National Product from 1960 to date is as follows:

Year	Percentage
1960	16.4
1961	17.4
1962	16.1
1963	15.8
1964	15.2
1965	14.8
1966	15.2
1967	15.9

Honourable senators will note that there is quite a steady percentage between the Gross National Product and the budgetary expenditures. And if, in light of these figures, any conclusion is to be drawn, there is one that is surely inescapable. In the present calendar year the budgetary expenditures represented 15.9 per cent of the Gross National Product, while for a given year, 1962 for example, the budgetary expenditures represented 16.1 per cent of the Gross National Product.

When we consider the item of expenditures, I submit it is also fair to have a look at the revenues column. We can give to figures many interpretations, but I think that if for a given year we compare budgetary expenditures with revenues, it would give a better understanding of these expenditures and their purposes.

The revenues, starting with the fiscal year 1960-61, are as follows:

Year	Revenue in billions
1960-61	$5.6
1961-62	5.7
1962-63	5.8
1963-64	6.2
1964-65	7.1
1965-66	7.6
1966-67	8.3
1967-68	9.09 (forecast)

Honourable senators, in mentioning these figures I hope I do not give the impression that I am not concerned about the upward trend of our budgetary expenditures, nor that I am not conscious of the impact of inflation on all Canadians, and especially on those living on fixed and low incomes. It is certainly not the case. But since I am asking you today to grant huge sums of budgetary expenditures, I thought it would be irresponsible on my part to do so without placing these expenditures in their true perspective.

I received the bill only this morning, and I did not have time to go very deeply into an analysis of these buudgetary expenditures, but I would like to bring to your attention the fact that in many instances the federal Government is collecting huge sums of money which on the books appear in the accounts of the federal Government, while the money is actually being spent by the provinces. Of course, the cost of these joint federal-provincial programs—and I have no official figures which would show the total amount I have referred to—is a substantial sum of money. Take for example, the Fiscal Arrangements Act. In this case it shows the transfer of funds collected by the federal Government, which funds have gone up from $300 million in 1964-65 to $600 million in the present fiscal year.

These again are funds collected by the federal Government by way of tax revenue and, in fact, spent by the provinces. It would perhaps be interesting to have an accurate

compilation of such transfer of funds from the federal treasury to the provinces. I think it would undoubtedly reduce substantially the total amount of budgetary expenditures charged to the federal treasury. But, of course—and there is no illusion about this—the money comes from the same source, the Canadian taxpayer.

Honourable senators, we are aware also—and I think I should say a word about this in submitting this bill to you for your approval—that proper steps are being taken by the Government to bring the national accounts into balance in 1968-69.

Hon. Mr. McCutcheon: It is a little late.

Hon. Mr. Deschatelets: My honourable friend, Senator McCutcheon, says it is a little too late. Well, this at least is a matter for argument—

Hon. Mr. Grosart: The Economic Council of Canada also says it is too late.

Hon. Mr. Deschatelets: —and we might in the course of the debate meet this criticism. I think Senator McCutcheon will agree with me when I say that if he was at the head of a government he would rather deal with problems resulting from expansion and inflation than problems resulting from deflation and unemployment, for example.

Again, I do not want to give the impression that I minimize at all the problems of inflation presently confronting the federal Government, but there is a point I should like to make. I cannot see how the federal Government alone can readjust the economy as far as inflation especially is concerned when we know that if we add together the expenditures made by the provinces and those made by the municipalities we would not be surprised to discover that in total they amount to more than the expenditures of the federal Government.

I would think also that if there is an anti-inflation drive it has to be supported by all the provincial governments and the municipalities, and backed by the Canadian people as well.

Let us hope that fiscal policies can be streamlined at the three levels of government. It is my feeling that the federal-provincial conference of ministers of finance which will be held here in Ottawa on, I think, November 16 and 17, will be an important step towards a common goal.

There is another aspect of inflation that I would like to touch upon very briefly: inflation is not purely a Canadian disease; this is a problem facing all governments of the Western world. I read a few weeks ago that the French Government has a very serious problem in this respect. There is always the fact that when we talk about remedies for a situation in the field of economy we must never forget that we are living in the shadow of the greatest and richest country in the world. As honourable senators know, if money is available to a government there is no problem about that, but at what rate of interest? There is, surely, the fact that at the present time the commitments of the United States Government resulting from its activities in South Vietnam, and other commitments all over the world, will always put the Canadian Government in an uneasy situation on the money market.

Honourable senators, I think that all in all we have to take very seriously the warnings that the Minister of Finance has expressed from time to time and, more recently, the warnings of the Governor of the Bank of Canada. However, it is my view that we are fortunate in living in a privileged country.

At this point I might express a personal opinion, if you will permit me. This engages only my personal responsibility. I am not an economist; far from it. But, if some honourable senators—and I would not blame them for doing so—decide to make a case for reproaching the Government or the Minister of Finance for not having taken some steps months before in respect to an anti-inflation drive, I am not ready to agree with them, because this is a very dangerous matter to deal with. We had some bad experiences in the past. I was in the Commons in 1957, as were many other senators, when we had a huge surplus of about $750 million.

Hon. Mr. Bourget: $500 million.

Hon. Mr. Deschatelets: Thank you, Senator Bourget.

Then, due to some pressure resulting from the beginning of unemployment and deflation, some measures were taken with the result—and this is my personal opinion—that the ill which we were trying to cure, by the measures the Government took at the time, brought more problems. This is why I said a few minutes ago, if I were at the head of the Government I would welcome dealing with the problems confronting us today—though the problem is not one in my view which

results from the acts of the Canadian Government alone. As I said before, inflation is not only a Canadian disease.

Hon. Mr. Choquette: You did not finish the sentence—you would welcome, what? Suggestions?

Hon. Mr. Deschatelets: I would like to have—

Hon. Mr. Choquette: You started a sentence, that if you were at the head of the Government you would welcome—and then you put in a parenthesis and I did not get the remainder of your sentence.

Hon. Mr. Deschatelets: A Government is always confronted with problems, there is no doubt about that, and I would welcome being confronted with the problems facing the Canadian Government today, resulting from expansion, prosperity and full employment. Of course, some measures should be taken so that the expansion would be more steady than it has been, jumping too much in one year and then declining. This is I think the goal which the next federal-provincial conference should reach, because this is not only the affair of the federal Government but also a responsibility to be exercised by all provincial and municipal governments.

Honourable senators, I said at the beginning of my remarks that Supplementary Estimates (B) are the only new votes. All the other votes, regarding the balance portion of Supplementary Estimates (A) and the balance portion we have to vote for the main Estimates, are items we have dealt with in previous months.

I thought I should not go into specific details for all the items in Supplementary Estimates (B), but I can assure honourable senators that if there is any question, or if any particulars are required regarding especially the Supplementary Estimates (B), I have on hand information from which I will try to supply the information requested.

Hon. M. Wallace McCutcheon: Honourable senators, first let me congratulate the Deputy Leader of the Government on making the best of a bad case. He is very persuasive, and he has quoted many statistics to support the position that he has taken. I jotted down the figures he gave. Of course the frightening thing is not what may have happened over a period of eight years, commencing with the fiscal year 1960. Averages are very misleading things. What should concern him and what should concern the members of this house is that, in the last two years particularly, the budgetary expenditures have increased percentagewise more than the Gross National Product.

We have an increase of a billion dollars between 1965 and 1966; an increase of another billion dollars between 1966 and 1967; and we can anticipate another increase of one billion dollars this year, relying on the figures that the Deputy Leader gave us, quoting from a speech made by the Minister of Finance in the other place on October 4.

At the same time, the Minister of Finance also predicted that his revenues would go up and that his estimated deficit, which he defended as being proper, of some $740 million, would not be exceeded. There are some of us who entertain doubts as to his optimism that revenues are going to increase during the balance of the fiscal year.

One need but look to the reports of corporate profits and the record of the corporate taxes that have been collected this year, to feel that there may be some further shortfall and that the deficit ultimately may be closer to one billion dollars than to the $740 million originally estimated.

It is really difficult to know where to begin in this matter. The deputy leader referred to the four meetings of the Finance Committee held during the current fiscal year. Dr. Davidson has given us a very lucid, interesting description of various items in the Estimates, as to what they really mean, how they arise; but we have never gone into, with Dr. Davidson, whether or not a particular estimate or whether a whole departmental estimate was justified, because, of course that would be a most improper thing to do and it would be equally improper to do it with the civil servants whom the deputy leader suggests will be brought before us from other departments.

When Dr. Davidson yesterday suggested that we might get more information if we had representatives of other departments there, I said, "They are in the Cabinet." He replied that the civil servants were not in the Cabinet. Then I said, "It is not the civil servants who can answer the kind of questions we really want answered if we are going to assess this."

Despite the persuasive argument of the deputy leader, the position in which we find ourselves today is that we have a very rapidly rising cost of living, with interest rates at an all-time high, all the elements of tight money, and this at the end of a period during which the money supply has increased by nearly double the percentage of increase in the

Gross National Product. I say that the reason for that can be laid directly at the doorstep of the federal Government. This is not the typical inflation that we are in; this is not an inflation of too many dollars chasing too few goods; this is a cost-push type of inflation.

The first step that was taken to result in the position in which we find ourselves was when the Prime Minister intervened and settled the Seaway strike for a 30 per cent increase. As many honourable senators know, with the announcement of that strike the railway negotiations ceased, because the members of the railway unions then knew what the Government's yardsticks were. I said it before in this house and I will say it again, that the Prime Minister cannot avoid the responsibility for that settlement, even though he has at times attempted to place the load on the shoulders of my friend Senator MacKenzie.

That was one of the first steps that started this entirely new type of inflation. It is not the classic type of inflation at all. The second step was the expenditure policies of the Government which resulted in the Government's going to the market for excessive sums of money, having regard to the ability of the market to provide that money, notwithstanding the fact that the money supply in Canada has gone up some $3 billion in the last 12 months and notwithstanding the fact that a great deal of the Government debt has been, in effect, monetized.

Where do we stand? A number of the ministers are quoted in the press as saying that our situation is not unique, that other countries are experiencing these difficulties, that high interest rates are prevalent throughout the world. It is true, they are. But high interest rates were prevalent in Europe at a time when we had modest interest rates, and when people could afford to buy homes and pay a reasonable rate of interest on their mortgages. It is not traditional for our interest rates to be the same as European countries. And it is true that other countries have inflationary problems, but the fact is that the rate at which prices are escalating in Canada today is double the rate at which they are rising in the United States. The United States is fighting what, by any ordinary standards, would be regarded as a full-fledged war, but at the same time the percentage of the Gross National Product which it takes from its people is less than the percentage of the Gross National Product which the governments in total take in Canada.

It is no use, therefore, to try to lay the blame for this on somebody else's doorstep. There is no use saying that if Mr. Johnson had got through his surcharge on taxes he would have dampened down his inflationary trend somewhat and that, of course, would have helped us. The fact is that our record has not been a good one for some time.

The Third Annual Review of the Economic Council shows that in rate of growth of productivity for the 10-year period from 1955 to 1965 Canada ranked 14th among the 14 industrial nations of the western world who were examined. It had the lowest increase in true Gross National Product per person employed—which of course is the real measure of productivity—of those same 14 countries.

The Economic Council estimated that this measure of productivity in Canada would continue to be lower than that of the other nations during the period 1965 to 1970. Since that report we have had the report of the Governor of the Bank of Canada in which he stresses the seriousness of this lack of a greater increase in productivity, because in this country inflation coupled with a lack of productivity is far more important to us than it would be to the United States if the same conditions existed there.

If we have not already lost all the benefit of the re-evaluation of the external value of the dollar in 1962, we have come very close to using it all up. That was the primary factor on which our growth and prosperity was based, commencing from 1961, when the dollar started to decline, until 1962 when the value was fixed.

Professor H. C. Eastman of the University of Toronto has commented on this in an evaluation of the Council's Review for the Canadian Trade Committee. Professor Eastman says that the striking thing is that the increase of income per capita in Canada is the lowest of all the industrialized countries, and that the Economic Council does not expect this rank for Canada to alter in the period that is to come.

Figures like Gross National Product and averages are very misleading. The Gross National Product does not mean anything to the individual whose own disposable income is going up at a very low rate, indeed at the lowest rate of the 14 industrialized countries listed by the Economic Council. Thus, Professor Eastman goes on to say that we have had a period of rapid population growth during which international conditions were especially favourable to the growth of international

trade. He says that the world demand for our exports of food is increasing rapidly. The economy remains flexible owing to full employment and our improved comparative position in manufacturing, and yet this favourable period did not cause an increase in the welfare of the Canadian citizens relative to that of foreigners, but indeed allowed it to slip behind. Even the United Kingdom had an adequate economy from the standpoint of economic growth. The G.N.P. per employed person for the past 10 years increased 2.6 per cent as against the 2 per cent rate in Canada.

The Organization for Economic Co-operation and Development, O.E.C.D., says that the rate of growth of productivity has been relatively low in recent years, even lower than in the United States, Canada's most important competitor in both domestic and foreign markets. It probably fell lower in 1966. Well, of course, now we know that it did. The O.E.C.D. went on to say that an important objective of economic policies in 1967 will be to arrest the increase in prices and wage rates and to maintain a satisfactory rate of growth.

With the example that the federal Government set, starting with the Seaway settlement, the longshoremen settlement, and so on, we have not been able to arrest the price and wage rise, and thus we have this unorthodox type of inflation, if I may call it that.

Concerning the expenditure side, the Government has exercised no restraint whatever. It is all very well to say that there have been increased transfer payments made to the provinces. There have been increased transfer payments made to the provinces, but they represent but a fraction of the total budgetary increases, and in some cases they represent a relief from the federal treasury for expenditures which they formerly undertook.

Now, I have spoken about the next matter before, but I am going to do so again. I want to put some figures on record. Referring to the estimates for the year 1967-68, and looking at page 599, Public Service Employment, and I see that on October 1, 1965 there were 225,551 persons in the Public Service, including the employees of a number of Crown companies, but not including employees of what I call the commercial companies such as Atomic Energy of Canada Limited, Eldorado Mining, Canadian National Railways and Air Canada.

Hon. Mr. McDonald: How many, not including those, Senator?

Hon. Mr. McCutcheon: The total is 225,551. Now, the establishment for the year 1965-66 was 242,097 man-years. If you have two people working six months each, they constitute one man-year, so the man-years are always less than the actual number of bodies on the payroll. The actual increase between October 1, 1965 and October 1, 1966 was more than 10,000 people. On October 1, 1966, just over a year ago, the total number of persons was 235,000, but the man-years of the establishment had gone up from 242,000 to 254,000. Then in 1967-68, the man-years of the establishment have gone up to 269,000. So that on October 1, 1966 there were 235,000 bodies on the payroll, and the Government says that we can use 269,000 man-years, or assuming each person works a year, we can add 34,000 people to the payroll.

That is one of the most expensive ways of curing unemployment that I know of and, unfortunately, of course it will not be cured in the areas in which it is required.

I ask the Leader or the Deputy Leader of the Government to explain those figures to me; to tell me where they feel they are going to use those tens of thousands of additional man-years; to agree with me that 10,000 persons added to the Government payroll probably add $100 million, because when fringe benefits, supporting services and other things are taken into consideration I think it is fair to say it costs on the average about $10,000 to put a person on the payroll.

So, we are looking at the statement produced by the Government which says that we have room now for 34,000 more people, and that strikes me as being a potential increase in expenditure of $340 million.

A year ago, when Mr. Sharp spoke in September, 1966 he recognized that the inflationary trend was becoming severe. My remarks this morning may be a little disjointed, but I will come to just what has happened to prices during the period this Government has been in power, and in particular the period of the last 12 months, in a moment or two. The trouble was that all Mr. Sharp did was to exhort. He exhorted everybody; he exhorted the other governments. It is a fact that the other governments spend as much as the federal Government; there is no mystery about that. Also there is no mystery they have the type of responsibility in the fields of education, primarily in the field of welfare, and in other fields that is calling for expenditures far and away beyond the dollar measure of the responsibilities which it was

ever thought they would have when the division of powers under the British North America Act was enacted.

Mr. Sharp exhorts labour and he exhorts management, but he offers no example himself. He comes into Parliament on June 1 this year and introduces an estimate of I think the biggest deficit in peacetime history—and if it is not the biggest, then it is the second biggest, and he will probably win out before the end of the year and be in first place.

Hon. Mr. Connolly (Ottawa West): Who is first now?

Hon. Mr. McCutcheon: I am not sure. I say he is certainly second. He may be the first, even on his estimates.

Hon. Mr. Connolly (Ottawa West): I do not think so.

Hon. Mr. McCutcheon: I did not make a positive statement, Mr. Leader; I kept my options open.

Hon. Mr. Connolly (Ottawa West): That is right.

Hon. Mr. McCutcheon: But, in any event, he will rank right up with the leaders.

He says—and I have the quote some place, but I am not going to bore you with it; you have probably read it—that there are many people who consider that a smaller deficit and smaller expenditures would be preferable in the budget that he is bringing in; and he said, of course, that would be more orthodox but that the Government—and I am paraphrasing him—believes these expenditures are of the utmost importance and, in any event, is committed to them and there will be no change made this evening. That is a bare paraphrase of his words. Then he says, deprecatingly, that he has a number of colleagues who are very persuasive in promoting good but expensive works.

Hon. Mr. Connolly (Ottawa West): I am sure every Minister of Finance has had that experience.

Hon. Mr. McCutcheon: I guess so, but it is the duty of the Minister of Finance to stand up to those colleagues. That is his duty.

Now Mr. Sharp is telling us that he is cutting expenditures. There was certainly nothing in Supplementary Estimates (B) yesterday to indicate that any expenditures were being cut. We are assured there is going to be at least one additional set of supplementary Estimates at the end of the year, and that is going to bring the expenditures up by the additional 1½ per cent Mr. Sharp said. If Mr. Sharp is cutting expenditures this year, why will he not say where the cuts are? He is quoted in the press as saying that he is going to do it in due course, and "due course" may be a long time away. Then he is quoted as saying he is cutting them next year. They have slashed $650 million off next year's Estimates, he says. Of course that is just shadow boxing; that is a complete sham. Estimates at that stage are the highest figures that the minister of a spending department can bring in for his own department. That is what he brings in to the Treasury Board, and it is with no expectation that they will be approved. They are all added up, and then the minister and the Treasury Board begin taking a look at them. I would like to know what he cut the $650 million from, what the figure was—of course, that figure will never be revealed.

I suggest that if the initial requests are 200 per cent of what they should be and you cut off 30 per cent, which is a large cut, then you end up with something which is 140 per cent of what it should be, or 40 per cent more than it should be. It depends on how high the figures were to start with.

There was an article in *The Economist* recently which probably sums up what I have been trying to say better than I could say it. I quote from it:

> The bulk of the damage has been done . . . by the inadequacies of Ottawa's fiscal policies. Mr. Mitchell Sharp, Canada's finance minister, is now trying to pick up the pieces of policy. The one thing that he cannot do is curb the excessive spending in the current fiscal year; indeed, he will be lucky to come out of that with his intended (and unjustifiable) deficit of $740 million.

Mr. Sharp has said he is going to cut expenditures to the bone. I want to hear the knife scrape on the bone. That noise has not been apparent yet.

Now Mr. Benson challenges the Opposition to say what expenditures it would cut. Well, I start out by saying that that is not the business of the Opposition. It is the business of the Government. However, I am prepared to make some suggestions as to what might be done.

I would like to see a resolute government freeze the civil service at the number of bodies that are now on the payroll, as was done in June, 1962, and permit no additions without the approval of the Treasury Board.

There will have to be some additions. There are certain persons who will have to be replaced, but let attrition, resignations, marriage, death and superannuation take care of the others. I think the number of bodies in the Civil Service dropped by 6,500 in the six months following June, 1962. The freeze, of course, was taken off immediately the present Government came into office. I have seen this done in business. I know of no other cure when you have a vast, expanding bureaucracy that has been developing over the past few years. I should have obtained the figures for the last ten years so that I could demonstrate what I am saying, but I have them for only two years, and the estimates for a third.

Bureaucracies grow in business just as they do in governments. I know of no other way of tackling the matter than the way I have suggested, and that is one step which I would suggest that Mr. Benson, as Chairman of the Treasury Board, and Mr. Sharp, might take.

Another step which they might take would be the indefinite postponement of Medicare. I have talked about this on a number of occasions. I have said that the Government has got into the habit of blackmailing the provinces with their own money to go into neat, tidy, pre-packaged schemes which bear no relation to the priorities of any particular province, and to use the provinces' own money and the Government's taxing power to blackmail them into it. I have been criticized for using that word "blackmail," but I was interested to read in the press the other day that Mr. Sharp, when talking about speaking to the provincial Finance Ministers, said he was not going to blackmail them into going into Medicare. Mr. Sharp himself used the word "blackmail." He secretly hopes, I think, that none of them will take up his call, but he has not got the courage to say to his colleagues, Mr. Gordon and Mr. MacEachen, that we should postpone this thing. He has not got the courage to read the report—I think it was the first report, or it may be the second report—of the Economic Council in which it said that the growth of welfare in this country is dependent upon a stable price policy and a steady growth. We are not approximating the potential growth, and we have not got anything approaching a steady, stable price policy. Sooner or later the people of Canada have got to realize that you cannot have these schemes unless you have the basic steady growth. A growth of 5 per cent, without an inflationary factor, is the goal of the Economic Council. We have a long distance to go before we reach that, and the Economic Council itself does not believe that we will reach it over the next five years.

Mr. Walter Gordon is quoted in the *Gazette* this morning under the headline "Medicare Appeal made by Gordon." He may be getting a little nervous as to what his colleague Mr. Sharp is going to propose. He is reported as saying:

> I object when it is suggested that Parliament should put off medicare again for so-called psychological reasons.

I am not suggesting putting if off for psychological reasons. I am suggesting putting it off because we cannot afford to add some hundreds of millions of dollars per annum to the bills of both the federal Government and the collective provincial governments. I have never seen an estimate in the welfare field that was not substantially exceeded. I invite any honourable senator who questions that to look at the estimates of the cost of hospital insurance, and see where they are now, and compare that with the projections that were made when the bill was being discussed ten or eleven years ago.

Mr. Gordon goes on:

> We are told, for instance, that the financial community will not believe the Government means business in its economy drive unless it again postpones or cuts out medicare.
>
> Well, I was a member of the business community for more than 30 years. During that time it seemed to me members of the financial fraternity were more impressed by facts and balanced budgets than by psychological postulates, promises or protestations.

What he means by that, I do not know, but as someone who has also had some experience in the business community, even during the past five years, I say that there is nothing that frightens the business community more than the proposals of Mr. Walter Gordon. This postponement of Medicare is not for psychological reasons. It is not a postulate, or a promise, or a protestation. It is something that should be done. I offer that suggestion to Mr. Sharp, and Mr. Benson and his colleagues, because what the business community wants is some evidence that the federal Government is serious about this thing. It is tired of being lectured. That is all that has been happening to it over the last 15 months.

I would like to see some of these great stone monuments frozen where they are, or taken off the drawing board. I would like to see some dramatic examples. I asked the minister in a public speech a year ago last September to take some dramatic action to convince the community that he was serious. So far, he has failed to do so.

What has happened to the cost of living while this Government has been in power? Well, between April, 1963 and September, 1967—a period of 41 months—the cost of living index went up by 16.7 points or 12.4 per cent. In the last year Mr. Sharp started discussing inflation. It was in September, 1966 that he really started to express concern, and since that time the cost of living and consumer price index has gone up 5.6 points—of course, it is 5.6 points on a higher base, so it has gone up by 3.8 per cent. Yet, the Economic Council tells us that what is tolerable is a rise of 1.5 per cent.

I want to return to the article in *The Economist,* because the author is a much more polished writer than I am a speaker. He says:

> "We are determined to wield the knife on everything of low priority," says Mr. Sharp. He may have to go higher in the scale than that. One single act that would convince Canadians and others that the Government really meant business would be to back-track on Medicare—

This is *The Economist* speaking in England, where they have the National Health Service and where they know something about these things.

> —due to be imposed next July whether the provinces want it or not. Several do not, simply because they cannot afford it. So far Ottawa has insisted that they must have it, or pay their whack towards it even if they refuse.

The most serious thing about Mr. Sharp's budget, and what has probably done more than anything to produce the present result, was the terrific forecast of borrowing $1,600 million. I do not think that received much attention in the other place on the evening of June 1 or the morning of June 2. It was on the morning of June 2, however, that interest rates started to rise and Government bonds started to fall in price, because the financial community knew that the demands were going to be excessive and could not be met.

I said that the Government is afraid to go to the long-term markets. Other people have said it. And Mr. Sharp has rejected that angrily. I predicted—I take no credit for this, other people were predicting it—that it would cost Mr. Sharp more than 6 per cent for the last $525 million worth of bonds that he sold some weeks ago. In the event he is in a position to say that it cost him only 6 per cent, it is because he put on what the financial community call a "kicker" or a "sweetener". There are other terms they use, that I will not use here. It is something in addition.

Mr. Sharp, in effect, said to the Canadian investors: I will sell you a bond with a 6 per cent interest coupon and I will pay it off in four years. If interest rates go up, I will pay you off and then you may buy at higher rates, but for the first three years I will at your option extend the life of your bond for twenty-six years, making it a thirty year bond, so that if interest rates go down you will have all the benefit of the capital gain or the long-term investment at a rate higher than the market.

That, honourable senators, is the typical sweetener; that is, the conversion option in a preferred stock or a debenture. The result was that Mr. Sharp paid only 6 per cent. I suggest it would have been better for him to pay more than that rather than to give an option which may be very expensive.

Honourable senators, where are interest rates today? These are the figures that the Governor of the Bank of Canada gave in his Winnipeg speech the day before yesterday. The average yield on long-term Canadas is in excess of 6.4 per cent, an all-time high. Provinces are paying 7 to 7½ per cent. Corporations are paying 7½ to 8 per cent. Prime conventional mortgages on single family residences in cities like Ottawa and Toronto, not in the smaller places, carry 8½ per cent.

Mr. Sharp has pushed the provinces out of the market, he has pushed himself out of the market, too; and he has pushed the corporations out of the market. He has dried up the mortgage market and put interest rates at unprecedented heights.

Brinco has announced that it has withdrawn its public issue. We need developments like Brinco in this country but the issue has been withdrawn for the time being. There was to be a public issue of shares but it had to be subscribed for privately by the four major shareholders and there was to be a bond issue. Now as far as I understand, discussions even with the underwriters have stopped.

Polymer, that jewel in the diadem of Crown corporations, recently paid something in the order of 7.6 per cent for twenty-year money. Even at that it could not raise the amount of money it wanted; it started out to raise $25 million and it cut the issue to $18 million.

That is the situation that we find ourselves in, and Mr. Sharp is not going to accomplish anything by talking about guidelines and income policies. The only guideline he has laid down for wages is the 30 per cent increase, and as for exercising restraint, he has exercised no restraint at all. It may be that his colleagues are too powerful for him. Either Mr. Sharp should go or he should take certain steps, and take the risks that some of his colleagues go. After the next election, a great many of them will have gone anyway.

Honourable senators, what does *The Economist* say about this? I quote:

> Perhaps the greatest danger is that discussion about incomes policy absorbs attention and effort that ought to be going into other, more effective, measures of unpleasantness—

That is what this Government does not want, "measures of unpleasantness".

> Mr. Sharp was thought to agree with this a year ago; now, with his back against a fiscal wall, he seems to want to try—even if he fails, as it seems he almost certainly will.

Honourable senators, I could go on at some considerable length, but what I am saying is not new. It has been said by every reputable financial writer over the last six months; it has been said by financial writers outside Canada. People are losing confidence in Canada; Canadians are losing confidence in Canada. We have an outflow of millions of dollars from this country by Canadians who are selling Canadian securities and purchasing American securities, something that is unheard of but has been going on for some time. That is because at least you lose your money through inflation only half as fast in the United States as you are losing it in Canada currently—and there are some other advantages.

I have not lost my confidence in Canada but I have lost my confidence completely in this Government, and I propose to vote against this bill.

Hon. Jean-François Pouliot: Honourable senators, yesterday we had a meeting of the Finance Committee and the witness was Dr. Davidson. I asked him a very simple question: "What has been the cost of the Treasury Board each year since its establishment?" He told me that he could not answer that question. I asked him: "Could you please tell me what has been the cost of the Treasury Board during the last ten years?" He could not answer that question. My third question was: "Dr. Davidson, will you please tell us what has been the cost of the Treasury Board since you have been there as secretary?" He said "It is impossible; you will have to ask Mr. Sharp."

I was dumbfounded. Here was a man who has a salary of $29,160 and he could not answer those questions. He is entitled to a master's degree—a master's degree for evading questions and replies to questions.

Honourable senators, I draw your attention to page 561 of the main Estimates, where you will find the revelation of the excess expenditure of this year over last year. For instance, there was one secretary to the Treasury Board at a salary of $29,160. There is no duplication of the job—there is only one such gentleman to fulfill such a function.

Then there follows: Senior Officer 3, $20,500-$24,750. There were seven last year; there are eight this year—one more. Senior Officer 2, $18,500—$22,750. There were nine last year; there are 14 this year—five more. Senior Officer 1, $16,500—$20,500. There were 20 last year; there are 18 more this year. Senior Officer 1, $16,000—$18,000; there were none last year; there are 39 this year. Senior Officer 1, $14,000—$16,000; there were four last year; there are four this year.

Now, under Administrative and Foreign Service, Financial Administration, Level 8, $17,270—$20,802; there is one this year. It is a new job and it is worthy of consideration and pay.

Under that same heading there are several ranges of salary: at $16,000—$18,000, there were none last year; there are 38 this year. At $14,000—$16,000, there were 38 last year, whereas there are only two this year, but there are 38 who are in a higher bracket this year. They must have received a promotion by statute, because there were no examinations, nothing at all. The bracket was changed from $14,000—$16,000 to $16,000—$18,000, and in the case of the 38 now decreased to two, that is probably where they went, up. I have only the information that I get from the book.

Now, the next one is the $12,000—$14,000 bracket. There were seven last year, there are 22 this year, an increase of 15. In the bracket $10,000—$12,000, there were 46 last year, and 59 this year, an increase of 11; $8,000—$10,000, two more this year; $6,000—$8,000, six last year, two this year, but again they must have been put into higher brackets. The result is that last year there were 212 civil servants or public servants in that department, and this year there are 389, plus three, which makes 392, an actual increase of 180 employees over last year. The amount of money for the continuing establishment was for last year $1,522,030; for this year it is $3,638,600, plus $16,000 for casuals and others.

I am not surprised that Dr. Davidson did not want to give that information, but he referred me to the book; I got the book and read it and I have been telling you what is in it. You may check in the book itself what I have told you.

Do you not think, honourable senators, that the Treasury Board is a useless institution? It is the fifth wheel of the coach. It is used as a screen. It serves no useful purpose. It is a duplication from beginning to end and we may apply to it the old French proverb that: "Un chien n'a pas besoin de deux queues." —"A dog does not need two tails." And that is that.

Some people listen to Dr. Davidson's explanations—his so-called explanations—sitting there listening to what he says with awe, with their mouths wide open, swallowing everything that he says. I cannot do that.

When the Treasury Board was first instituted it was to play the same role that the head office of a bank has with respect to its local branches. If you go to a bank manager to ask for a loan of any amount, he will tell you that he will see what he can do for you. Then if it is possible to grant it, he says, "You know, I had a great deal of trouble with the head office, but I have succeeded in getting your loan." However, when he does not think that the customer should have the loan, he says, "I have not refused it; I was ready to help you, but it was the head office which refused the loan."

It is the same thing with the Treasury Board. If a member of Parliament or a senator asks for something in the public interest, well the minister will say, "I will do what I can for you." The minister then calls the head of the department, or the chief of the branch, and he asks him, "What can you do for this gentleman?" It is very different from the situation that existed at the time of Mr. Cardin and the Right Honourable Mackenzie King. At that time the minister told the civil servant, "Here is Mr. So-and-So who wants such a thing. Do your best to help him and do that for him." At that time the civil servant was not the boss; he was the servant and the minister was the boss. I will not say that it is the same today.

But the role of the Treasury Board has been to create a smoke screen to cloud and hide everything and, under the pretence of economy, to act as a bar or obstacle in the way of certain reforms. It is all right to preach to others to do what is told them, but, for me, the best way to preach anything is to set an example for it. But the Treasury Board is far from giving an example of economy.

The reason why I say it is a duplication is, first—and this is in the reports of the Finance Committee over the last three or four years—there should be regulations for any branch of the Government, and there were none for the Treasury Board for a long time, not until last October.

I asked Dr. Davidson if there was a number set for a quorum for the members of the Treasury Board. There was nothing. He did not know, but he said that as a rule the quorum was three, but, if nobody attended the sitting, members could sign the report of the Treasury Board and it would be just as good as if they had been there. You see, there would be three signatures. It was enough.

Then I asked him this question: "Have you any specialists with the Board to discuss technical matters?" Do you think that those are sensible questions? He replied, "No, we have no specialists". I asked, "What do you do when you have a report from technicians or engineers in a department, and you have no technicians on your Board? How can you control it, discuss it, and check it to decide whether the amount is ridiculous, or exaggerated, or that the item should be cut or dispensed with?" The answer was not very satisfactory.

The only thing I do today is bring the attention of the Government to such a state of things; I am surprised that those people can get as much money as they want from the public treasury, and as much help as they want, when we hear so many sermons about economy.

It seems to me that the thing to do is to use a big axe or a chain saw, and to cut the dead wood. I wonder what you think of it. I heard one of my colleagues not long ago make some suggestions about Medicare. That is his opinion, and I respect it. However, I think that we should take the Estimates in hand, and that we should prune them and cut out the dead wood. Then we would render the greatest service the Government and the country ever had.

I am not going to vote aganist it. My opposition is friendly, just as it was yesterday, when only two of us senators, Senator Hollett and myself, said that Bill S-5 made no sense. We were the only two opposed to it.

I wonder if the duty of the Senate is to exaggerate suavity. You know what the meaning of "suavity" is. It is a nice word. It means: "pleasant; agreeable; always with a smile; a very nice manner." This is not the role of the Senate at all. The role of the Senate is to be a check on public expenditures in order to protect the taxpayer. The Senate's stock was never as high as when we defeated the government bill to dismiss Mr. Coyne from his post of Governor of the Bank of Canada. I insist on that, because what is done by the Senate in defeating Government legislation does not affect the Government at all.

There is a view which has been expressed in this chamber, and in committee, to the effect that the members of the House of Commons are the chosen ones, that they are the elected of the people, and that what comes from the House of Commons is submitted to the Senate by the people of Canada. This is not true at all. Much of the legislation is drafted by bureaucrats and is very difficult to understand.

We have a big book, the most recent issue of the Statutes, which weighs a ton; it is so big that it would need a caravan of camels to carry a whole collection of the Statute books. But you know that our duty in the Senate is to consider everything objectively, not from the point of view of a party, but upon its merit. This is what I have done now, and I have spoken to the caucus to the same effect. I have asked questions in committee, and now I can come before the Senate chamber to remind you that what the Canadian people expect from the Senate is that each one shall express loudly his own opinion on any measure that comes before us.

I will not go as far as to suggest that you all read the legislation. It is so voluminous, so considerable. Today it was impossible to read the bill before us because we received it at the last moment. The bill was tabled here together with a memorandum, and we have not had an opportunity to study it; but we have the Estimates, and what I have mentioned is only about one branch of the Government. It seemed to me that not only the members of the Opposition but also the members on the Government side would render a public service if they took the trouble to divide their work amongst themselves. The Opposition could do so, and perhaps they do—I do not know what happens over there—but here, on this side of the house, we should study the Estimates and check them. Then, if you see something that you do not agree with, you should say so, as it is our duty to protect the interests and the purse of the taxpayers of this country.

I will not keep you any longer, but I hope to have your support in making suggestions like that, which are not unfriendly. In this country, contradiction is not admitted. If you walk with a friend on the street on a perfect day and you tell him what beautiful weather it is, if he answers, "Yes, but don't you see the clouds over there?" You are sorry that he does not agree 100 per cent with you that the weather is nice. This is the feeling in the country. Contradiction is not admitted, and I know contradiction is unpleasant. It is always unpleasant when you find someone who does not agree with you. When you go to the doctor to have a tooth pulled, it is not very pleasant, but you feel much better after it is done. I hope you will take what I have said in the spirit in which I have said it.

I submit we cannot make any progress in the reduction of the Estimates and the expenditures without doing it in particular cases. It will be a long process; it will be painstaking, but it will serve a good purpose.

Hon. Mr. MacKenzie: Honourable senators, I am not going to intervene in the debate, but I would like to make a request of the honourable Senator Deschatelets, and ask him whether he could include in the tables that will be printed in *Hansard* the real increase in "dollar values" as between 1960 and 1967-68, because inflation does give a misleading picture of the real amounts.

The other question I would like to ask is of Senator McCutcheon. I am not sure whether I understood him or not, but it seems to me that he said there had not been an increase in income in Canada comparable to that in

other countries. I was wondering whether an increase in income is related to an increase in wages and salaries.

Hon. Mr. McCutcheon: If I could answer the second question, what I said was that there had not been, according to the Economic Council—the figures are all there and I cannot tell you whether they are in constant dollars or current dollars—the same percentage increase in Gross National Product per person. That is a little different from income.

Hon. Mr. MacKenzie: It was not income?

Hon. Mr. McCutcheon: It was not income. It was Gross National Product per person.

Hon. Mr. Deschatelets: I should like to inform Senator MacKenzie that the information he requests will be obtained and put on the record.

Hon. Mr. MacKenzie: Thank you so much.

Hon. L. P. Beaubien: Honourable senators, I do not want to delay the Senate when it is already past one o'clock, but I do want to make one remark in relation to what Senator Pouliot said. I know Senator Pouliot did not mean to say that Dr. Davidson was not on top of his job and did not understand his department thoroughly.

I was present at the meeting of the Standing Committee on Finance that Senator Pouliot referred to, and I do not think I have ever met anybody who, to my mind, had every fact of his difficult department at his fingertips as had Dr. Davidson. I thought also that he expressed himself and explained things extremely well.

When Senator Pouliot asked him to give all the expenditures of the Treasury Board since its inception, Dr. Davidson pointed out, as I understand it, that the Treasury Board ruled on many things, but that they were mainly authorizing expenditures of different departments. I think that if Senator Pouliot reads the transcript of what Dr. Davidson said he will understand that quite clearly.

The only other thing I want to say is this, as we are all talking of economy, that if we are going to ask questions that will cause these different departments to have to go back to the beginning of time in order to obtain details of every expenditure they have made, then it is no wonder that every department is going to want to increase its manpower by threefold. If we are going to ask information from different departments of government then we should do it with a certain amount of discretion.

Hon. Mr. Deschatelets: Honourable senators, perhaps I should say just a word on this particular point brought up by Senator Beaubien (Bedford). I have looked at the transcript of the evidence given at the meeting of the Standing Committee on Finance yesterday, and it seems to me that there was some misunderstanding. According to the transcript that I have Dr. Davidson said:

> Well, we will try to get the approximation of that for you.

That was in reply to Senator Pouliot's remark that he would like information as to what has been spent for the last ten years. Dr. Davidson emphasized that it is only this year that there has been a separate account for the Treasury Board in the Estimates, and that during the ten preceding years the Treasury Board came under the Finance vote.

However, I think I can say to Senator Pouliot that this information, though it will require some time to prepare, will be supplied to him by Dr. Davidson.

Hon. Jean-François Pouliot: I thank the honourable Deputy Leader of the Government. That is very good news for me. I presumed that Dr. Davidson had said that, but I did not hear him and, by the way, I left before the meeting was over.

I appreciate the fact that I will have some kind of information, but in the meantime I would point out that I cannot understand why Dr. Davidson said that the figures for last year were not available when they are at page 561 of the Estimates, and they are less than one-half the figures for this year. Also, in respect of the other estimates there were two columns, one for the previous year and one for the current year, and it would have been very easy to give those figures. If Dr. Davidson does not give those figures, then I will make them up myself from past copies of the Estimates.

I think that when a man receives such a fat amount of money for his salary, parliamentarians are entitled to ask him questions in order to know what has been spent in his own branch. The reason why he mentioned the Department of Finance was because he is now under the Department of National Revenue. Before that time and up until last year the head of the Treasury Board was the Minister of Finance—that is at the time of Mr. Gordon.

In answer to Senator Beaubien (Bedford), I thank him for what he has said, but nobody could have said that the figures I have mentioned are not accurate and true. What I wanted to do was not so much to offer a suggestion as to put the figures before you, so that you would not have the trouble of checking through the Estimates. If you look at *Hansard* you will see exactly what is the Estimate.

If you find it is well and good to pay such huge sums of money to so many civil servants who become and become and become more numerous than ever, then that is your own business. The majority rules, and in the democratic spirit I will not insist any more about it. But I feel I must protest sometimes, and it is pretty hard that the protests must come from one member on the Government side and one member on the Opposition, as was the case in respect of the last bill. You know, it is impossible to have any reform if every time we try to have a reform there is somebody who boosts the bureaucracy.

Hon. John J. Connolly: Honourable senators, at this hour I propose to speak briefly, and, like Senator McCutcheon, I am going to eliminate a good many of the things I might otherwise have said.

I do want to say, first of all, that the honourable members opposite had what I consider to be a very successful party meeting in Toronto.

Hon. Mr. Deschatelets: Hear, hear.

Hon. Mr. Connolly (Ottawa West): Having had some experience with the conduct of party meetings I should like to commend them, and the people who ran that particular meeting, for the splendid job they did. The meeting did credit not only to them as a party, but to the parliamentary system of the country as a whole.

I had only one regret. I watched the proceedings on television for the most part in my place up in the country. My regret is that I did not hear what I understand was one of the very best speeches made, namely, the speech of Senator McCutcheon. The circumstances were these, that when Mr. Fleming was about a quarter way through his remarks the generator at my cottage went off, and did not come back on again.

Hon. Mr. McCutcheon: There is no connection between these two happenings, I hope.

Hon. Mr. Connolly (Ottawa West): I do not blame it on Senator McCutcheon, and I do not think there is any connection between the failure of the generator and my good friend Donald Fleming.

Of course, we are again indebted to Senator McCutcheon for a very thoughtful and thought-provoking speech on another appropriation bill. If I am permitted to say so, and while everybody in the country knows it because it has been in the press so much, I do hope that somehow or another he can make arrangements and so manage his affairs that he will remain here in the Senate where he is an ornament.

Senator McCutcheon painted a gloomy and dark picture, and I do not think a picture should be thought of as being as gloomy as that, particularly in the Centennial year. I say this not in any carping way, because there is nobody who wants to be more fair than Senator McCutcheon, but I dislike the thought of the Government of which I am a member performing in a way that is a sham, or is shadow-boxing and devoid of courage. That is really a kind of charge of bad faith, and I know that Senator McCutcheon did not intend his statements to have the effect of saying that the Government is in bad faith. I do not think any Government of Canada is ever in bad faith. Senator McCutcheon is perfectly entitled to say that he has lost confidence in this Government. This happens from time to time. I hope that before long the Government will have taken steps to demonstrate that it is not only in good faith but acting effectively, and that Senator McCutcheon's confidence in the Government will be restored—and I use the word "restored" advisedly.

Honourable senators, things are not as bad as perhaps the broad strokes that he has used have indicated. Capital investment for this year, for example, is about the same as it was for 1966; and 1966 was 17 per cent above 1965. I should point out to the Senate that when the Government came into office in 1963 its first priority was the problem of unemployment. The unemployment rate then was approximately 7 to 7½ per cent. By 1966, the unemployment rate had fallen to 3 per cent—3½ per cent, which is virtually full employment.

Some Hon. Senators: Hear, hear.

Hon. Mr. Connolly (Ottawa West): This was an important aspect of the Government's activity—

Hon. Mr. Thorvaldson: I would like to ask the honourable senator a question—

Hon. Mr. Connolly (Ottawa West): Well, now, please—

Hon. Mr. Thorvaldson: Will my honourable friend not admit that the unemployment ratios during those years were approximately the same in Canada as in the United States? When the ratios came down, as employment increased in Canada, the figures in the United States went exactly the same way, and for the same reason.

Hon. Mr. Connolly (Ottawa West): The honourable gentleman may be perfectly right. I am talking now about the problem that faced the Government in 1963, and it does not matter what the situation was in the United States. The Government had to deal with it and what we had to do was try to get the economy rolling.

Perhaps we got it rolling to the point where it rolled too fast and too far. It certainly did become quite heated, and inflationary trends developed. We had an inquiry here in the Senate about inflation and its evils. That was a good committee and I would like to see it continued through. There were some restraints. There has been a slowdown of the economy. The Governor of the Bank of Canada has referred to it, and I would like to speak about that later.

The unemployment rate—and in this I take some satisfaction—has increased only from 3 to 4½ per cent, so that we have virtually full employment still in this country. That is important to the housewife; it is important to the breadwinners all over the country.

Honourable senators, I would like to talk at length about the automotive agreement and the effect this kind of agreement has upon a country like Canada. I think it has produced new job opportunities. It has made provision for greater capital investment, but from my point of view, most of all, it is a step in the direction of freer trade, to opening up the channels of freer exchanges of goods and services with the United States, our first customer and, through the Kennedy Round, a further development of the freer trade idea with countries all over the world.

This is a good trend. It is a trend that parties on both sides of the house would want to support. I do not think any party in this country is a free trade party but we want freer trade; we want the freest possible trade. The automotive agreement has been a step in a good direction. I may say a word about the incentive program—

Hon. Mr. Hollett: May I ask the honourable senator whether he is speaking on this bill before us or whether he is giving a political speech—

Hon. Mr. Connolly (Ottawa West): Certainly I am—

Hon. Mr. Hollett: He is giving us a political speech. Thank you.

Hon. Mr. Connolly (Ottawa West): I am talking now about economic conditions in this country. This is the type of thing Senator McCutcheon talked about, and this is the kind of thing we all want to hear. The ADA incentive program has been another factor in developing growth in the economy. I understand that some 831 applications under that program have been approved, that the new investment amounts to $1,750,000,000, that 95 per cent of the equipment covered by the program must be new equipment; that new or expanded facilities will give additional employment to some 48,000 people; and in order to discourage non-economic units, equity must equal the amount of the grant made to any given industry.

This is a program that was imaginative and will be helpful and will have a substantial effect upon the economy.

Honourable senators, I am as conscious as Senator McCutcheon, perhaps more so, and perhaps more depressed, about the problems he mentioned, such as the rising cost of living, the rising interest rates, and the cost rise in production. I should like to say a word or two about that also. I think we owe a debt of gratitude to Senator McCutcheon for the fact that he has emphasized this so clearly and so forcefully today. He has criticized, too, the kind of expenditures that the Government has continued to make. I would like to deal with this also, because the Minister of Finance and I had a talk about it yesterday. The biggest area of federal expenditures has been, not the social services area but the areas designed to promote industrial development, to retrain the labour force, to improve research facilities and programs to deal with areas that are chronically depressed.

We may take satisfaction from the fact that our unemployment rate is 3 per cent, 3½ per cent, 4 per cent; but we can take no satisfaction from the fact that there are chronically depressed areas and there are new crisis-depressed areas coming into being, particularly in Cape Breton just at this time.

The social security program has been improved and I think it makes Canada a better place in which to live. There is the Canada Pension Plan, the Canada Assistance Plan, aids to universities, the establishment of the Department of Manpower, the ARDA program which the honourable senators opposite between them brought into being. All of these things are improving the quality of Canadian life and I hope that these programs can go on.

I agree that provincial and municipal spending now exceeds the amount of money that is actually spent by the federal Government. I hope that something can be done to restrain spending there, just as I hope our own efforts in the Government to restrain federal spending will be successful.

In Mr. Rasminsky's speech on November 1, which was given in Winnipeg, he spoke first of all about the three great problems: first, the pause in the expansion of the economy from 1961 to 1966. According to his figures, the real output increased 6½ per cent per annum, but since the spring of 1966 the rate has been from 2 to 2½ per cent per annum. This is a real fall. He deplored, too, as another problem the increase in the rates of interest. Provincial government borrowings, as Mr. McCutcheon has already said, are now at 7 to 7½ per cent. Corporations have to pay 7½ to 8 per cent, and for prime mortgages the rate can reach 8½ per cent.

Hon. Mr. McCutcheon: I know where it is 9 per cent.

Hon. Mr. Connolly (Ottawa West): The third problem he pointed to was the poorer cost and price performance that we have been witnessing in Canada; in other words, poorer productivity. Mr. Rasminsky says that not only must monetary policy be involved in trying to effect a cure, but fiscal policy must be involved also; and that to handle these problems, which are extremely serious, we will require the most careful kind of management.

I agree with Senator McCutcheon—and I am sure Mr. Sharp would be the first to agree—that the Government's demands upon the market for money must be reduced. I agree, too, that the federal Government must give the highest priority to reduction in expenditures, even though some of the programs that must be reduced are not only desirable but are urgently required. Nevertheless, it is a question of selectivity. It is a question of deciding what should come first and how much we can afford.

Looking ahead to the next year's Estimates, looking ahead to announcements that I hope will be made within the very near future, I think that there will be evidence given by the Government of its intention to try to take these unpalatable steps in the interests of the well-being of the economy and the well-being of the country, which we all so much desire.

Meetings with the provincial governments scheduled for later this month should also help, I think.

May I simply quote one or two passages from Mr. Rasminsky's speech, and I am not making a selection here of passages that happen to suit my point of view, but he says on page 16 of the speech:

> I believe the only effective way to deal with both these problems—that is the cost rise and the increase in the interest rates—is to break into any inflationary expectations that may exist by making it clear beyond doubt that inflation will not be accepted in Canada as a way of life. I believe that this is the most urgent task of economic policy at the present time.

I say to you, honourable senators, that that is the view of the federal Government and we are going to do everything we can to see that that view prevails.

I quote further from Mr. Rasminsky's speech, where he says on page 19 that:

> Public understanding of the limits of the economy in providing real increases in incomes and public support in restraining money demands within these limits are essential.

I quote further from his concluding remarks, when he says that:

> The central problem we are now faced with in Canada is to break into the circle of rising costs and prices and as part of this process to reduce the demands of governments on financial markets. It is not easy and it will require courage and determination on the part of the public authorities and the active co-operation of the public, employers and employees alike. But the stakes are very great. We have in this country an enormous potential for growth and rising standards of living. This Centennial year has in many ways demonstrated that Canadians are

capable of greater achievements than we had realized. We have made remarkable advances in recent years and if we behave sensibly we have good reason to look with renewed confidence to our future.

Honourable senators, I adopt those words as my own. They are better than I could have written myself. I am optimistic for the future of this country, not only in the long run but in the short run, and I am optimistic, too, that the Government will take whatever steps, however unpalatable those steps may be, to manage the affairs of the country as all Canadians would like to see them managed.

Hon. Allister Grosart: Honourable senators, I had not intended to speak in this debate, and I had so informed the Leader of the Government, but I have now informed his deputy that, following his speech, I thought it was necessary that there be some reply from this side.

I am not aware of the honourable senator's plans regarding time. Perhaps, in view of the fact that I would speak for 15 or 20 minutes —because there are some very important considerations to be dealt with—it might be wise to adjourn now.

Hon. Mr. Connolly (Ottawa West): I have no objection to adjourning now, if it is the desire of the Senate. On the other hand, I have no objection to continuing at this time either, if that is the wish of the Senate. We could adjourn now to resume at 2.30. I would be quite agreeable to that.

Hon. Mr. Fournier (Madawaska-Restigouche): Why not continue?

Hon. Mr. Connolly (Ottawa West): Would you prefer to continue now?

Hon. Mr. Choquette: I think we could finish by 2 o'clock.

Hon. Mr. Connolly (Ottawa West): If the acting leader thinks we should continue, that is satisfactory.

Hon. Mr. Grosart: Then, in view of the hour, I will try to limit myself to 15 minutes.

The honourable Leader of the Government has given us some of the reasons why he believes that the Government made the best possible effort to avoid the very serious situation that faces Canada today. I am going to put on record, if I may, some impartial opinions and judgments of the conduct of the Government and of the relations of the Government's policies and actions to the economic consequences with which we are faced today.

May I start with a quotation from the Winnipeg *Free Press,* which would not, I think in anybody's judgment, be regarded as a paper normally hostile to the Government. I am quoting Mr. Bruce Hutchison, also one who is generally regarded as a friend of this Government. This quotation is from an article in the Winnipeg *Free Press* in which Mr. Hutchison says this:

> Whatever happens to the Government and the tortured political system, we shall see during the next few months whether the nation has the wisdom and courage to avoid a "disaster".... Already the time is later than we think. The way things are going now, disaster of some sort looks unavoidable.
>
> The economic facts surely have become clear enough—inflation generated by all our governments, by management, labour unions and the ordinary household; production costs rising fast; interest rates at a dizzy pinnacle; even federal Governments bonds difficult to sell; economists warning us of a recession to celebrate our hundredth birthday next year.
>
> The psychological facts, however, are more interesting. How, the student of human nature will ask, did we get into this mess? The easy answer is that the politicians bungled our business as, of course, they did; that strong leadership has been lacking, as of course it has. But this is no adequate answer. We must penetrate below the surface of politics to find out what went wrong; then, if we are honest with ourselves, we shall see that all of us are to blame. The politicians' public mistakes represent only our private, collective mistakes writ large.

I emphasize the fact that the responsibility for the present financial situation must lie at the door of this Government. If I may, I will quote from the *Financial Post,* again an impartial observer of the political financial scene. Again this is Mr. Hutchison speaking, and he says this:

> Ottawa can only blame itself for its present boxed-in position. If its increases in spending had been less exuberant across the board in the past few years, it

would now be able to borrow more easily to finance its long-established housing program.

That article goes on to lay the blame for the housing situation again at the door of this Government.

Perhaps an even more impartial source is the Economic Council. Its Fourth Annual Review, recently published, has this to say. This is very interesting in connection with the deputy leader's comparison of accelerating expenditures and accelerating revenues. I think he believes himself that, in general, government expenditures have not outpaced government revenues. The Economic Council, on page 261 of its report says:

> Thus, the accelerated increase in government spending in 1966 and 1967 is outpacing the growth of government revenues at existing tax levels. This necessarily raises troublesome questions about the possibility of increases in tax levels—perhaps of major dimensions if the present very high rate of increase in government spending continues—and of sharper conflicts in competing claims for the use of resources. Such conflicts could lead to sharp rises in prices and costs.
>
> These developments have led to a growing uneasiness in Canada about the current pace of the over-all advance in government spending. The council shares this uneasiness,

I pause to say it is only fair to add that the council is referring to the expenditures of all governments, not only those of the federal Government; but elsewhere in the report it makes it very clear that the federal Government is not in any way running behind the provincial and municipal governments in excessive spending.

I emphasize that the words used in this context are: "excessive spending", "overspending", "unwise spending." There is no suggestion here that the Government has been forced to spend this money, that it was pressed into it, as was suggested, by agreements with the provinces. As Senator McCutcheon pointed out, the transfer payments to provinces are merely a fraction of the total federal Government expenditures.

Has the Government taken note of this situation? Is it really doing something? The honourable Leader of the Government has given us its assurance that it will, that there are great plans ahead, such as those outlined by Mr. Rasminsky and the Minister of Finance. But the present position, again in the view of the Economic Council, is this. First of all, the council speaks of some of the changes that are being made in the accounting procedures of departments, which have been outlined to us in detail in the Finance Committee. The council then says:

> However, this has not been matched by comparable advances in the development of procedures and machinery for dealing with much larger questions:

I suggest it is with these larger questions that we are dealing today. The council describes them in this way:

> for consistent and comprehensive determination of objectives and priorities; for continuing evaluation of the impact and effectiveness of the growing range and diversity of government programs in relation to their cost; and for increased co-ordination between governments in relation to these matters. It is in these much more important areas that there is now an urgent need for improvement.

Again the council tells us:

> Our primary concern is the need for developing more adequate means to clarify aims of government expenditure programs,

And again:

> But we believe that there are very considerable opportunities for improving government processes of decision-making in this field through greatly reinforced and extended development and application of appropriate techniques,

And the council indicates four specific areas in which this kind of improvement in the Government's decision-making has not been made. I say that, honourable senators, and I am not asking you to take my opinion as to what the present situation is.

There is one famous quotation that I should not fail to bring to the attention of the Senate. This was by Mr. Neil J. McKinnon, Chairman of the Canadian Imperial Bank of Commerce. Speaking of the present situation and the responsibility of the Government in this situation, he said:

> It is not too much to say that government deficit spending, combined with a permissive monetary policy that allows continuous inflation really involve a massive swindle—a swindle perpetrated

on the great majority of the populace who are least able to protect themselves against the consequences.

Honourable senators, I have a good many other quotations here, but I said I would limit myself to 15 minutes. However, may I comment very briefly? I think it is obvious that something has to be done to improve the decision-making of the federal Government in financial and fiscal matters. I do not relate this particular remark to the present Government. I think it applies to governments in the past, and I think it will apply to governments in the future. If I have any ulterior motive in saying this, it is probably my very earnest wish to be as helpful as I can to the administration which will follow this one, presumably in the not too distant future. They will need the same guidance; they will need the same scrutiny of Estimates and of expenditures.

I want to suggest at this time that the Senate can and should perform an important role in this area. The work of our Finance Committee has been spoken of. I think I have attended every meeting of that committee, and I have only praise for the chairmanship of Senator Leonard and, since his retirement, for that of the present Deputy Leader of the Government (Hon. Mr. Deschatelets). On the other hand, the work of that committee is not adequate. We meet occasionally, when Estimates are referred to us. We do no systematic examination of the Estimates or of the Public Accounts. I have asked Dr. Davidson publicly if there is a role that the Senate could perform, and his answer was emphatically "yes."

Honourable senators, there is a job for us to do. On another occasion I would be prepared, with your permission, to outline in some detail exactly how we might perform that role. As good a guide as any, as good a reference paper as any, would be the statement in this Fourth Report of the Economic Council. They say: Here is a job to be done. I say that somebody has to do it. Is it going to be done in the other place? It has not been done in the past. Dr. Davidson and others are on record as saying there is not in this country, under the present machinery set up in the other place and here, an adequate examination of the Estimates and expenditures. Dr. Davidson has made the statement that in the other place there was not this year—and I take it this would apply to other years—any consideration of the overall Estimates. The other place is busier than we are. I suggest that in the Senate we have the time, we have the talent. I can say from personal knowledge that we now have young men who are straining at the leash to be allowed an opportunity to make a greater contribution in the public interest here and to earn the pay they are given for their attendance here.

I would urge the honourable Leader of the Government and his deputy to give serious consideration to making the Senate, as Senator Pouliot suggested, an important factor in the control of government spending.

I have referred to Senator Pouliot and I am sorry to see that he has left the chamber. I always hesitate to disagree with Senator Pouliot for two reasons. One reason is that he is my neighbour and friend, and one for whom I have the highest regard. The other reason is, of course, that it is extremely dangerous to disagree with Senator Pouliot, as I shall no doubt find out. However, I must say that my interpretation, or my appraisal, of Dr. Davidson's answer with respect to the matter of the Treasury Board expenditures was different from that of Senator Pouliot. Perhaps Senator Pouliot did not hear the full answer. My understanding was the same as that given by the honourable Deputy Leader of the Government (Hon. Mr. Deschatelets), namely, that Dr. Davidson did answer the question. I was as surprised as Senator Pouliot to hear that there was no specific record of the costs of Treasury Board operations prior to last year.

Hon. Mr. Deschatelets: This year.

Hon. Mr. Grosart: This year? I think that was a slip of the tongue on Dr. Davidson's part because, as Senator Pouliot pointed out, if you look at the Estimates you will see an accounting for the Treasury Board for last year.

However, I was surprised by the answer because if it is so then the Treasury Board has been going along and burying its expenses in those of the Department of Finance. It is understandable that that was so in the past, but changes have been made, and the Treasury Board now is a very different board from what it was. It has taken on very different responsibilities and it is, in fact, the Government's manager of its employees. I want to say that I did not obtain the impression that Dr. Davidson was in any way evasive, or in any way attempting to withhold information from Senator Pouliot or the committee.

That is all I have to say at this time, honourable senators. I have kept almost to my time limit, and I thank you for the opportunity of speaking.

Hon. Jean-Paul Deschatelets: Honourable senators—

The Hon. the Speaker: Honourable senators, if the honourable Senator Deschatelets speaks at this time it will have the effect of closing the debate.

Hon. Mr. Deschatelets: Honourable senators, I think I should thank all honourable members of this chamber who have taken part in this debate. It was an interesting debate, and the conflicting views that have been expressed are now part of the record.

I am not in a position, of course, to answer the specific questions raised by Senator McCutcheon about the public service staff and Medicare, but I might say we are told that in the near future the Minister of Finance might make some announcement, and I suggest that we wait for this.

Hon. Mr. McCutcheon: I shall wait impatiently.

The Hon. the Speaker: Honourable senators, with leave of the Senate, it is moved by Honourable Senator Deschatelets, seconded by Honourable Senator Connolly (Ottawa West) that this bill be now read the second time. Is it your pleasure to adopt the motion?

Hon. Mr. McCutcheon: On division.

Motion agreed to and bill read second time, on division.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Deschatelets: Honourable senators, with leave of the Senate, I move that the bill be read the third time now.

Hon. M. Wallace McCutcheon: Honourable senators, I will keep you for less than three minutes. I regret to say that I left in my office a copy of a newspaper advertisement which I think illustrates the desperation of the Minister of Finance in the position in which he presently finds himself. It is a coloured advertisement, taking up about two-thirds of a page, and it has appeared in all the daily papers. It is in red and yellow, and it advertises Canada Savings Bonds, pointing out that the average rate of interest is the highest that has ever been offered. But, it does more than that. It makes the same sort of claim that certain financial institutions make, that if you leave your money for the full term and do not withdraw your interest, the result of the compounding of the interest will be that you will double your money. The advertisement cries: "Canada Savings Bonds: Double Your Money!" That is very prominent in the advertisement.

I am the last person, as all honourable senators know, to want to see the proliferation of departments. I shall probably speak against the organization or establishment of a department of consumer affairs if a bill setting up such a department comes before this house. On the other hand, should it come, and should it pass, then I think that one of the first things the Registrar General, who it is said will be the minister of the new department, should investigate in the interests of the consumer is that type of advertisement, which leads a person to believe that if he buys a $100 Canada savings bond he will receive $200 in 13 years. The advertisement makes no mention of the fact, not even in small print with an asterisk, that on the following April 30 Mr. Sharp will take a very considerable portion of it back in the form of income tax.

The Hon. the Speaker: Honourable senators, with leave of the Senate, it is moved by honourable Senator Deschatelets, seconded by honourable Senator Connolly, that this bill be read the third time. Is it your pleasure to adopt the motion?

Hon. Mr. McCutcheon: On division.

Motion agreed to and bill read third time, on division, and passed.

DOCUMENTS TABLED

Hon. John J. Connolly tabled:

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, 1966, pursuant to section 9 of the Department of Insurance Act, chapter 70, R.S.C., 1952. (English and French texts).

Report by the Tariff Board relative to the Inquiry ordered by the Minister of Finance respecting Chemicals—

Volume 7—Inorganic Chemicals in Headings 25.32, and 28.35 to 28.58 of the Brussels Tariff Nomenclature,

Volume 9—Organic Chemicals in Headings 15.10 and 29.14 to 29.45 of the Brussels Tariff Nomenclature,

Volume 10—Fertilizers in Chapter 31 of the Brussels Tariff Nomenclature—

Reference No. 120, pursuant to section 6 of the Tariff Board Act, chapter 261, R.S.C., 1952. (English and French texts).

Report of Operations under the Farm Improvement Loans Act for the year ended December 31, 1966, pursuant to section 13 of the said Act, chapter 110, 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 September 30, 1967. (English and French texts).

ADJOURNMENT

Hon. John J. Connolly: Honourable senators, with leave of the Senate, I move that when the Senate adjourns today it do stand adjourned until Monday next, November 6, at 2.30 o'clock in the afternoon.

Motion agreed to.

The Senate adjourned until Monday, November 6, at 2.30 p.m.

THE SENATE

Monday, November 6, 1967

The Senate met at 2.30 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

6 November 1967

Sir,

I have the honour to inform you that the Hon. J. R. Cartwright, M.C., Chief Justice of Canada, acting as Deputy of His Excellency the Governor General, will proceed to the Senate Chamber today, the 6th November, at 4.00 p.m., for the purpose of giving Royal Assent to certain bills.

I have the honour to be,
Sir,
Your obedient servant,

A. G. Cherrier
Assistant Secretary
to the Governor General.

The Honourable
The Speaker of the Senate.

Hon. John J. Connolly: Honourable senators, in view of the contents of the letter which has just been read by His Honour the Speaker, I suggest that we proceed with the business of the Senate until approximately 3.35, at which time we will recess to enable arrangements to be made so that Royal Assent may take place in this chamber at 4 o'clock as planned. Following Royal Assent, I suggest that we continue with the consideration of the Orders of the Day. I trust this arrangement will be satisfactory to all honourable senators.

NATIONAL AND ROYAL ANTHEMS

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. Brand has been substituted for that of Mr. Mandziuk on the list of members appointed to serve on the Special Joint Committee on the National and Royal Anthems.

SENATE OF CANADA

HUNDREDTH ANNIVERSARY OF FIRST SITTING

Hon. John J. Connolly: Honourable senators, one hundred years ago today, in the thirtieth year of the reign of Her Majesty Queen Victoria, the Senate of Canada met at this place for the first time.

The British North America Act, passed by the Parliament of the United Kingdom, was sanctioned on May 29, 1867. It authorized the issue of a Proclamation under section 3 of the Act, constituting New Brunswick, Nova Scotia and the provinces of Canada a Dominion under the name of Canada. That Proclamation was duly issued, and it became effective on July 1, 1867.

The centenary of that event was impressively marked in the presence of Her Majesty Queen Elizabeth II at a ceremony, both religious and civil, on the 1st day of July of this year.

The British North America Act provided specifically for a Senate for the new Dominion, for the appointment of its members, their number, their qualifications, and for the summoning of the first body. I would ask unanimous consent to have incorporated at this point in my remarks a copy of the Proclamation summoning the first body of senators. This Proclamation was issued in Her Majesty's name by Canada's first Governor General, the Right Honourable Charles Stanley, Viscount Monck of Ballytrammon, in the County of Wexford, in the Peerage of Ireland.

I ask also for unanimous consent to place on the record a copy of three pages of the *Journals of the Senate* for Wednesday, November 6, 1867.

Hon. Senators: Agreed.

CANADA.



[L. S.] *MONCK.*

VICTORIA, *by the Grace of God, of the United Kingdom of Great Britain and Ireland,* QUEEN, *Defender of the Faith, &c., &c., &c.*

To Our Beloved and Faithful the Senators of the Dominion of Canada, and the Members elected to serve in the House of Commons of Our said Dominion, summoned and called to a Meeting of the Parliament of Canada, at Our City of Ottawa, on the Second day of the month of November next, to have been commenced and held, and to every of you—GREETING:

A PROCLAMATION.

WHEREAS the Meeting of Our Parliament of Canada stands prorogued to the Second day of the month of November next, Nevertheless, for certain causes and considerations, We have thought fit further to Prorogue the same to WEDNESDAY, the SIXTH day of the month of NOVEMBER next, so that neither you nor any of you, on the said Second day of November next, at Our City of OTTAWA, to appear are to be held and constrained, for We do will that you and each of you and all others in this behalf interested, that on WEDNESDAY, the SIXTH day of the month of NOVEMBER next, at Our CITY of OTTAWA aforesaid, personally you be and appear for the DESPATCH OF BUSINESS, to treat, do, act and conclude upon those things which in Our said Parliament of Canada, by the Common Council of Our said Dominion, may by the favor of God be ordained.

IN TESTIMONY WHEREOF, we have caused these our Letters to be made Patent, and the Great Seal of Canada to be hereunto affixed: WITNESS, Our Right Trusty and Well-Beloved Cousin, the Right Honorable CHARLES STANLEY, VISCOUNT MONCK, Baron MONCK of Ballytrammon, in the County of Wexford, in the Peerage of Ireland, and Baron MONCK of Ballytrammon, in the County of Wexford, in the Peerage of the United Kingdom of Great Britain and Ireland, Governor General of Canada, &c., &c., &c. At Our Government House, in Our City of Ottawa, in Our said Dominion, this Thirtieth day of September, in the year of Our Lord, one thousand eight hundred and sixty-seven, and in the thirty-first year of Our Reign.

By Command,

EDOUARD J. LANGEVIN,
Clerk of the Crown in Chancery, Canada.

JOURNALS

OF

THE SENATE

OF

CANADA.

Wednesday, 6th November, 1867.

At the Parliament of the Dominion of *Canada*, begun and holden in the City of *Ottawa*, in pursuance of an Act passed in the Parliament of the United Kingdom of *Great Britain* and *Ireland*, in the Thirtieth year of the Reign of Her Majesty Queen *Victoria*, and intituled, "An Act for the Union of *Canada*, *Nova Scotia* and *New Brunswick*, "and the Government thereof, and for purposes connected therewith."

The Members in attendance were

The Honorable Messieurs

Aikins,	*Christie*,	*Leonard*,	*Olivier*,
Allan,	*Cormier*,	*Leslie*,	*Ritchie*,
Anderson,	*Crawford*,	*Letellier de St. Just*,	*Robertson*,
Armand,	*Dickey*,	*Locke*,	*Ryan*,
Bill,	*Duchesnay, E. H. J.*,	*McClelan*,	*Sanborn*,
Blair, Fergusson,	*Dumouchel*,	*McCrea*,	*Seymour*,
Blake,	*Ferguson*,	*McCully*,	*Shaw*,
Bossé,	*Ferrier*,	*McDonald*,	*Skead*,
Botsford,	*Foster*,	*Macpherson*,	*Steeves*,
Bourinot,	*Guévremont*,	*Malhiot*,	*Tessier*,
Bureau,	*Hamilton (Inkerman)*,	*Matheson*,	*Wilmot*,
Burnham,	*Hamilton (Kingston)*,	*Miller*,	*Wilson*,
Campbell,	*Hazen*,	*Mills*,	
Cauchon,	*Holmes*,	*Mitchell*,	
Chaffers,	*Kenny*,	*Odell*,	

The Clerk then read the following Return from the Clerk of the Crown in Chancery, of the names of the Senators to whom Writs of Summons had been issued under the Great Seal:—

OFFICE OF THE CLERK OF THE CROWN IN CHANCERY,
Canada, *Ottawa*, 29th October, 1867.

Return of the names of the Gentlemen summoned to the Senate of *Canada*, by Letters Patent issued by His Excellency the Governor General of *Canada*, bearing date the twenty-third day of October instant, pursuant to the *British North America* Act, 1867.

Province of Ontario.

The Hon. John Hamilton,
" Roderick Matheson,
" John Ross,
" Samuel Mills,
" Benjamin Seymour,
" Walter Hamilton Dickson,
" James Shaw,
" Adam Johnston Fergusson Blair,
" Alexander Campbell,
" David Christie,
" James Cox Aikins,
" David Reesor,

The Hon. Elijah Leonard,
" William McMaster,
" Asa Allworth Burnham,
" John Simpson,
" James Skead,
" David Lewis Macpherson,
" George Crawford,
" Donald McDonald,
" Oliver Blake,
" Billa Flint,
" Walter McCrea,
" George William Allan.

Province of Quebec.

	Electoral Divisions for which each Senator of the Province of Quebec has been appointed.
The Hon. James Leslie,	*Alma.*
" Asa Belknap Foster,	*Bedford.*
" Joseph Noel Bossé,	*De La Durantaye.*
" Louis A. Olivier,	*De Lanaudière.*
" Jacques Olivier Bureau,	*De Lorimier.*
" Charles Malhiot,	*De La Valière.*
" Louis Renaud,	*De Salaberry.*
" Luc Letellier de St. Just,	*Grandville.*
" Ulric Joseph Tessier,	*Gulf.*
" John Hamilton,	*Inkerman.*
" Charles Cormier,	*Kennebec.*
" Antoine Juchereau Duchesnay,	*La Salle.*
" David Edward Price,	*The Laurentides.*
" Elzear H. J. Duchesnay,	*Lauzon.*
" Léandre Dumouchel,	*Mille Isles.*
" Louis Lacoste,	*Montarville.*
" Joseph F. Armand,	*Repentigny.*
" Charles Wilson,	*Rigaud.*
" William Henry Chaffers,	*Rougemont.*
" Jean Baptiste Guévremont,	*Saurel.*
" James Ferrier,	*Shawenegan.*
" Sir Narcisse Fortunat Belleau, Knight,	*Stadacona.*
" Thomas Ryan,	*Victoria.*
" John Sewall Sanborn,	*Wellington.*

Province of Nova Scotia.

The Hon. Edward Kenny,
" Jonathan McCully,
" Thomas D. Archibald,
" Robert B. Dickey,
" John H. Anderson,
" John Holmes,

The Hon. John W. Ritchie,
" Benjamin Wier,
" John Locke,
" Caleb R. Bill,
" John Bourinot,
" William Miller.

Province of New Brunswick.

The Hon. Amos Edwin Botsford,
" John Robertson,
" Robert Leonard Hazen,

The Hon. William Hunter Odell,
" David Wark,
" William Henry Steeves,

31 Victoria. 6th NOVEMBER. 21

The Hon. John Ferguson,
" Robert Duncan Wilmot,
The Hon. Abner Reid McClelan,
" Peter Mitchell.

EDOUARD J. LANGEVIN,
Clerk of the Crown in Chancery, *Canada.*

To *John Fennings Taylor*, Esq.,
Clerk of the Senate of *Canada*, *Ottawa.*

Hon. Mr. Connolly (Ottawa West): This extract shows that 70 senators had been summoned, made up of 24 from Ontario, 24 from Quebec, 12 from Nova Scotia, and 10 at that time from New Brunswick, and of that number 57 attended the first sitting and had their commissions read.

A reading of their names alone conjures up the memory of events significant of the momentous, courageous step which our political progenitors took a century and more ago. Behind them was the experience of parliamentary deadlock in the Legislature of the old Province of Canada. They had surmounted the difficulties presented, and the reluctance in certain quarters of New Brunswick and Nova Scotia to join the new Dominion. The road through the Charlottetown Conference, the Conference at Quebec, the meetings in London, and the drafting of the new federal Constitution had been successfully negotiated.

They had dared to create with their fellow parliamentarians then in the House of Commons a new nationality, a new nation, on the northern half of the North American continent. They were gratified, they were optimistic, they were sanguine that one day their Parliament would have dominion from sea to sea. In the hundred years that have intervened 623 persons have been summoned to the Senate, including nine ladies.

John Fennings Taylor was the first Clerk of the Senate, Rene Kimber was the first Gentleman Usher of the Black Rod, and that day the commission appointing the Honourable Joseph Edouard Cauchon to be first Speaker of the Senate was read. His portrait, along with those of his successors, hangs in our corridors.

On the following day, Thursday, November 7, the Speech from the Throne was delivered here by the Governor General, Viscount Monck. It was a short speech and I shall quote from but one paragraph, one which emphasizes the caution with which the first parliamentary steps were taken. He said:

> In a spirit of respect for your privileges, as a free and self-governing people, the Act of Union as adopted by the Imperial Parliament, imposes the duty and confers upon you the right of reducing to practice the system of Government, which it has called into existence, of consolidating its institutions, harmonizing its administrative details, and of making such legislative provisions as will secure to a constitution, in some respects novel, a full, fair and uprejudiced trial.

The motion to adopt the Address was moved on Monday, November 11, by Senator George William Allan, a Toronto lawyer, educated at Upper Canada College, who had been mayor of his native city. He was in the Legislative Council in 1858 and was appointed at the age of 36. He was Speaker of the Senate from 1888 to 1891. He died in 1901 after a life of public service and of wide scholarly interests and attainments. I should like to quote a short portion of the peroration of his speech in which he moved the adoption of the Address. He said in part:

> Peace, quietness and security reign within our borders, and we have a future before us of which any people might be proud. But it rests with ourselves, honourable gentlemen, to make or mar that future. Let a spirit of sectionalism prevail, let party strife grow rampant, and all our brilliant anticipations may end in disappointment. But if we strive to conduct our affairs in a spirit of

> moderation and mutual forbearance... we shall render the great work of Union which has been achieved, a blessing to ourselves and our posterity, and a fresh starting point in the moral, political, and material advancement of the people of Canada.

The seconder of the Address was the Honourable Jonathan McCully of Nova Scotia, one of the Fathers of Confederation. In Senator McCully's teaching days in Cumberland county, Charles Tupper, later to be a Prime Minister, was one of his pupils. He practised law in Amherst. Later, he was the Government Leader of the Upper House in Nova Scotia. He was Editor of the *Morning Chronicle* and *Nova Scotian,* and he was succeeded in that office by the Honourable Joseph Howe. He remained in the Senate until 1870, when he accepted an appointment to the Supreme Court of Nova Scotia.

The only other senator to speak on the Address was Donald McDonald, civil engineer, born in the State of New York, educated at Upper Canada College and who, I am informed, made many of the early maps of Upper Canada. He was a Liberal member of the Assembly for Tecumseh from 1858. He died in 1879.

Senator McDonald, at that first real debate, made some remarks about the role of the Senate, an experimental chamber then, which merit quotation. He said, in part:

> For though we sustain no direct representative relation to defined constituencies, I cannot divest myself on the conviction that, as part of the machinery of the Government, this Chamber is bound to consult the aggregate of the people's will not slavishly, indeed, in the sense of delegates accountable to particular districts, but as distinguished from the idea which in other days attached to a Crown nominated body. We are placed in a position which relieves us from the temptation to surrender our own judgment to the demands of momentary prejudice or passion, but which in my opinion in no degree entitles us to be indifferent to the sober, well-matured requirements of the people... Thus viewed, however, it seems to me that our functions may be exercised most usefully—not as registrars of executive opinion on one hand, nor servile echoes of fleeting popular feeling on the other, but as the balance-wheel of this Government, guiding always, obstructing never, and in all things manifesting a superiority to the promptings of an angry partisanship.

And with those words, the Address in reply to the Speech from the Throne was voted in one day, after three speeches.

Hon. Mr. Choquette: That is the way it should be.

Hon. Mr. Connolly (Ottawa West): The Leader of the Government in the Senate at that time was Sir Alexander Campbell. He had been Sir John Macdonald's law partner in Kingston; he was Canada's first Postmaster General and he sat in this chamber holding that portfolio. After 1878 he held various portfolios in the Government of his day, five in all, and in 1887 he became Lieutenant Governor of Ontario.

The Leader of the Opposition of that day was the Honourable Peter Mitchell, a man of Scottish descent, from the County of Northumberland, New Brunswick. He was a shipbuilder. He had formed a government in New Brunswick in 1866 with the Honourable R.D. Wilmot. He attended the Quebec meeting on Confederation in 1864, as well as the London Conference in 1866. He resigned from the Senate in 1872, ran for the House of Commons in Northumberland and he was returned in that year by acclamation.

Honourable senators, in this great centennial year we have been reviewing our history, we have been enumerating our achievements, we have been counting our numbers, our wealth and our progress. We have been, indeed, also counting all our blessings.

Today, in a special way, we honour the parliamentary institutions under which our development has been fashioned, the people who have molded those institutions to our Canadian requirements.

Today especially we take a long look back, but we can also take a long look ahead. Let us look ahead in optimism, for our progress, our peace and above all for our unity.

[*Translation*]

Honourable senators, the most important problem facing us today is the question of national unity. We can and should ensure the existence of our national unity for the sake of our prosperity and that of future generations.

Diversity is for us the source of much wealth. This wealth comes to us from various sections of our immense country; the fact is universally recognized. However, what is most important, our greatest wealth comes from the diversity of our people with respect to language, race, creed and culture. It is such differences as I have just mentioned which will ensure the development and progress of our country.

[*English*]

I have been speaking momentarily about national unity. This unity, honourable senators, we can have—together with all the good things that go with it—for ourselves and for our children. And we shall have it, if tolerance, patience, forbearance and understanding—with all our diversities of language, race, creed, culture, and religion, perhaps our greatest wealth—becomes, under the guiding hand of Divine Providence the hallmark of our national life.

[*Translation*]

Hon. Jacques Flynn: Honourable senators, we are all indebted to the Leader of the Government for having put on the record the circumstances and the names of those who made history at that first sitting of Canadian Parliament, on November 6, 1867. As I said, he mentioned some names and, especially, that of the first Speaker of this house, honourable Senator Joseph Edouard Cauchon, who had the great honour of coming from the old city of Quebec, my home town. A rather unusual thing is that the second Speaker of the Senate, another Quebecker, was the Honourable P. J. O. Chauveau, who had previously been the first Quebec premier at the time of Confederation. Honourable Mr. Cauchon, on the other hand, was later lieutenant governor of Manitoba.

One hundred years is not a long time in the life of a people. Yet, much ground has been covered, many changes have taken place since November 6, 1867 when the first of the 27 parliaments Canada has known in the course of its first century met for the first time. A country barely out of colonialism was taking its first faltering steps.

Today, the Canadian people, six times more numerous, offer the world the picture of a society endowed with all the advantages of scientific progress and which, especially in the last fifty years, has achieved a standard of living second only to that of our neighbours to the south.

We must recognize that we have been lucky since 1867; we have had no revolution, no change in government brought about by force; our territory has not only remained intact but six other provinces have joined the four that formed Canada; we have been unscathed by war, even though we did participate in the last two world conflicts. How many countries, how many nations have had a comparable history? Yes, indeed, let us recognize our good fortune, while being aware, at the same time, of our problems which, for less fortunate countries—and they are in a large majority—may appear as refinements and luxuries, yet remain very real and serious, as far as we are concerned. As we all know, they have arisen mainly from an industrial and scientific revolution within a highly culturally developed and economically prosperous society.

Even the present great constitutional debate, which stresses the problem of relations between our French-speaking and English-speaking fellow citizens, which problem seems to me the most significant today, as pointed out earlier by the Leader of the Government, appears to be the result of the considerable advances of the French-speaking group during recent years, which incite them to strive for their rightful place within our Canadian society, so that they may feel truly at home and fully accepted throughout Canada. Let us acknowledge those problems, and especially this particular one.

[*English*]

Honourable senators, in his excellent biography of the leading architect of Confederation and Canada's first Prime Minister, Sir John A. Macdonald, Professor Donald Creighton describes the scene on November 7, the day after the opening of Parliament, as follows:

> On Thursday afternoon November 7, 1867, Macdonald, along with the other members of the Commons, stood waiting expectantly and somewhat nervously in the Senate chamber of the Parliament Buildings at Ottawa. The Governor-General, Lord Monck, was reading the Speech from the Throne to the first federal Parliament of Canada. The legislative history of the new Dominion was about to commence. Outside, though the season was far advanced in autumn, the day was fine. Most of the shops in town were shut. A great crowd had pressed behind the rows of regulars and militia which lined the carriage drive up to the

> great central door of the building and, inside, in the Senate chamber the galleries were crowded with people. Behind the rows of senators, nearly a hundred ladies, the wives and daughters of the members, gay in crinoline toilettes, watched the ceremony: and, out in front, close to the Governor-General's chair, a little group of seats had been specially reserved for Lady Monck and the wives of the cabinet ministers.

Honourable senators, if we were to look only at this picture, it would appear that the situation has not changed very much in this our first century. We have, of course, and rightly so, preserved some of the best traditions of our parliamentary system. And I feel that Parliament can rightly take pride in the achievements which this country can claim in its first century of history. However, as I have mentioned, because we can be proud of the achievements of our people, of our country and of our system of Government, it does not mean that we should just remain idle today. On this occasion, the hundredth anniversary of the opening of Parliament, we must recognize the very serious problems which are facing us.

As far as the Senate is concerned, let me say a few things. Almost from its inception—and I think it will be found in the excerpts which the Leader has put on *Hansard* today relating to the first debate of the Senate—the Senate has been the subject of criticism, some valid, some spurious. At the Quebec Conference of 1864 the question of representation in this chamber became one of the main reasons why Canada was deprived of the contribution of Prince Edward Islanders for several years. At the London Conference of 1867 the Senate and the question of its powers and functions almost became the shoal on which the agreement reached at Quebec ran aground.

The Fathers of Confederation were convinced that an Upper Chamber would have a useful function in Canadian parliamentary life. I am convinced—and I have said this frequently—that history has shown that their view was correct and that there is a continuing need for such a body as the Senate. To say this is not to deny that changes in the work performed by the Senate should perhaps be made.

Writing in 1926 Professor Robert A. MacKay, in his book *The Unreformed Senate of Canada*, said at page 206:

> Probably on no other public question in Canada has there been such unanimity of opinion as on that of the necessity for Senate reform. Opinion has differed, however, as to the means. This difficulty of agreement has been increased because, for the most part, critics have not taken into consideration the actual work which the Senate performs. Neither have they always understood the position which a second chamber can occupy in parliamentary Government nor the position of the Senate as part of the federation compact.

Professor MacKay went on to say in words which are as true today as when he wrote them:

> A thorough analysis of the problem from all three sides is a prerequisite to any satisfactory solution.

Since 1926 many reforms have been carried out. I have said before that it is my conviction that means must be found to increase and diversify the work which we perform. I am still of this view.

Over the years since November 7, 1867, many men of great ability have graced the Upper Chamber and those who are here today are no less capable than their predecessors. It is my belief that, given the opportunity, these talents and abilities can be of use to Canada in our second century of Confederation.

[*Translation*]

Honourable senators, I will simply add this: we are justified in taking pride in the achievements of the past, but we must not, however, refuse to face today's problems. Whatever the credit our parliamentary system can claim for the results which we have achieved during the first century of Canada, we must not, because of that, refuse to accept the required changes, refuse to adjust to today's needs in order better to face this coming second century.

[*English*]

Hon. Jean-François Pouliot: Mr. Speaker and honourable colleagues, first let me congratulate the Leader of the Government in the Senate (Hon. Mr. Connolly, Ottawa West) and the Leader of the Opposition (Hon. Mr. Flynn) for the excellent speeches they have made, and in which they have expressed our views about matters of historical and constitutional importance. If the first senators to have been appointed and whose names are

included in the Proclamation of Queen Victoria were alive today, they probably would be retired, but they would be proud of their successors. They would realize that the Senate of 1967 is at least as good as the Senate of 1867.

That, honourable senators, is the first point I wish to make. I say this because I hold my colleagues in the chamber in great esteem and admiration, and I never miss an opportunity to express my views about the importance of the Senate.

Naturally, there are some people who would not have refused an appointment to the Senate and who are quite critical about it because they have never received an appointment. This explains the kind of talk of university professors who suggest reforms in a vague manner, without indicating what those reforms should be. It is the easiest thing to call for reform as an abstraction, without crossing the t's or dotting the i's. This is useless talk which is often taken seriously, because those who make that kind of criticism and those suggestions are overrated intellectually and mentally. As I name no one, I cannot offend anyone; but it applies to all of them, without any distinction.

It is a real pleasure for me to know and to notice the accomplishments of the Senate, and they are achieved in an unassuming manner, as a matter of course. I must tell my colleagues today that I have the highest regard for their sense of duty and for the unexaggerated dignity that prevails in this chamber. It is remarkable to think that whenever a member has to leave the chamber for any reason, and misses a speech, he or she excuses himself or herself to the senator who is speaking for not having listened to his speech, which is read afterwards and commented upon as one sees fit.

In spite of any criticism which may come from any quarter, the Senate of Canada will survive, and will survive for ever, because it is a necessary brake on the House of Commons, as was the intention of the Fathers of Confederation. The Senate is composed of members appointed from the various parts of the country, to supervise and control the legislation that comes from the House of Commons, and we do it in this chamber and in the various committees as well. But it was in the minds of the Fathers of Confederation that there should never be any party line or any "China wall" dividing the members appointed by different parties to the Senate; and I do not see any reason why the same fraternity that is admired in the sittings of the committees does not always prevail in the sittings of this chamber. Probably the first senators of 1867 were just as partisan as we may be, although we deny being partisan. Perhaps they were not; they were certainly very good men.

If there is any reform of the Senate needed—and I believe there is—it should not be effected by outsiders; we should perform it ourselves. We sit here and know the Senate much better than any outsider could. I am not going to speak at length because of the ceremonies that are to take place this afternoon, but we do consider all pieces of legislation, check them and correct them, and we are not to take legislation for granted merely because it comes before us. There are wrongs to correct which we can do ourselves, and we can do that superbly.

I have something to say about the Leader of the Opposition and the Leader of the Government in the Senate, but I will wait until tomorrow.

DOCUMENTS TABLED

Hon. John J. Connolly tabled:

Copies of letter, dated October 24, 1967, addressed by the Minister of Finance to provincial Ministers holding similar portfolios with reference to a suggested federal-provincial meeting. (English and French texts).

Report of the Superintendent of Insurance for Canada on Co-operative Credit Societies for the year ended December 31, 1966, pursuant to section 56 of the Co-operative Credit Association Act, chapter 28, Statutes of Canada 1952-53. (English and French texts).

REFUND OF FEES

THE WOMAN'S AUXILIARY OF THE ANGLICAN CHURCH OF CANADA

Hon. Muriel McQ. Fergusson, with leave of the Senate, moved:

That the parliamentary fee paid on a proposed bill respecting "The Woman's Auxiliary of The Anglican Church of Canada", be refunded to the petitioners.

The Hon. the Speaker: Honourable senators, it is your pleasure to adopt the motion?

Some hon. Senators: Explain!

Hon. Mrs. Fergusson: Honourable senators, I will be glad to explain the reason for this motion.

The Women's Auxiliary was incorporated in 1908, at the request of the women of the Anglican Church. This act has been amended twice since, and by the last amendment the name was changed to The Women's Auxiliary of the Anglican Church of Canada. In June 1966 a meeting of this group took place in Victoria, British Columbia, and at this time a resolution was passed which provided that this organization shall be called Anglican Church Women. The petition was presented to the Senate asking to have this change of name made. At the time the petition was presented the usual fee of $200 was paid.

It was subsequently ascertained that as a result of a recent amendment to the Corporations Act, which was passed in 1966, this matter should have been dealt with by the Corporations Branch, which is under the Registrar General. This is now being done, and the motion is for the return of the $200 fee paid in error.

Hon. Mr. Choquette: Honourable senators, I noted that Senator Fergusson pronounced the name of this organization the "Women's Auxiliary." This seems to me to be correct, although it is written "Woman's"—the singular with an apostrophe "s". I take it that that is correct? There are organizations that have in their names the word "Women's" and not "Woman's".

Hon. Mrs. Fergusson: It is "Woman's"; I am sorry.

Motion agreed to.

[*Translation*]

CURRENCY, MINT AND EXCHANGE FUND ACT

CORRECTION OF STATEMENT

Hon. P. Desruisseaux: With your permission, Mr. Speaker, before the orders of the day, for clarification purposes I should like to mention that, when I spoke last Thursday on the matter of currency, with regard to Bill S-23, I was correctly reported, on page 356 of the official report, *Hansard* as having said:

> —to speculation in some quarters that it might be useful for a foreign country, for instance—

With your permission, honourable senators, I simply want to insert the following words: "for individuals of a foreign country." There is a difference. Due to a slip of the tongue, I only said "foreign country" and for clarification purposes I request that this correction be made.

Some hon. Senators: Agreed.

[*English*]

The Senate adjourned during pleasure.

At 4 p.m. the sitting was resumed.

ROYAL ASSENT

The Honourable John Robert Cartwright, M.C. Chief Justice of Canada, 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 Speaker of the Senate said:

> Honourable members of the Senate: Members of the House of Commons:
>
> I have the honour to inform you that His Excellency the Governor General has been pleased to cause Letters Patent to be issued under his Sign Manual and Signet constituting and honouring the Honourable John Robert Cartwright, Chief Justice of Canada, his Deputy, to do in His Excellency's name all acts on his part necessary to be done during His Excellency's pleasure.

The Commission was read by the Clerk.

The Honourable the Deputy of His Excellency the Governor General was pleased to give the Royal Assent to the following bills:

> An Act respecting the Electoral Boundaries Readjustment Act.
>
> An Act respecting the Electoral Boundaries Readjustment Act.
>
> An Act to amend the Canada Corporations 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, 1968.

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.

SPEECH FROM THE THRONE

ONE HUNDREDTH ANNIVERSARY OF FIRST SITTING OF SENATE OF CANADA

The Honourable the Deputy of His Excellency the Governor General was then pleased to address Parliament with the following speech:

Honourable Members of the Senate:

Members of the House of Commons:

We are assembled here today on an historic occasion to participate in an act which is rooted in tradition.

On this day, one hundred years ago, the Parliament of Canada sat for the first time. On the following day the first Governor General of Canada, Viscount Monck, opened the first session of the First Parliament of the newly formed Confederation. The new national capital had witnessed on July 1, 1867, a ceremony which was the culmination of the discussions that had taken place in Charlottetown and Quebec. Deliberations could now begin on bills which, in due course, would become the first statutes of Canada.

Federal union had been accomplished and the members of that First Parliament were called upon to address their attention to the complex problems of nation-building. A century later and in the midst of the Twenty-Seventh Parliament, we reflect with gratitude and with justifiable pride on what has been achieved.

With courage, imagination and brawn, Canadians have come to grips with the challenge of geography and economics. Incredible distances have been spanned and the vast and rich resources of the land have been extensively developed. The problems of environment have obliged us to be pre-occupied during the greater part of the past one hundred years with physical needs, but recent years have witnessed a cultural explosion in Canada, bringing with it a flowering of creative talent.

We have many things to celebrate in this centennial year. Not the least of these is the effectiveness of our form of government. It is our good fortune and our proud boast that we in Canada enjoy a long heritage of freedom. Our democratic process is at once a recognition and a safeguard of the dignity of man.

The origins of Parliament lie far in the past, but the process of law-making as we know it today was not realized at a single stroke. Successive generations struggled to gain a commanding voice in their own affairs and to bring an end to the exercise of arbitrary power. Our forefathers had a lively awareness of that struggle and the determination to preserve what had been so dearly won.

We inherited the institution of parliament from Great Britain but we have made it in all respects Canadian. Laws are passed "by and with the consent of the Senate and House of Commons of Canada" and take effect when formally assented to by the Governor General in his exercise of the power of the Sovereign. In recent years the post of Governor General has been filled by the appointment of Canadians. Thus, everything done in this land in the name of the Queen is done by Canadians at the behest of Canadians. The giving of Royal Assent to bills is not merely an ancient custom but an integral part of our own legislative process.

With the passage of the Statute of Westminster in nineteen thirty-one, Canada took her full place in the arena of world affairs and became one of the founding members of the Commonwealth. Within the framework of the Commonwealth and in the greater family of nations, the example we offer on a half continent of people living and working together in a spirit of mutual respect and goodwill does not pass unnoticed.

By resolving our problems in this manner and by diligently striving to bridge cultural and regional differences, we have succeeded where not a few societies in the past have failed. This experience has equipped Canadians to

play an important and responsible rôle in healing the divisions among people everywhere.

Like all the institutions of men, parliamentary government is not without its imperfections. But it stands unchallenged as the most successful method of democracy. We share this great legacy with others, and this is as it should be, for the ideals and concepts which we cherish are not confined by national boundaries.

It has been said of democracy that it is "based upon the conviction that there are extraordinary possibilities in ordinary people." As the instrument of democracy Parliament puts a corresponding faith in its individual members. This is a heavy responsibility which obliges you to put duty before personal ambition. Your compensation is the opportunity you have of service to your country and to the cause of freedom everywhere.

In marking, today, the hundredth anniversay of the first sitting of the Parliament of Canada, we are not only saluting a moment in history. We are recognizing, as well, the enduring significance of a whole way of life. It is in the nature of Parliament that it mirrors the soul of a nation. It is no exaggeration to say that as Parliament goes, so goes a people; as Parliament projects the principles of the nation and the aspirations of its citizens, so are those principles preserved and those aspirations realized.

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.

PRIVATE BILL

LONDON AND MIDLAND GENERAL INSURANCE COMPANY—SECOND READING

Hon. Eric Cook moved the second reading of Bill S-25, respecting London and Midland General Insurance Company.

He said: Honourable senators, as the explanatory note to this bill states, its sole purpose is to change the name of the company to Avco General Insurance Company, and, in French, L'Avco Companie d'Assurance Générale.

The history of the company is shortly as follows: Delta Acceptance Corporation Limited was incorporated as a public company under the laws of Ontario in 1954. In July 1962 Delta Acceptance Corporation Limited acquired the whole of the oustanding share capital of London and Midland General Insurance Company, a company which had been incorporated by act of Parliament in 1947 under the name of the Progressive Insurance Company of Canada and had subsequently, in 1957, changed its name to London and Midland General Insurance Company.

Delta Acceptance Corporation Limited became in 1964 an almost wholly owned subsidiary of Avco Delta Corporation, a Delaware Company. Avco Delta Corporation is a wholly owned subsidiary of Avco Corporation of New York which is also incorporated in the State of Delaware.

London and Midland General Insurance Company carries on a general insurance business in most of the provinces of Canada and the main reason for the proposed change of name is that it is the policy of the parent company to foster a cohesive sense among all its subsidiary organizations by arranging for the word "Avco" to appear in the corporate titles of the various companies in the group.

Honourable senators, if the bill should receive second reading, I will then move that it 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. Cook, bill referred to the Standing Committee on Banking and Commerce.

FEDERAL SCIENTIFIC POLICY

MOTION FOR APPOINTMENT OF COMMITTEE—DEBATE CONTINUED

The Senate resumed from Thursday, November 2, 1967, the adjourned debate on the motion of Hon. Mr. Lamontagne, that a Special Committee of the Senate be appointed to consider and report upon the scientific policy of the Federal Government.

Hon. Orville H. Phillips: Honourable senators, I am happy to make a few brief remarks in support of the motion standing in the name of the honourable Senator Lamontagne. I congratulate him for bringing this

motion in. It is the type of work that I think the Senate can very well do.

I recall that, after the honourable senator was summoned to the Senate, there appeared an article commenting on his various accomplishments and interest—of which there was a very extensive list. Therein, it was pointed out that he had always taken the attitude that Canada should spend more money and time on research. I am pleased to see that he has carried this attitude into the Senate.

The motion lists four different sections in which it is suggested that the Senate committee inquire into and report upon, and I think it might be helpful if I were to make a brief remark on each of the four sections.

I would describe the first, Section A, as industrial research. We have just experienced a very historic moment in the Senate, commemorating one of the events in our centennial year. While we like to look back and remember our accomplishments in the past, we must also look forward to the accomplishments of the next 100 years, trying to make sure that they are at least as successful as the last century. In order to do so we are going to have to spend more time on industrial research and more time developing our resources.

In speaking to the Senate on a bill providing for incentives for various private industries, I pointed out at that time that Canada spends less on industrial research than does India. Honourable senators, if we are to develop, to take our full place in the northern hemisphere and in the world, we must spend a great deal more on industrial research.

One aspect of industry in which I feel our research is very weak is what I would term the marginal industries. Many of our industries are at the point where they are no longer showing a profit, and the companies are beginning to phase out operations. I feel that, if we spent more money on research we could bring many of these industries back into useful production and also onto the favourable side of the ledger.

I need hardly point out that many of these industries are important to the locality in which they are situated. Everybody is familiar with the effect of the recent DOSCO announcement. It had tremendous effect in Nova Scotia. This is not an isolated instance either; the only real difference is that perhaps the effects are felt far more in the locality in question than would be the case in areas where there are other industries. But, if we had an organization already in existence to work on these problems, we would save ourselves a great deal of money in the long run.

In his excellent remarks on the transportation bill, the honourable Senator McDonald pointed out that we are weak in research on transportation in Canada. I agree entirely with that view, and I would hope that in considering industrial research in a special committee we would find opportunity to discuss and make recommendations on more efficient forms of transportation in Canada.

Section B deals with physical life and human sciences. Honourable senators, if you were to look at a list and description of the various Government organizations, you would be surprised to see the amount of research actually carried on in Canada by the federal Government. In talking to the various scientists, I find that many of them claim that too much of their time is taken up in administration. If I may, I will illustrate this by referring to a biological station at Bideford in Prince Edward Island. There the research people are carrying out research into oyster production.

At one point we needed a very special type of biologist, but were unable to obtain one in Canada. The Civil Service Commission received permission to recruit one from Europe. They were fortunate in obtaining a very enthusiastic and able scientist from England. I have, as a matter of fact, often talked to him and have been very pleased with the progress he has made, but for a year or two he was most unhappy in that he had become almost a bookkeeper.

As you know, the Department of Fisheries and the Fisheries Research Board are both involved in these stations. Through an accounting system that had been developed at the time, this scientist was busy accounting for certain expenditures that had to be attributed to the Department of Fisheries or to the Fisheries Research Board. He was losing one and a half to two days a week merely deciding who was to foot certain bills, the Department of Fisheries or the Fisheries Research Board. I think it is unfortunate that we tie people of talent down in such a fashion; their time should not be affected by matters of that nature.

Another thing that is very discouraging to our research scientists in the federal service

is the fact that, by the very budgetary system they must use, they have to ask for grants well in advance of when they will actually receive them. This is disturbing to them because they lay out a certain program and sometimes it becomes necessary to change the program in mid-stride. As a result they must wait for new estimates in order to obtain more money, and quite often valuable time is lost while the estimates are being prepared in the particular department.

Section C deals with assistance to universities and individuals. I am going to skip the universities and emphasize, as I have done in the past, the case of the individual research scientist. I feel we have been negligent in two ways in dealing with the individual. First, we do not give enough assistance in the matter of post-graduate training. Many Canadians feel that by the time they have obtained their bachelor's degree they cannot go any further, or at least they must work for a while in order to obtain money to embark on further studies. I feel we should be giving more assistance to people who wish to obtain their master's and doctor's degrees. I hope in the near future this will be the case.

The second aspect I wish to deal with is the question of salaries for some of our research scientists. In many cases they are very low and I feel that the committee should assist in attempting to correct this situation.

The fourth section deals with the structural organization, which I feel is the most important aspect for the committee to consider. I should point out at this stage, honourable senators, that certain departments, by their very nature, are more interested in research than others, and people in a certain department feel that they get the support of their minister and their deputy minister and are quite happy, while others in a department where research is not so important have the feeling that they are a sort of fifth wheel and consequently do not get the backing of their minister and deputy minister. In my view this situation emphasizes the fact that structural organization should be overhauled so that people in all departments will be given the same encouragement and the same backing.

Senator Lamontagne, in his excellent speech on June 29, recommended the establishment of a department of scientific affairs. I agree completely with him on the need for co-ordination and uniformity in direction and working conditions. On the other hand, I have listened to Senator McCutcheon on many occasions stress the point that we already have too many departments, and that the cabinet is becoming more and more unwieldy. In my view, the committee could possibly find a common ground between the two views and thereby render great service to scientific research in Canada.

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

DIVORCE

RESOLUTIONS ADOPTED

The Senate proceeded to consideration of Resolutions numbered 223 to 267, inclusive, which were presented on Thursday, November 2.

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, moved the adoption of the following resolutions:

Resolution 223, for the relief of Micheline (Michelene) Maria Ruggiero Barriere.

Resolution 224, for the relief of Beryl Georgina Josephine Hawthorne Pattison.

Resolution 225, for the relief of Irina Porges Beladi.

Resolution 226, for the relief of Roger Morency.

Resolution 227, for the relief of Lorna Pollock Ryer.

Resolution 228, for the relief of Karl Beat Immer.

Resolution 229, for the relief of Guy da Silva.

Resolution 230, for the relief of Cecile Marthe Paquin Roy Dechene, otherwise known as Cecile Marthe Paquin Roy Deschenes.

Resolution 231, for the relief of Marthe Hebert Monette.

Resolution 232, for the relief of Brenda Armstrong St. Jean.

Resolution 233, for the relief of Marie Andree Daniele Anne Marcoux Chapman.

Resolution 234, for the relief of Real Thivierge.

Resolution 235, for the relief of Clarice Theresa Desroche Colpitts Creighton, otherwise known as Clarice Theresa Desroche Colpitts Miller.

Resolution 236, for the relief of Edmund Wilbur Markus.

Resolution 237, for the relief of Ghislaine Aubry Bissonnette.

Resolution 238, for the relief of Sandra Margaret Baly Jackson.

Resolution 239, for the relief of Gabrielle Rochon Pinault, otherwise known as Gabrielle Rochon Pineault.

Resolution 240, for the relief of Yvette Lane Forget.

Resolution 241, for the relief of Marie Suzy Renee Belanger Morin.

Resolution 242, for the relief of Gail Louise Lamarche Spritzer.

Resolution 243, for the relief of Claire Winsome McNutt Fontaine.

Resolution 244, for the relief of Mildred Marguerite Francis Stewart.

Resolution 245, for the relief of George Andrew Brady.

Resolution 246, for the relief of Estere (Esther) Henna Kirschbaum Cooper.

Resolution 247, for the relief of Ruth Gail Barbara Savard Kastner.

Resolution 248, for the relief of Gabrielle Helen Anita Lefebvre Lane.

Resolution 249, for the relief of Sophie Zalinsky Dobush.

Resolution 250, for the relief of Marie Annette Ghislaine Morency Leduc.

Resolution 251, for the relief of Helen Gail Lapkoff Farber.

Resolution 252, for the relief of Bruce Norman Baker.

Resolution 253, for the relief of Ida Berger Hoffer Rudy.

Resolution 254, for the relief of Robert Paul Goux.

Resolution 255, for the relief of Marie Paule Patricia Marotte Messier.

Resolution 256, for the relief of Joseph Laurent Barnabe.

Resolution 257, for the relief of Agnes Lenke Toth Mirkovszky.

Resolution 258, for the relief of Joseph Antoine Petruska.

Resolution 259, for the relief of Donna Florence Barfoot Callan.

Resolution 260, for the relief of Jean Bilodeau.

Resolution 261, for the relief of Rosette Gabrielle Edmee Mommaerts Lombart.

Resolution 262, for the relief of Ilde Luigia Gherpelli Perrella.

Resolution 263, for the relief of Eileen Elizabeth Mouldy Burton.

Resolution 264, for the relief of Julien Simard.

Resolution 265, for the relief of Joan Weilding Hayes.

Resolution 266, for the relief of Michel Cogger.

Resolution 267, for the relief of Marie Claire Lorraine Bertrand Brand.

Resolutions adopted, on division.

HAZARDOUS SUBSTANCES ACT

SECOND READING

The Senate resumed from Wednesday, November 1, the adjourned debate on the motion of Hon. Mr. Carter for the second reading of Bill S-22, to prohibit the sale and advertising of hazardous substances, to amend the Food and Drugs Act and the Narcotic Control Act and to make a consequential amendment to the Criminal Code.

Hon. Gunnar S. Thorvaldson: Honourable senators, as has been explained to the house by the sponsor, Senator Carter, this bill consists of two parts. The first part is for the purpose of making illegal and prohibiting the sale and advertising of what the bill refers to as hazardous substances. Some other substances referred to in the schedule of the bill are to become merely subject to a form of control under the act.

Part II of the bill consists of amendments to the Food and Drugs Act, to the Criminal Code and to the Narcotic Control Act. Incidentally only Part II of the bill has received much attention from the press of Canada, for obvious reasons. The reason is, of course, that this part contains a most important provision, in clause 23, which amends section 150 of the Criminal Code.

I will deal first with Part II. My main observation in regard to this is that the legislation is many years overdue. These provisions have not had the support of public opinion and consequently throughout the years they have been universally honoured in their breach. The effect of the clause in the present bill is to change the sale and advertising of contraceptives from the category of an offence under the Criminal Code to a controllable but permissible activity under the Food and Drugs Act. Indeed, as far

as I know, no effort has been made to enforce this law for decades and consequently it has become a dead letter and, indeed, a sham.

Some other clauses of this Part are consequential upon the change in the basic law in regard to the sale of contraceptives and deal with the control of advertising, etc., which is now to be done under regulations of the Food and Drugs Act. So, honourable senators, Part II, despite the fact that it consists of two or three pages, really contains only one section of importance, namely, the section I have referred to which legalizes the sale of contraceptives.

Part I of the bill is new legislation which brings Government into a field that in the past has, as far as I know, been subject to the ordinary processes of the market place. Also, as far as I know, this is the only country or state which has up to now dealt with the matter of so-called hazardous substances in the drastic way of making such substances subject to seizure by inspectors and making persons subject to severe penalties involving fines and liability to jail sentences.

As far as I know, we are the only jurisdiction which has taken steps to legislate as we do under this part of the act. Perhaps when the officials of the Food and Drug Directorate appear before our committee they will tell us otherwise. However, that is my present information.

On page 342 of the *Debates of the Senate* of November 1, Senator Carter summarized under six headings the purpose of Part I of the bill. Essentially, the effect of the bill can be further particularized in this way. First, in a schedule the bill declares certain substances to be hazardous, and also provides authority for the Governor in Council to declare other substances to be hazardous in the course of time. Secondly, it provides authority for so-called authorized persons, namely, inspectors, to enter premises, to examine articles, to seize, detain and to do such things as, in the language of the bill, may be reasonably necessary in the interest of public health in connection with the sale of household substances and articles which come within the scope of the legislation now and which may be later added by regulation.

I, for one, take strong objection to making any law giving any government official, whether policeman or so-called inspector, the power to walk into premises and to make seizures of goods, unless there is a proven necessity for doing so in the interests of some good and valid cause or reason.

I have read the somewhat plaintive paragraph in Senator Carter's speech where he refers to the common hazards of modern life, including the sale of articles and substances that apparently can and have caused illness and even death from poisoning, and so forth. Nevertheless, one wonders if there is not some better and less drastic way of dealing with these situations than the creation of a new bureaucracy involving seizures, fines and jail sentences. For instance, I can hardly conceive of a manufacturer, importer or merchant, were he advised by letter from the authorities administering the Food and Drugs Act of the dangerous nature of some substance that he had for sale, not taking immediate steps to co-operate with the health authorities in regard to such substances. Is not persuasion much better, and could it not be more effective than the application of the mailed fist in a field of common trade such as this?

Also I believe that we have managed to control this problem in a satisfactory manner in the past by publicity and persuasion. For instance, in his speech Senator Carter referred to several substances that during recent years have been found to be hazardous. These included so-called plastic ice balls which were imported from Hong Kong two or three years ago. He also referred to a number of silver polishes having appeared on the market in past years which had cyanide as a basic chemical ingredient. He referred to some toy chickens which were imported, and their feathers were found to be contaminated with arsenic. Also he said:

> Some time ago a shipment of imported blankets became contaminated with Dieldrin which leaked on them during the voyage. Dieldrin is a toxic pesticide,... On another occasion some canape picks were imported which had been made from a nut that was highly poisonous if chewed.

He referred to the fact that there was apparently no legal way of removing these from the market. Then, in another part of his speech, he said:

> Again, apart from publicity, no legal action could be taken to remove these articles from the market.

My point about all these articles is that they are never mentioned in this bill. Why? Because of the ordinary processes of "give and take" on the market they have been removed from the market by publicity, or perhaps by the indirect efforts of the Food and Drug Directorate. For instance, I recall when we read in the newspapers of Canada about these Hong Kong ice balls, it was taken for granted immediately that no one bought them because the fact of their being poisonous or injurious or hazardous was sufficiently advertised through the public press. I suggest the same applies to all these other articles the honourable senator mentioned, the information on which he must have obtained from the officials of the Food and Drug Directorate. They have simply been made subject to publicity, and perhaps the dealers in them received letters from the Minister suggesting reconsideration of their sale. I take it for granted that co-operation of that kind is a natural thing and has in the past, by and large, been effective in keeping these substances off the market.

There is no suggestion contained in Senator Carter's speech—the pertinent facts of which, I say, must have been given to him by an official of the Food and Drug Directorate—that any of these substances are now being offered for sale and, consequently, they are not now a menace to anyone. Therefore, it seems to me that they must have been removed from the market, as they ought to have been, by publicity and persuasion.

Hon. Mr. Choquette: Have you any idea of the cost of organizing a crew of inspectors to look after that type of work?

Hon. Mr. Thorvaldson: I am coming to that aspect in a moment.

I suspect that the manufacturers, vendors, or dealers in these items co-operated absolutely with the department and cleaned up the situation in regard to such hazardous substances.

Consequently, before supporting this part of the bill I, for one, will require very strong evidence from the officials of the Food and Drug Directorate that the drastic provisions of this part are really required for the purposes of control. Part of these drastic provisions I refer to are the references in the bill to seizure, to inspectors being able to walk into any premises where they believe such goods may be stored, their right to seize them and then to go to the courts, where the prescribed penalties consist of a fine of $1,000 on first conviction or imprisonment for six months, or both fine and imprisonment. I say that before we pass legislation of this kind we should have evidence, and good evidence, that we really require such legislation.

The bill also provides for the appointment of inspectors, and I refer to section 4, which reads:

> The Minister may designate as a hazardous substance inspector any person on the staff of the Department of National Health and Welfare for such time as that person is employed in the department or for such time during the period of such employment as the Minister may specify.

One good thing, at least, is that these inspectors will not be individuals new to the job. Presumably, they are not going to be new personnel taken on the establishment, but they are going to be people now in the department. Even so, for a large country like Canada, look at the tremendous additional duties that will be thrown on the shoulders of these inspectors of the Food and Drug Directorate, the officials of which are probably busy enough already doing the job they have to do in regard to food and drugs.

There is a school of thought in every community that preaches that for all things "there ought to be a law". In fact, I frequently see in the newspaper comics a stupid character being portrayed who says that for all things " there ought to be a law."

I am very much opposed to the making of needless laws. I am opposed to giving any powers of seizure to inspectors that are not absolutely necessary. I am opposed to the creation of new inspectorships at any time, even if, under the present bill, it is proposed to retain, for the purposes of its administration, inspectors presently employed by the department. I am opposed to creating penalties, be they fines or jail sentences, in cases where the remedy is available in more gentle and persuasive ways.

Until it is proven absolutely necessary, honourable senators, businesses should not be subject to continual pestering and interference by busy-body inspectors.

An example of what I am speaking about was brought to my attention by an article in the *Globe and Mail* of last Saturday, November 4. This news item is datelined "Washing-

ton," and the headline is: "Vaccine makers asked to stop using monkeys". This is exactly what I was talking about a moment ago. I really think it would be a much better procedure, and it is a procedure that was adopted in the past when these Hong Kong goof balls, or whatever they were, came on the market. Let me read this news item:

> The Government has asked drug manufacturers to stop using African green monkeys in making Sabin oral polio vaccine.
>
> The move came after an undiagnosed disease involving the animals caused seven deaths in West Germany.

As I have said, that is a method of dealing with hazardous substances. I say that that is the method that should be used, and I will continue saying it until it is proven that we need more stringent methods.

For that purpose we will have the privilege in a few days, no doubt, of listening to the officials of the Food and Drugs Directorate. However, I do suggest that if they do not make out a case for this legislation then we in this house should not pass it. Incidentally, there was no mention in Senator Carter's speech that these laws are necessary for the reason that Canadians are not willing to cooperate with the authorities in keeping such substances away from the public after knowing about their danger.

I submit again that a strong case must be made out in committee before Part I of this bill becomes the law of the land.

Hon. Malcolm Hollett: Honourable senators, I should like to say a few words about section 4 of this bill in particular, and I shall be brief.

It has been pointed out, of course, that it is a very serious thing for an inspector to go into somebody's store or office, or whatever it may be, and tear things about or have the owner arrested, or something like that. It is a serious action for the Government to take. Section 4 of the bill reads:

> The Minister may designate as a hazardous substance inspector any person on the staff of the Department of National Health and Welfare for such time as that person is employed in the department or for such time during the period of such employment as the Minister may specify.

Honourable senators, I would like to see that section amended. The section should set out some qualification that the inspector should have. The designation of an inspector should not depend purely and simply upon the decision of the minister, because the minister, as would be the case of any of us here, would probably have no knowledge whatsoever as to what might be a hazardous substance. The inspector must be a qualified person.

If words such as "duly qualified" are inserted in that section then I can agree with it, but as it stands now the Minister may designate anybody, irrespective of his experience or qualifications, as an inspector. I take strong exception to this section as it stands.

Hon. Chesley W. Carter: Honourable senators—

The Hon. the Speaker: I must inform honourable senators that if the honourable Senator Carter speaks at this time it will have the effect of closing the debate.

Hon. Mr. Carter: Honourable senators, I should like to thank Senators Roebuck, Thorvaldson and Hollett for the contribution they have made to the debate on the motion for second reading of this bill, and for the very important points that they have brought forward.

Perhaps I might begin by replying first to the criticism voiced by Senator Hollett with respect to the appointment of inspectors. If Senator Hollett refers to section 2 of the bill he will see a definition of "inspector". Although the definitions in this bill follow generally the definitions in the Food and Drugs Act, there is a special definition in the case of "inspector". The definition is different, so the minister cannot appoint just any person from his staff to that position. He must appoint a qualified person. In order to ensure that only a qualified person is appointed as inspector that person must have the qualifications according to that definition.

Hon. Mr. Hollett: May I ask the honourable senator how "inspector" is defined in this particular bill? May I ask him to read to us what is an inspector?

Hon. Mr. Carter: I do not quite follow the honourable senator's question.

Hon. Mr. Smith (Queens-Shelburne): What is the definition of "inspector".

Hon. Mr. Carter: Section 4 of the bill has to do only with the appointment or designation of an inspector, but if you go to section 2 you find that it provides in paragraph (d)

"inspector" means any person designated as a hazardous substance inspector under section 4.

Hon. Mr. Hollett: By the Minister.

Hon. Mr. Carter: And he must be a qualified person. That is why the definition under the Food and Drugs Act is not fully adopted. This makes a distinction between an inspector under the Food and Drugs Act and one under the Hazardous Substances Act.

Hon. Mr. Hollett: It does not say that.

Hon. Mr. Carter: An inspector under the Hazardous Substances Act must have special qualifications for the job, and an inspector as defined in the Food and Drugs Act might or might not be considered qualified for hazardous substances.

Hon. Mr. Hollett: It does not—

Hon. Mr. Croll: Is this a private fight, or may we all join in?

Hon. Mr. Carter: Senator Thorvaldson began, I think, by referring to Part II of the act, most of which deals with the transfer of the control of contraceptive devices from section 150 of the Criminal Code to the Food and Drugs Act. I have received several inquiries from people who have pointed out that while this bill makes specific reference to the control of advertising of contraceptive devices, it does not make any specific reference to the sale of contraceptive devices.

In order to clear up that matter I might point out again—apparently I did not make it sufficiently clear in my original presentation—that the logical sequence of amendments is that this bill amends sections 2 and 3 of the Food and Drugs Act. Section 2 of the Food and Drugs Act is amended by adding the definition of "contraceptive device," and this is not included in the present definition of "device" in the Food and Drugs Act.

Section 2 of the Food and Drugs Act is further amended to provide a new definition of "device", which definition will in future, include, amongst other things, a contraceptive device but not a drug.

Section 3 of the Food and Drugs Act prohibits the advertising of a contraceptive device or drugs to the general public except as authorized by regulations, but section 18 of the Food and Drugs Act already prevents the sale of a device that may cause injury to the health of the purchaser or user, and section 24 contains authority to make regulations respecting the sale or conditions of sale of any food, drug, cosmetic or device, so control of the sale of a contraceptive device is already taken care of in sections 18 and 24 of the present Food and Drugs Act as it now stands.

I was very interested in the remarks made by Senator Thorvaldson about the necessity of this legislation. He made the point that in the cases cited—ice balls from Hong Kong, the toys with arsenic contaminated feathers, the blankets contaminated with Dieldrin, and the other cases—so far no adverse effects have been experienced and the publicity given seemed to have been sufficient to take care of the situation. However, I should like to remind honourable senators that these substances to which Senator Thorvaldson referred are imported into this country, but the main purpose of this bill is to afford a safeguard from hazardous substances manufactured in the country and on sale in the country.

I pointed out in my earlier presentation that in the case of common bleaching agents which women use every day in the kitchen for cleaning utensils, taking out stains, and so on, there were in one year, 1964, no fewer than 720 cases of poisoning from the use of these common household articles. In addition to the 720 poisonings from the bleaching agents there were another 217 cases reported of poisoning from articles used to clean sinks and drainpipes, and similar uses.

We therefore must not think of this bill as limited only to articles brought into this country. Its purpose is to safeguard the public from all sorts of hazardous substances now on the market, many of which are already manufactured in this country, and of course to protect the public from those new hazardous substances which will be manufactured in the future. Whatever effect publicity may have had with respect to articles brought into this country, and whether or not there were any cases of poisoning from the imported articles I mentioned last Wednesday, which I do not know, publicity alone seems scarcely to be an adequate safeguard to the public.

While I am on this point I should like to point out that paragraph 4 of Part II of the Schedule refers to:

> Glues for household or hobbycraft use containing aliphatic or aromatic hydrocarbon solvents or ketone solvents.

I have had a number of inquiries from people who are interested in the effects this legislation will have on glue sniffing, which apparently is becoming very prevalent and causing a great deal of concern. This particular activity has been given a tremendous amount of publicity, but apparently publicity alone is not sufficient to protect people from the hazards of the improper use of this glue.

I might also point out that it will be seen that the schedule is divided into two parts. Part I applies to articles which are not particularly useful, but Part II applies to articles which are extremely useful and cannot be prohibited from the market. They must be controlled. This particular glue which would have household uses is one of them. Honourable senators will know that this bill does not make glue sniffing an offence and does not provide any safeguard against the improper use of this glue, but it does afford a method by which the sale of this glue can be controlled and prevented from getting into the wrong hands.

Honourable senators, before I close I should like to say a word in enlargement of the question raised by Senator Roebuck last Wednesday after I had finished my presentation. Senator Roebuck raised the question whether provision should not be made by which a manufacturer might refer a commodity to the department and obtain some sort of certificate as to its safety, with a view to having it omitted from listing in either part of the schedule as a hazardous substance. Senator Thorvaldson also drew attention to the importance of this question.

I should like to express my thanks for the fact that I was permitted to give a brief answer to Senator Roebuck before the adjournment, but with the indulgence of honourable senators I should now like to enlarge upon that answer, which is found on page 346 of Senate *Hansard* of November 1.

Like the food and drug legislation, the Hazardous Substances Act would be enacted by Parliament, within the legislative authority given under the B.N.A. Act in the field of criminal law. I am informed that, as criminal law, it has been considered illogical for the department to license producers of food and drugs, for the reason that the issue of a licence must carry with it the assumption that certain conditions have been met before the licence has been issued.

I am informed also that, in administering a criminal law, it is considered inappropriate to attempt to advise the public in advance, whether its future actions would or would not amount to an offence. In actual fact, in complex situations of this kind, it is not posbile to give general assurance to anyone that his future activity will not, under any circumstances, render him subject to prosecution.

Hon. Mr. Choquette: I do not think that answers the question at all. If I understood Senator Roebuck, this is his question. It is like a man who wants to drink water from a well, and he takes a sample to the department and says, "Will you analyze this and tell me if my family and I can drink it safely?" I think Senator Roebuck's question meant, could he send a sample beforehand to the department and say, "Would you please analyze this and tell me if I can put it on the market?" There is no question of the application of the Criminal Code. Is not that the question?

Hon. Mr. Roebuck: Yes.

Hon. Mr. Choquette: That is all.

Hon. Mr. Carter: If my honourable friend had waited a few more minutes, he would have seen that I was coming to that particular point, which really is the answer I gave to Senator Roebuck on Wednesday last.

However, I took the matter up with officials and I thought it would be wise to place the wider, the broader answer on *Hansard* for the benefit of senators who might wish to study this prior to the bill being studied in committee.

I am told it is essential that the administering department should be able, if circumstances warranted, to place any substance on either part of the schedule set forth in Bill S-22, and it should not be inhibited in doing so, by any prior licence or other assurance that it may have given or issued to the producer of that substance.

On the other hand, as I stated in my brief reply to Senator Roebuck on Wednesday last, there is no reason at all why any manufacturer, who produces a substance of the sort not referred to in either part of the schedule, should not seek an opinion from the department as to whether it considered his product a suitable one for listing in the schedule or whether his method of selling or advertising that substance was considered to be within the provisions of the legislation. Opinions of

this sort are now given on request in connection with food and drugs, and this practice is a very useful adjunct to the overall administration of the legislation.

Similarly, a manufacturer, whose product is of a kind perhaps listed in Part II of the schedule, could make representations to the Minister to the effect that products of that kind need not be so listed. It would then be open to the Minister to make such recommendation to the Governor in Council as he considered appropriate.

Honourable senators will note that the hazardous substances listed in Part II of the schedule are referred to by the generic name of their active chemical ingredients. In so far as I have been able to find out, it is not the intention to refer to these particular products by their trade names, but rather to list their generic descriptions and to apply to them by regulation certain conditions of sale and advertising.

The only other point that was brought up, by Senator Thorvaldson, was the authority for inspectors to seize products. The only comment I can make on that is that this authority is exactly the same as that which is provided in the Food and Drugs Act and in the Narcotics Control Act and consequently there is nothing particularly new about it.

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. Carter: Honourable senators, I move that this bill be referred to the Standing Committee on Banking and Commerce.

Hon. Mr. Flynn: Would the honourable sponsor of the bill indicate whether steps will be taken to invite before the committee manufacturers who may be affected by this bill?

Hon. Mr. Carter: I do not know whether invitations have been sent out, but I do know that a number of inquiries have been received from people who wish to appear before the committee.

Motion agreed to and bill referred to the Standing Committee on Banking and Commerce.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Tuesday, November 7, 1967

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

Prayers.

DOCUMENT TABLED

Hon. John J. Connolly tabled:

Report, dated October 6, 1967, of the Restrictive Trade Practices Commission under the Combines Investigation Act relating to the production, manufacture, supply and sale of Cast Iron Soil Pipe and Fittings in the Prairie Provinces and British Columbia. (English and French texts).

FISH INSPECTION ACT

BILL TO AMEND—FIRST READING

Hon. John J. Connolly presented Bill S-27, to amend the Fish Inspection Act.

Bill read first time.

Hon. Mr. Connolly (Ottawa West) moved that the bill be placed on the Orders of the Day for second reading on Thursday next.

Motion agreed to.

DEFENCE PRODUCTION ACT

BILL TO AMEND—FIRST READING

Hon. John J. Connolly presented Bill S-28, to amend the Defence Production Act.

Bill read first time.

Hon. Mr. Connolly (Ottawa West) moved that the bill be placed on the Orders of the Day for second reading on Thursday next.

FEDERAL SCIENTIFIC POLICY

MOTION FOR APPOINTMENT OF COMMITTEE—DEBATE CONTINUED

The Senate resumed from yesterday the adjourned debate on the motion of Hon. Mr. Lamontagne, that a Special Committee of the Senate be appointed to consider and report upon the scientific policy of the Federal Government.

[*Translation*]

Hon. Jean-François Pouliot: Honourable senators, the measure now before the Senate is of particular concern to me, and I commend our colleague, Senator Lamontagne, for having raised that matter, after Senator Gershaw had done so in such a forceful manner. It is also a great honour for Senator Lamontagne to have, as a seconder, as eminent a scholar as Senator Gershaw, who is one of the luminaries of the medical profession in Canada and who took part in many debates of national importance, such as the one he initiated with regard to water, when he so ably spoke, along with Senator Pearson and Senator Cameron, on the problems with which our country is faced in this connection.

[*English*]

Honourable senators, before dealing with the subject of research, I wish to pay a special tribute to the present Leader of the Government in this chamber (Hon. Mr. Connolly, Ottawa West) and to past leaders for the help they have given me while I have been undertaking research. Without their help I would have gone nowhere, because of the reluctance of the Civil Service to answer the questions which are put by the Senate or the House of Commons.

I give all the leaders my sincere appreciation, and I join with the present leader his predecessors—Senator Brooks, Senator Aseltine and Senator Ross Macdonald, to whom I will always remain grateful.

Honourable senators, it is my great pleasure to congratulate the new Leader of the Opposition (Hon. Mr. Flynn). I have known his family very well. His grandfather was Premier of Quebec and was one of the best professors of law at Laval University. He taught Roman Law, which, with logic, is enough to permit any student of law to achieve success at the Bar. I remember that Mr. Justice Flynn, who was sitting on the Court of King's Bench, *la Cour d'Appel*, used to tell us that his lectures were a chain and if one link were missing we could not get any benefit from his teaching. Therefore we were very attentive. We took notes, and the information he gave in his teaching was most helpful to all those who had the privilege of hearing it.

The position of Leader of the Opposition is a very difficult one. But the leader must be very proud of the fact that he has been elected unanimously by outstanding men who could have been his competitors but who have bowed to him, to make their choice unanimous and to accept him as their leader.

It is a good example of democracy, and I congratulate my Conservative colleagues on having made a wise choice in such a good way.

Hon. Senators: Hear, hear.

Hon. Mr. Pouliot: I realize also that the functions of the Leader of the Opposition are rather difficult, for two reasons. In the first place, the leader does not get the information which comes to the Leader of the Government from each department on each bill. He has to take time to read every piece of legislation, to be familiar with every line of the mass of legislation which comes before the Senate. That is a most painstaking and difficult task. The legislation which comes before us is far from being drafted always in a very clear manner. It is not as clear as crystal; far from it.

In addition, the Leader of the Opposition has to deal with individualists. They show their co-operation, surely, because they are supporters of the party—and I could say that of our party, too—but they have their own views, and their leader must be a diplomat all the time. Naturally, some of his supporters at times have strange views.

If I am permitted to revert to the time when I was a member of the House of Commons, the Leader of the Opposition then was Mr. R. B. Hanson. Mr. King used to court him, to kowtow to him and give him information that we, his supporters, never had. In return, Mr. Hanson used to praise and befriend the cabinet ministers each time a Liberal member criticized them. So much so, in fact, that one day I compared him to a Disney character whom he did not know: it was Ferdinand the Bull. I compared R. B. Hanson to Ferdinand the Bull, having a daisy in his mouth for each one of the cabinet ministers. Mr. King was indignant. He wanted me to withdraw; I withdrew the bull but nothing else.

Hon. Mr. Walker: You shot the bull!

Hon. Mr. Pouliot: Yes.

Hon. Mr. Aseltine: Is this research?

Hon. Mr. Pouliot: But now, in these times, what is important is to control bureaucracy, and what astounds me is that some of the supporters of the honourable Leader of the Opposition have mouths big enough to hold 200,000 daisies—one for each civil servant in Ottawa. This is really quite disturbing. I say this as a matter of course, but I find that some people have a mortgage on criticism, and their criticism is not always constructive. They cannot understand that a member on the Government side could at times disagree with the Government. They cannot understand that. In fact, as I was going out the door of the Senate one day, a prominent senator of the other side said to me, "What kind of trouble are you going to make for your leader this afternoon?" I answered him, "Sir, I have never made any trouble for my leader, and I never will." But he could not understand that a Liberal member could ask some questions and insist on getting some information from the Leader of the Government on this side of the house. For him it was wrong, although he was very hard on his own leader for a time—much harder than I had ever been on any leader of the Liberal Party—which goes to show that some people preach certain things that they do not practise themselves.

Now, I know very well that, if I complain of the shortcomings of bureaucracy I will see some jacks-in-the-box rising suddenly to the defence of those people I criticize, saying that I should not attack them. I do not attack them; that is a misapplication of a word "attack" which was first used many years ago. But here we cannot even criticize a civil servant, because every time we even complain about somebody in the service we are frowned upon and are given the cold shoulder. We are even told that we are acting cowardly for "attacking" a civil servant in that he cannot defend himself. That is what is said.

I remember that for a time an Ottawa newspaper said that I should be "tongue-cuffed" because I complained of the Under-Secretary of State for External Affairs and the Deputy Minister of Finance. However, I paid no attention to that; I continued to express my view. Finally, when Senator Power and I were appointed to the Senate, my friend the journalist said that both of us were full of charm. So, you see, honourable senators, we have to wait and wait and in time everything is ironed out. It is a pretty long exordium.

Now I come to research. However, before dealing with research, I want to say a fraternal au revoir to our friend Senator Reid who was one of the most picturesque members of this house. By leave of the Senate, I will tell you a little story which is strictly true. The

evening that we learned in the Commons that Mitch Hepburn had been elected Premier of Ontario there was a parade in the corridors of Parliament of almost all the Liberal members. We had left a small number of Liberal members in the house, and all the others took the elevators up to the sixth floor, and at the head of the parade was Tom Reid with his bagpipes to celebrate the victory of Mitch Hepburn on every floor of the building. This story has not been told by any of the biographers of Mr. King. But the most interesting part is this, that the one who walked behind Tom Reid was Mr. King himself. It was a celebration that I will remember all my life.

I come now to research. Senator Gershaw knows research, Senator Sullivan knows research, Senator Phillips knows research, and Senator Pearson worked hard on his speech that I referred to not long ago. In the committee on Land Use, which was a committee for research, many of my colleagues did so. Senator McGrand and many others have been working hard on research.

Research is the quest for truth. I do not mean absolute truth. We find absolute truth in one single book made up of several ones—it is the Bible. And on this the Jews and Gentiles are in accord. But what is interesting to know is that according to the teachings of philosophy it is the quest for truth, for the *to ultimum quia*. It is the last reason of events or the first cause of events. You all know that. But here it is part of our work, and since my first election on December 1, 1924—a long time ago, 43 years ago—I have been engaged in research, because I could not practise law any more, travelling to my own home for the terms of the court. So, I have been interested in research, and in this I have had powerful help from the Library of Parliament. I could name not only the librarians, but each one of those working in the library, to express to them my appreciation for giving me the books I needed. They have been most helpful, and they have always been ready to supply me with the material that I have needed. I did not go to anyone to prepare my documentation. I wanted the reference books, and with them I could do my work in peace, with the help and assistance of very able secretaries whom I coached: they were willing to learn, and they have done a splendid job.

It is of great satisfaction to discover even the relative truth, which is the contrary of falsehood. Truth! You will realize that the reading of official documents and reference books is not as pleasurable as the reading of a novel, but when you have discovered the truth that you are looking for you feel a great sense of satisfaction, and that satisfaction is your reward.

On one occasion, with the assistance of reference books only, I succeeded in writing the history of Barclays Bank (Canada) Limited, a subsidiary of Barclays of London. One day I met the then president, Mr. Stephenson, and I asked him if I was right. He replied, "Yes, you were." But I was so right that subsequent editions of the reference books in which I had gathered my information contained not a word about the directors of the bank, so that history could not be written again. Barclays Bank (Canada) Limited is no more. It interested me because the English insurance companies that were doing business in Canada used Barclays Bank (Canada) Limited as a channel to divert Canadian funds to the London mother house, and so Canadians could not derive any benefit from the premiums they paid.

I am thankful to you, honourable senators, for the support that you gave me some years ago, on July 21, 1964, concerning the rights of married women of Quebec to alienate immovable property. My proposal was carried by a majority of two-to-one, in spite of the intrigues perpetrated by the university professors and the Quebec politicians who were afraid of the truth. Then the Leader of the Government conveyed the message of the majority of this chamber to the Government, and all the Minister of Justice did was to sit on the recommendation of the Senate instead of conveying it to the Supreme Court for a reference. Nothing was done. I may bring it up again but, meanwhile, you will find the subject dealt with in *Hansard* of July 21, 1964. It was after six years of intensive research that I found the relative truth about that part of the law but all that work did not count for much because there was no co-operation. I tell you some things that are on the record and which are known by you.

There was another matter which interested me very much. It concerned Dominion Day, and I asked a question about it, which was answered on June 7 this year. The question was as follows:

> In what clauses and in what lines of the pages of the Revised Statutes of

> Canada, 1952, and the subsequent Statutes of Canada have the words "Dominion of Canada" and "Dominion" (referring to the Dominion of Canada) been mentioned?

I do not blame the Leader of the Government at all for the answer that was given, which came from the Department of Justice, but you will judge whether it was bold or not.

The Senate transmitted that question to be answered, and in the appendix to *Hansard* of June 7, at page 136, I read this:

> The answer to Inquiry No. 3 is as follows:
>
> The information sought is not immediately available from the records of the Statute Revision Commission. The immediate information available indicates that the terms "Dominion" and "Dominion of Canada" occur in the following Acts:
>
> (a) By Title: Dominion Coal Board Act; Dominion Controverted Elections Act; Dominion Day Act; Dominion Succession Duty Act (Superseded by the Estate Tax Act); Dominion Water Power Act.
>
> (b) Otherwise: Excise Tax Act (ss. 26 and 35(4)) Canada Land Surveys Act (Dominion Land Surveyor).
>
> The information sought can only be obtained from a line by line search of *all* the statutes. So far as the statutes to be included in the revision are concerned it is possible to extract this information in the course of revising without disrupting the revision if sufficient time is available.

How lazy they are! We want them to work, and instead of that they write silly answers like that.

Honourable senators, Mr. David Sim—I think I have told you this before—who was Deputy Minister of National Revenue and one of the best civil servants, once told one of his staff that the answer that had been supplied to him—that is, to Mr. Sim—for the member for Temiscouata was most unsatisfactory, and that he, as a civil servant, had to redraft it and make it decent. This is how the deputy head of a department, or any chief of a branch, should speak in regard to matters that concern questions put by members of the Senate and the House of Commons.

Coming again to research, how can we do any research in Parliament unless there is some co-operation from the Civil Service? They are paid for the revision of the Statutes. They took upon themselves the obligation to revise the Statutes, which is work that is usually done outside the department, and when we ask them for information about the work that they have to carry on there is no answer, or some answer like, "Look after that yourself." It is just the same as if I had been one of the clerks of the bigwigs in the Department of Justice.

Coming to Dominion Day, just *en passant*, I do not see why we do not have a Canada Day. It was in order to delete the word "dominion" from every line of the Statutes where it occurred, that I had asked for that information. What surprises me greatly is that we now have an Order of Canada to satisfy the few hundreds instead of having a Canada Day, the name of our country, to satisfy the patriotism of all Canadians.

Take for instance the flag. I congratulate the Prime Minister and the Government for having chosen the Canadian flag which flies over all the country, and which means that Canada is growing up in importance. This is also a matter which was controversial for a time, but which is now accepted by all. I worked on it for 20 years. I did not have a word of appreciation when the flag was chosen, but I do not care about that. I might tell my younger colleagues that if they indulge in research they will have to do it for the sake of truth, and for their own personal satisfaction without expectation of anything in return.

I have several other matters to speak about, but there is one in particular. I have seen the original answers to the Leader of the Government—and mark you, honourable senators, I am not complaining of the Leader of the Government at all. I appreciate what he has done for us. I find that the results he has achieved are stupendous, having regard to the obstinacy of the Civil Service in respect to giving answers. I asked for some information about the fees paid to lawyers in Quebec by the Government of Canada. This question was passed in order that there be an answer returned, but do you know that 84 branches of the Government did not deign to answer. They paid no attention to the order that had been passed by the Senate. I complained bitterly about it. This is a matter for recrimination. In order to understand the

answer that had been given by the many departments which did answer, and in order to understand how much each firm had received, we had to write the name of the firm, the name of the department, and the amount, on separate slips of paper, and then put them together, and make a list which showed how much had been paid to each one. The list is incomplete, but you have in the work that we have done the marrowbone of the answers given by the departments.

Research requires a great deal of patience and it does not serve the purpose that it should, for one reason, that there is a trend towards giving more importance to opinions than to facts. You will get the truth only if you take the trouble to bring all the facts before you, or if you write a book and make up your own library of technical works on that subject matter so that you may peruse them when you need to; otherwise, your work is incomplete.

But now we will see what will be the success of the committee that will deal with research. I wish it success. After the work of that committee has been completed it will be set up as an example for the research to be done throughout Canada. Naturally, in some universities there is useful research made in pure science, such as research in biology and other very technical matters, but with regard to political economy and the social sciences, what is done by way of research is nil. Therefore I do not put much further insistence on that. I want to tell honourable senators that I appreciate the fact that this matter is being studied, and I am sure the time you spend on research will not be wasted.

Hon. Mr. Hollett: I wonder if the honourable senator could tell us just what is the scientific policy of the federal Government?

Hon. Mr. Pouliot: The scientific policy is carried out by the National Research Council. That is what I think. It is certainly not done by the Treasury Board, because I have been told by the secretary of the board that they have no experts on it. Perhaps they had some after their attention was drawn to the fact that they had no experts. I believe that the National Research Council and a certain number of engineers in the Department of Energy, Mines and Resources, the Department of Public Works and similar departments may do some scientific research, but I should be going too far if I started to enumerate them all, which the honourable Senator Hollett knows as well as I do.

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

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY— DEBATE CONTINUED

The Senate resumed from Wednesday, November 1, consideration of His Excellency the Governor General's Speech at the opening of the session, and the motion of Hon. Mr. Desruisseaux, seconded by Hon. Mr. Nichol, for an address in reply thereto.

Hon. John B. Aird: Honourable senators, in rising this afternoon to take part in the debate on the Speech from the Throne, I am well aware that many months have passed since that speech was delivered. However, I am grateful to our parliamentary process which keeps this debate alive, as it gives me an opportunity to present to you some ideas that I have concerning a national problem which exists in Canada today, namely, the necessity of recognizing the priority of education as an investment in human resources.

Honourable senators, I join with previous speakers in congratulating the mover (Hon. Mr. Desruisseaux) and seconder (Hon. Mr. Nichol) of the motion in reply. Most sincerely I wish to add my personal congratulations to Senator Jacques Flynn on his recent appointment as Opposition Leader. Judging by the warm approval and reception that he has been accorded, I am sure he appreciates the esteem with which he is regarded and the most sincere affection that he enjoys.

Hon. Senators: Hear, hear.

Hon. Mr. Aird: The Economic Council of Canada has become so important an institution in the four short years since its inception that today its Annual Report is a starting point for serious consideration of virtually any aspect of this nation's business. The Council's most recent report, its fourth, is no exception. It is brilliantly thorough and thoroughly brilliant.

I should like to pay tribute to Dr. John Deutsch, who retired last month as the Council's first chairman. Four years ago this Economic Council was no more than an idea, untried and untested. Under Dr. Deutsch's able stewardship, and with the help of men like Arthur J. R. Smith, who succeeds him as

chairman, that idea has become a reality, and the reality a vital and invaluable component of Government planning in the sixties. In an era in which governments must rely increasingly on informed public support in the pursuit of their economic objectives, the Economic Council has succeeded in making the workings of the economy a matter of public information. Dr. Deutsch has distinguished himself as a Canadian of great stature.

To me, one of the most significant and encouraging aspects of the Council's Fourth Annual Report is the continuing attention it attaches to education. Implicit in this view is the realization that education, more than any other area of our endeavour, will determine in the near future to what extent we as Canadians are able to share in the challenges and rewards of life in the new world—the automated, accelerated computer world of the twenty-first century.

It is about education that I wish to speak to you this afternoon, and I want to make three fundamental points. First, despite the enormous increase in educational spending since the Second World War, and particularly in the last decade, financing is still the greatest single problem in educational development in Canada today, and, what is more, it is likely to remain so for some time to come.

Secondly, the municipal property tax is hopelessly inadequate as a means of financing education today and it should be abandoned, the municipal share of elementary and secondary school costs being turned over to the provinces. Thirdly, while education should remain ultimately a provincial jurisdiction, it is nevertheless an area in which the federal Government has a legitimate interest and therefore should play a role, albeit a subordinate one.

Honourable senators, I should like to put the size of education in Canada into a perspective that I hope will have an impact upon you. I think most of us today appreciate the fact that education is a big business—in fact, the largest growth industry that we have today in the country. One in four Canadians—that is the equivalent of the populations of Greater Toronto and Greater Montreal—goes to school in one way or another; there are five million students; there are 200,000 teachers; there are 30,000 schools. It costs Canadian taxpayers $3,300 million a year—about one-fifth of all Government expenditures—to keep this business operating.

Still more remarkable is the fact that most of this business, this complex of human resources and capital plant, has been assembled during the past 20 years in a desperate race to keep pace with the post-war explosion in the school-age population. More schools were built in Canada during the last 20 years than were built in all the years since Confederation. In the 1967-68 fiscal year, the Province of Ontario will spend $595,730,000, or just under half the provincial budget, on public education. A $79,270,000 increase in that figure is already forecast for the coming fiscal year. It is obvious that no provincial government could allocate expenditures of that order to education without public support.

The public's attitude towards education has changed in the last 20 years. Whereas education was once considered as consumer goods, or, what is worse, a luxury item, it is recognized today as an investment in human resources from which both the individual and society realize substantial economic returns.

I think the public has also come to appreciate that the cost of education—our positive investment in human resources—is a bargain compared to the negative investment we shoulder in trying to rehabilitate wasted lives. We are paying for ignorance and poverty at a much higher rate than for education. The average expenditure per pupil in our public schools is somewhere in the neighbourhood of $600. The average cost of keeping a delinquent in a detention home is about four-and-a-half times as much. It costs more than three times as much to support a family on relief, and nearly five times as much to keep a prisoner in jail.

In its Second Annual Report in 1965 the Economic Council of Canada estimated the rate of economic return on Government investment in education to be between 10 per cent and 15 per cent or roughly equivalent to the typical return on capital investment in physical and financial assets. And it was on this basis that the Council said then:

> We recommend that the advancement of education at all levels be given a very high place in public policy, and that advancement in education be accorded the highest rank in the scale of priorities.

Government attitudes toward education have changed in the last twenty years, too. Government leaders and the economists who

advise them are today acutely aware of the relationship between economic growth—which is synonymous today with economic good health—and the supply of intelligent, educated manpower. Economic planning in the nineteen sixties embraces the classroom.

The Economic Council of Canada argued the importance of investment in education in relation to the growth of the economy in its First Annual Report in 1964. "The potential Canadian economy we visualize for 1970"—and I am quoting the Council here—"is a high standard of living, high-employment economy, and it must therefore be a high-education economy..." The Council enlarged on that equation in a section of that same report entitled "Significant Factors in Economic Growth," and I quote:

> During the post-war period it has become increasingly apparent that the future prosperity of a nation depends in large measure on its success in creating and maintaining an adequate supply of professional, technical, managerial and other highly skilled manpower. Knowledge and skills have, of course, always played an important role in economic growth. The natural materials and resources which support today's high standards of living, for example, have always been available, but they had no value until the appropriate knowledge and techniques had been developed for their processing and marketing.

So there it is, honourable senators. All levels of government direct staggering amounts of capital into education today because they recognize the relationship between education and economic growth; and the public sanctions such expenditures today because it recognizes the relationship between education and the nation's steadily rising standard of living.

Of course we must always remember and ensure that education obviously has other than economic ends; that the prime task of any Canadian system of education must always be the transmission of the tradition, the ideals and the purposes of Western culture. The assumption—and I think it is a fair one—is simply that to fulfill its social and cultural functions a system of education must first of all be economically efficient.

Although it is difficult to make accurate forecasts, the unprecedented growth in enrolments, which necessitated the expansion and equally unprecedented spending programs in education in the last 20 years, appears now to be levelling off.

In the next decade, elementary school enrolment is likely to rise by no more than 20 per cent; the elementary school systems have already digested the baby boom of the 1940's, and only a very marked increase in the birth rate, which appears highly improbable, could cause a comparable boom in the future. Secondary school enrolment, which is expected to rise by about 60 per cent by the early 1970's should also be under control and expanding at a much more modest pace by the end of that decade. Only at the post-secondary school level, which as only recently begun to absorb the post-war explosion in enrolments, is expansion expected to remain a problem into the late 1970's and beyond.

The crisis in numbers, as it has been called by Canadian educators, is nearly over. However, it does not follow—and I come now to my first point—that we can look forward to relief from rising educational expenditures. On the contrary. For while we have almost solved the problems of quantity, we have yet to come to grips with the equally difficult and potentially far more expensive problems of "quality control."

Of all the problems confronting us in Canada today—urbanization, economic productivity, constitutional reform—none is more urgent or important than this problem of educational quality. Oh, I know Canada has one of the best systems of education in the world. I am not denying that. But comparisons are misleading because where education is concerned every country in the world—rich or poor, highly developed or underdeveloped—is in the same boat. Writing in the August 19 issue of *Saturday Review*, Philip H. Coombs, director of the International Institute for Educational Planning in Paris, put it this way:

> Because of the vast changes that are shaping and reshaping the world today, every nation, whatever its level of economic development, finds itself educationally underdeveloped and therefore in trouble.

Up to now we have been preoccupied with numbers. But there is no magic in numbers. And there is no purpose in providing educational opportunities for every Canadian who wants them—as noble and democratic an

achievement as that may be—if the education we provide does not equip them to live in today's world, if it does not serve the purposes of modern democratic society, if it does not make them better, happier people. These are the standards by which we must measure the quality of Canadian education.

These are uncertain times. I do not need to spell it out—international unrest, new economic and social problems at home—and this country needs, as never before, the fullest development of its intellectual resources. What I am talking about then is quality input. We must take the necessary steps to ensure that as many Canadians as possible receive the best possible education.

It seems clear that the possibilities for review, revision and reform in our education system are virtually limitless. But three areas seem to be particularly important.

First, curriculum. It has been said that in this era of instant mass communications formal schooling only interrupts a child's education. I think that is a rather harsh indictment of the existing curriculum but, on the other hand, I can see how a fourteen-year-old child might find live television coverage of the United Nations emergency debate on the June war in the Middle East infinitely more interesting—and, in the broad sense, educational—than, say, a lesson on Latin grammar. The fact is that much of what our children are taught in school today has very little to do with the world that confronts them outside the classroom—which, on the face of it, seems to be a terrible waste of their time and our money.

Second, teacher training. Without commenting too harshly on the obvious inadequacy of teacher training, it is clear that for more than twenty years the demand for teachers in Canada has exceeded by far the supply. But with educational expansion beginning to level off this, too, is changing. The shortage of teachers has recently become far less serious, and I think it is reasonable to expect that as the supply of teachers catches up with the demand, teacher training should become more extensive and perhaps more specialized.

If it is difficult for the teacher to keep pace with change today—with automation, the electronic communications media and the computer only beginning to re-arrange our environment, with the full blast of the so-called knowledge explosion still to come, and with the curriculum only beginning to undergo what will certainly become a process of steady and unending change—think how much more difficult it is going to be in 20 years when all these changes and others still undreamed of have come to pass. How can a secondary school graduate with one year's training be expected to cope with this kind of situation?

Third, teaching aids. We are not as apprehensive about educational television and teaching machines as we used to be. We no longer worry about them de-personalizing the teaching process. Experiments with educational television—which is now in limited use in Canada—and teaching machines of every kind and description have shown them to have quite the opposite effect. Teaching machines, for instance, allow each child to advance at his own pace, completely independent of the rate of progress of the children around him. Educational television —the television teacher, if you like—frees the classroom teacher to devote personal attention to each child's needs.

The possibilities for the application of television, teaching machines and the computer in the classroom are very exciting. The big question at this point is not whether we should make use of these tools—for that would seem now to be virtually inevitable—but how soon we should make use of them. We have a marvellous opportunity here to be innovators, to be leaders in the development and introduction of these tools, and, not incidentally, to be among the first to benefit from the opportunities for educational advancement they promise.

One of the greatest obstacles to quality input is the absence of mechanisms within the structure of the educational system whose prime task it is to change and improve the sytem—to evaluate old practices critically, to develop new and better ones and to persuade and assist the administrators and teachers who operate the system to innovate.

I have already described education as "big business", and, if it is a big business why do we not run it as such? Whereas innovation and daring application of creativity and imagination is basic to the operation of the more dynamic of the businesses and industries in this country, it often seems almost alien to our system of education.

Priority should be given to building quality input mechanisms into the education system —mechanisms like the Ontario Institute for

Studies in Education, which was established two years ago by the Province of Ontario to undertake research in the field of education and then to translate it into practical programs for the province's schools.

There can be no relief from rising educational expenditures in Canada so long as there are curriculums to be updated, standards of teacher training to be raised and mechanical teaching aids to be introduced. Of that much we can be very certain. And so it is that despite enormous increases in educational spending since the Second World War, and particularly in the last decade, financing is still the greatest problem in educational development in Canada today and, what is more, it is likely to remain so for some time to come.

This seems as good a time as any to make yet another reference to the Economic Council of Canada. For it was with reference to just such a problem that the Council recommended in its most recent report that existing Government spending should be regularly reviewed from the standpoint of priorities so that the "thoughtless perpetration"—those are the Council's words, not mine—of existing programs will not jeopardize the development of new ones. I shall quote from the report:

> It is especially important, in our view, to give a high priority to the abandonment of obsolete programs and activities. Failure to have an adequate system for reviewing priorities and for reducing and eliminating marginal and obsolete programs could eventually lead to restriction and curtailment of all programs, including many which yield a high rate of return to the economy in terms of higher growth and human welfare.

I will not elaborate on that statement because I think its implications for every level of government—federal, provincial and municipal—are all too clear.

In Canada education has always been the financial responsibility of the provinces and municipalities. In recent years, of course, the federal Government has given some assistance in the fields of vocational training and higher education. But the main burden of the country's educational costs is still carried jointly by the provincial and municipal governments. For instance, in 1963 expenditures on formal education—elementary, secondary and post-secondary education and teacher training—totalled approximately $2,500 million, of which the municipalities paid 43 per cent, the provinces paid 35 per cent, and the federal Government paid 22 per cent.

While this distribution of costs accurately reflects traditional interests and jurisdictions —after all, education is constitutionally a provincial jurisdiction and in its administration a matter of municipal concern—it has very little, if anything, to do with ability to pay. Take those 1963 expenditures of $2,500 million, for example. The federal Government's 22 per cent and the provinces' 35 per cent represented 3.9 per cent and 29.7 per cent of their respective net 1963 expenditures, whereas the municipalities' 43 per cent represented a whopping 32.4 per cent of all the moneys spent by municipal government in the same year.

While the provinces and the federal Government may be finding it very difficult to meet the rising costs of education, the municipalities are finding it virtually impossible. Municipal revenues, as you know, are drawn primarily from taxes on real property and the fact is that, even in rapid-expansion metropolitan areas, the growth in the municipal tax base has not been commensurate with increases in the cost of education. So the municipalities are forced to raise taxes, year by year, mill by mill, to the point where today property taxes are higher in proportion to income in Canada than in any other of the advanced countries.

Which brings me to my second point: that the municipal property tax is hopelessly inadequate as a means of financing education today and should be abandoned, the municipal share of elementary and secondary school costs being turned over to the provinces.

Speaking in April to the Canadian Tax Foundation on the subject of tax reform, the Honourable Mitchell Sharp, Minister of Finance, had this to say about the property tax:

> The needs of the municipalities and school authorities have caused the property tax to be used to collect a total revenue nearly as much as that yielded by the corporate income tax, or about one-half as much as that yielded by the personal income tax. Yet, the Carter Commission confirms what we have previously suspected—that the property tax is regressive, bearing heavily on the poor.

The evidence in favour of transferring the municipal share of education costs to the provinces continues to mount. In New Brunswick, for example, where regional disparities in the quality of education have been particularly severe as a consequence of insufficient municipal financing, the provincial government has recently assumed the full costs of education. And it was one of the major recommendations of the recent Smith Royal Commission on Taxation that Ontario follow suit.

As for the municipalities themselves, they have made it perfectly clear time and time again that they would welcome such a move. The president of the Canadian Federation of Mayors and Municipalities warned in July that the municipalities can no longer bear the heavy burden of financing education out of property taxes. The demands of education today are so great, he said, that they can be met only by using the taxing powers of the provinces supplemented by large and strategically placed grants from the federal Government.

Before I go any further I want to say in passing that it is about time municipal governments in this country were invited to join the federal Government and the provinces at the fiscal conference table. The Canadian Federation of Mayors and Municipalities has repeatedly called on the federal Government to seek representation for the municipalities in any federal-provincial discussions which might concern them. But it has done so in vain. For some unknown reason, the federal Government and the provinces do not appear to take the municipalities very seriously.

Canada is increasingly a country of city dwellers. About two-thirds of the Canadian people now live in cities and the proportion is rapidly increasing. Montreal and Toronto, the country's two largest cities, account for a quarter of the population. Toronto and Montreal each spend more money in a year than most of the provinces. It is absurd in the 1960s to continue treating municipal government as small-time. And worse than absurd, it is dangerous; it leads to the kind of situation which now confronts us in the area of public housing.

Clearly, the provinces cannot by themselves bear the full costs of formal education. If, for instance, Ontario had financed all local education costs in 1965, it would have been necessary either to increase the provincial sales tax from 3 per cent to 8.6 per cent, or to increase all corporation non-income taxes and all corporation and personal income taxes by 78 per cent. So we are forced to the conclusion that if the provinces are to relieve the municipalities of the municipal share of the cost of education, they will have to receive some form of assistance from the federal Government.

The question is what form this assistance should take.

Let me say at once that I would be opposed to any federal Government activity in the field of education that tended to undermine the ultimate jurisdiction of the provinces.

Obviously, it is difficult to say exactly what the Fathers of Confederation had in mind when they wrote Section 93 into the Constitution, but there is no question in my mind that the existence of ten provincial systems of education, as opposed to one, has protected—and, yes, perhaps even nourished—that peculiar regional diversity which contributes so much to the character of this country. Call it provincialism, call it regionalism, call it anything you like—it is Canadian. And as a nation we are better for having it.

There are disadvantages, to be sure, in having ten systems of education instead of one. For instance, it is very difficult today for a child to move from one provincial system to another without suffering some dislocation. But none of the disadvantages—including the problem of interprovincial mobility—is so great that it could not be resolved by the central agency which the provincial departments of education have themselves recently established. But, a federal system of education? It is out of the question.

Having said that, I come now to my third and final point: that while education should remain ultimately within provincial jurisdiction, it is nevertheless an area in which the federal Government has a legitimate interest and should therefore play—indeed, has to play—a supporting subordinated role.

As some of you know, I am an advocate of some aspects of a concept of government called "Creative Federalism" which, in its simplest terms, takes the business-like view that government powers should be exercised by that level of government, federal or provincial, that can exercise them best. Thus, the power to direct the nation's economy should be exercised by the federal Government, as indeed it is. And education, as I said

a moment ago, should be directed, as it is, by the province.

Government powers, of course, are seldom if ever independent of one another. The economy, for instance, is intimately related to the supply of skilled manpower which, in turn, is a function of the education systems. On the other hand, the nation's ability to finance educational development is largely dependent on the state of the economy. The relationship between the two is rather circular.

However, the federal-provincial relationship is not an equal partnership. The federal Government acts in the interests of the country as a whole; the provinces represent only their own individual interests and even as a group reflect not the national interest but a consensus of regional interests. The distinction, though subtle, is extremely important, and it makes the federal Government, at least in my view, the senior partner in the federal-provincial partnership.

Any financial assistance the federal Government might provide in the field of education would, of course, constitute a subordinate role in the direction of educational development. The most obvious is the type of assistance the federal Government is already giving the provinces in the field of vocational training: that is, a system of grants which are available to the provinces for educational programs that meet federal Government requirements. There are other possibilities, of course; for instance, a system of federal Government per capita grants such as the one which was in operation in the field of higher education. Neither arrangement would infringe on the ultimate jurisdiction of the provinces; I am sure that there are many other types of arrangement that could be effected.

As to the constitutional propriety of the federal Government playing a subordinated role in the field of education, let me say that if it violates the letter of the Constitution—and I am by no means certain that it does—I cannot see how it violates the spirit. The Fathers of Confederation could not have foreseen the day when education would be regarded as a component of economic development and, in some cases, welfare. Would they have written section 93 differently, if they had? It is very difficult for me to regard the Constitution as an absolute authority when it is very clear, particularly at this point in our history, that it has fallen into neglect. To be absolutely authoritative a constitution must be a living thing, a vital organ in the body politic, and constantly subject to revision and fresh interpretation.

Honourable senators, I have come at last to the end of my remarks.

We have an unfortunate practice in this country of waiting to come to terms with our problems until they have developed into full-scale crises. I hope we do not make that mistake with the problems to which I have addressed myself this afternoon. I do not think we can afford it.

On motion of Hon. Mr. Fournier (Madawaska-Restigouche), debate adjourned.

CANADA DEPOSIT INSURANCE CORPORATION

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Salter A. Hayden moved the second reading of Bill S-24, to amend the Canada Deposit Insurance Corporation Act.

He said: Honourable senators, in February of this year we passed a bill called the Canada Deposit Insurance Corporation Act. This bill which we now have before us proposes certain amendments to that earlier piece of legislation. I shall take but a couple of sentences to tell you what the earlier legislation did and what it provided for.

Under that earlier statute the deposits of federally incorporated banks, trust companies and loan companies are insured within the limits provided in the act. In addition, the corporation was empowered to enter into contracts of deposit insurance with provincial institutions. Such institutions are defined as companies that carry on under a provincial act the business of a trust company or of a loan company or both, and accept deposits from the public. That was the scope of the legislation which was enacted in February of this year. Under that act it is required that every deposit of a member institution be insured within the limits of the act. There is no authority under that existing legislation to insure some of the deposits of any member and not others. The corporation cannot insure deposits of a member in some provinces and exclude deposits in other provinces. That is the scope, the effect and the limitations you find in the existing legislation.

However, since that statute was passed and was assented to the Province of Quebec has

adopted a plan of deposit insurance covering all deposits in Quebec accepted by deposit-taking institutions doing business in that province. In addition, the Quebec Deposit Insurance Board is also empowered to insure deposits accepted outside Quebec by institutions incorporated in Quebec. It is clear, therefore, from what I have said that without agreement between the Canada Deposit Insurance Corporation, which is the federal body, and the Quebec Deposit Insurance Board, which is the provincial body, substantial duplication would be inevitable in the area of coverage and also in the areas of charges and inspections where an institution is covered by both plans.

There has been an exchange of correspondence between the Minister of Finance and the Prime Minister of Quebec in recognition of this duplication and the difficulty and the penalties which might follow unless some adjustment is made. As that correspondence has been tabled and is available, I make only passing reference to it. In essence, it outlines the basis on which the federal authority and the provincial authority might by agreement relieve the rigour of some of the provisions of both statutes and the powers of both bodies, the corporation and the board, to the end that the charges or premiums for insurance of deposits would either cease to be or would be reduced to a minimum.

The real purpose of the present bill, which you will find in section 2, entitled "Provincial Insuring Arrangements," is to provide the empowering authority by which in the language of these sections and subsections the federal authority, the Canada Deposit Insurance Corporation, may enter into an agreement in this area with the Quebec Deposit Insurance Board.

I should point out to you that under the existing Quebec statute this board in the Province of Quebec guarantees the deposits which include the deposits in federally incorporated banks and in trust and loan companies incorporated under federal legislation, where such bodies are accepting deposits in the Province of Quebec.

Hon. Mr. Baird: To what limit?

Hon. Mr. Hayden: I beg your pardon?

Hon. Mr. Baird: Is the amount of the guarantee unlimited?

Hon. Mr. Hayden: No. The limitations in the present federal statute are carried through in the same terms in the provincial statute in Quebec. In other words, the maximum guaranteed deposit of any individual is $20,000. This is the practical situation you have, and you can see that all I have to do is to state it to indicate what the problem is and what the duplications and charges would be.

While under the Quebec provincial statute you have a definition of an institution which does not include a bank, you also have a definition of a registered institution, and you have a provision in the statute which requires every institution, other than a bank, accepting deposits in the Province of Quebec to register. But when it comes to the guarantee, the guarantee which is given by the Quebec authority is a guarantee on deposits that are accepted with the maximum limitation, and that would extend to deposits in federally incorporated banks and trust and loan companies, though there is no requirement that they register.

As I have said, the purpose of this bill is to relieve against the rigour of this situation. An agreement still has to be made, but the federal authority needs the empowering legislation before it enters into that arrangement.

I should call your attention to the fact that the language of section 2 of the bill is general in its terms and does not specifically make reference to the Province of Quebec. It is drawn in a general way so that the federal authority would have the power to carry on negotiations leading to an agreement to avoid duplication in charges, etcetera, with any province that might hereafter decide to embark on its own plan of deposit insurance coverage. The only one we have, and the one with which we are vitally concerned now, is the Province of Quebec. True, Ontario did pass a deposit insurance act before the federal statute came into force. It extended to provincially incorporated trust and loan companies accepting deposits in the Province of Ontario, but the moment the federal legislation was incorporated, Ontario indicated to all those corporations or institutions that they should seek their coverage under the federal statute. Therefore, to all intents and purposes, the Ontario legislation is in a state of suspense and the operative legislation is the Canada Deposit Insurance Act administered by the corporation under the federal act. If an agreement is reached on the basis of the exchange of letters to which I have referred,

then the empowering provisions in this bill would accomplish this.

As to institutions incorporated in Quebec, the Quebec Deposit Insurance Board would insure the deposits of such institutions in Quebec, while the Canada Deposit Insurance Corporation would insure the deposits of such institutions outside Quebec.

Secondly, as to institutions incorporated in other provinces and doing business in Quebec, the Canada Deposit Insurance Corporation would insure, with the concurrence of those other such provinces, their deposits elsewhere but in Quebec. The Quebec Deposit Insurance Board would insure the deposits in Quebec of such institutions.

If agreement is accomplished, that will be the result, and you can see how, with one other factor which I am going to add which would be part of any such agreement, the lessening or elimination of this duplication of charges would occur.

The Quebec legislation providing for this Quebec Deposit Insurance Board does not, in that statute, provide for the levying or the method of raising the premiums that are required to be paid to support this board and to support the guarantees it may give. The imposition of that tax or premium, or whatever you many want to call it, would occur in the taxing statutes in the Province of Quebec. That means that even with an agreement of the kind I have outlined, this Quebec board would levy and would collect, in the form of a tax, the amount of the premium measured in terms of the formula that is in the federal legislation and also in the provincial legislation. They would collect that from federally incorporated banks, trust and loan companies which are accepting deposits in the Province of Quebec. But then, as part of this agreement, that board would have to agree that it would remit to the federally incorporated banks and trust and loan companies operating in the Province of Quebec, an amount in respect of the levies that have been made that would equal the amount of the premium which those bodies have paid to the federal authority; and, in that way, you eliminate, to all intents and purposes, the duplication.

One question was raised, and you will see it in the correspondence. It is that the Quebec board said, in effect: Well, if we are not going to get these revenues by way of premiums from banks and trust and loan companies federally incorporated, we may run into difficulties in supporting the obligations by way of guarantee that we have undertaken. To meet that situation, there is a provision in this bill under which short-term loans may be granted on satisfactory terms by the federal authority to the provincial board in Quebec for purposes of financing which it, in its opinion, may require from time to time because of the obligations it has taken on and the guarantees it has given.

There is also provision for the exchange of information, and this would be part of the agreement. There is authority in the legislation before us so that the federal authority can enter into that kind of agreement. This is the substantial part of the bill.

In the first section of the bill, which covers several pages, there are some amending provisions which are really based on the experience that the federal corporation has had since the legislation became operative. For instance, now you will notice they establish what they call a premium year, because with this expansion of function of the federal corporation going into the field of insuring deposits of provincial institutions, you have to provide for a premium year and for a basis for levying the amount of the premium which will be paid on the basis that these institutions may enter into plans of deposit insurance at different times in the premium year. Therefore, you spell out a formula, which is done in the amending legislation, to take care of that.

You also have some provisions in the bill to deal with the matter of computing the total deposits, because you can see that with the limitation of $20,000 per person, an individual may have deposits in different banks or in many branches of the same bank. There must be some provision for establishing the total amount of such deposits so as to have an effective limitation not in excess of $20,000.

Hon. Mr. Beaubien (Bedford): May I ask the honourable senator a question?

Hon. Mr. Hayden: Yes.

Hon. Mr. Beaubien (Bedford): Does the honourable senator mean that if a man had $20,000 in the Royal Bank and $20,000 in the Bank of Montreal, he would be guaranteed under the bill for only $20,000?

Hon. Mr. Hayden: No, no. It is the sum total of his deposits in any bank.

Hon. Mr. Beaubien (Bedford): It applies to the deposits in one bank?

Hon. Mr. Hayden: Yes, in any bank. That is the maximum amount of deposit insurance in respect of which the bank would have to pay the premium.

Hon. Mr. Grosart: May I ask the honourable sponsor of this bill a supplementary question?

Hon. Mr. Hayden: Yes.

Hon. Mr. Grosart: Does that limitation apply to trust accounts? In other words, may a depositor be insured for an account up to $20,000 in his name, and a trust account also in his name?

Hon. Mr. Hayden: Well, the honourable senator poses a question of administration here, which I am not going to deal with at this time. I suppose one would have to analyze the account in trust and ascertain just who it is in trust for, and who are the beneficiaries of the account. The limitation, of course, will apply in respect of the person who is the beneficiary of the account. The honourable senator's question, therefore, is too general for me to answer in detail at the moment. All I can do is to indicate how the problem might be approached and examined.

Honourable senators, there is nothing further I wish to add at this time. I have not gone into the details of the bill, but have sketched rather broadly the scope, effect and purpose.

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

BRITISH COLUMBIA—YUKON—NORTHWEST TERRITORIES BOUNDARY BILL, 1967

SECOND READING

The Senate resumed from Friday, June 30, the adjourned debate on the motion of Hon. Mr. Connolly (Ottawa West) for the second reading of Bill S-19, respecting the boundary between the Province of British Columbia and the Yukon and Northwest Territories.

Hon. Jacques Flynn: Honourable senators, may I be allowed to resume this debate, the adjournment of which stands in the name of Senator Brooks?

Hon. Senators: Agreed.

Hon. Mr. Flynn: Senator Brooks adjourned this debate after the bill had been explained by the honourable Leader of the Government (Hon. Mr. Connolly, Ottawa West).

The bill is a simple one in its terms. It establishes the boundary line between the Province of British Columbia, the Yukon Territory and the Northwest Territories. This boundary line, as was explained by the honourable Leader of the Government, has been traced on the ground over the last 25 years, or close to that length of time, and it has received the approval of all parties concerned, especially the Province of British Columbia because an act in respect of it was passed by the legislature of that province. The proposed boundary has also been agreed to by the administrations of the territories concerned. From those facts it can be understood that there is no problem with respect to the bill itself.

I do not recall whether the honourable Leader of the Government indicated that he intended referring this bill to a committee. I do not think that would serve any useful purpose but if it is his intention to do so, there will be no objection from this side of the house.

When the honourable Leader of the Government introduced and explained this bill he took the occasion to praise the work done by the surveyors of this country. He referred to a report by the Dominion Archivist, Dr. W. K. Lamb. I feel, as a former Minister of Mines and Technical Surveys, that I should point out on this occasion that the Surveys and Mapping Branch have published as a centennial project the first volume of a book entitled *Man and Meridians* by Don W. Thomson, which is a history of surveying and mapping in Canada. I suggest to honourable senators that they read this first volume, which will be followed later by two others. It reads like a novel.

In fact, it is obvious that the history of any country is intermingled with the history of surveyors. The limits of civilization have been established by the work of surveyors. This book starts out with an account of the work of the great surveyor, Samuel de Champlain, the founder of the first permanent establishment in this country.

[*Translation*]

Honourable senators, I thought it advisable also, during consideration of this bill, to praise the fine work performed on the federal level by the Surveys and Mapping Branch. That branch of the Department of Energy, Mines and Resources conducts surveys, of course, for federal purposes, such as the

marking of international boundaries between Canada and the United States, as well as the measuring of lands under federal jurisdiction, for mining and other claims.

That branch co-operates also with the provinces for the marking of interprovincial boundaries after conclusion of an agreement. I wish to point out, in particular, that this branch has a photographic library where aerial photographs of the entire Canadian territory can be obtained. It is an extremely interesting and useful work.

In paying this tribute to the Surveys and Mapping branch, I also include the modern surveyor. I also want to extend it to all surveyors who work for the provincial governments. The importance of their work is not always properly assessed. I should like to mention two names only: that of Mr. S. G. Gamble who is in charge of the Surveys and Mapping branch of the Department of Energy, Mines and Resources in Ottawa and another one whom I know very well and who has been surveyor general in Quebec for a number of years, Mr. George Côté, who is now border commissioner. They are doing excellent and essential work which is reflected in this bill.

If modern surveyors do not face the same difficulties as those of 200 or 300 years ago, it is because they have definitely superior equipment. Nevertheless, theirs is still pioneering work.

I thought this was a fine opportunity to pay tribute to them.

[*English*]

Hon. Mr. Croll: Honourable senators, may I ask the honourable Leader of the Opposition (Hon. Mr. Flynn) a question about this book that he has recommended so highly. He said it was a centennial project, if I understood him correctly.

Hon. Mr. Flynn: Yes, that is right.

Hon. Mr. Croll: Is it available to Members of Parliament? I ask that question because I have not seen it in the Queen's Printer's list or in any other list.

Hon. Mr. Flynn: It is available from the Queen's Printer in Ottawa.

Hon. Mr. Croll: What is the title?

Hon. Mr. Flynn: The title is *Man and Meridians,* and the first volume only has been published. A French translation should appear any day now. Two other volumes are to follow, maybe one next year and the third in 1969.

Hon. Mr. Roebuck: What is the number? Usually they give a number for the publication.

Hon. Mr. Flynn: Catalogue No. M52-2065.

Hon. John J. Connolly: Honourable senators—

The Hon. the Speaker: Honourable senators will understand that if the honourable senator speaks at this time it will have the effect of closing the debate.

Hon. Mr. Connolly (Ottawa West): I thank Senator Flynn for the contribution he has made to this debate, and for the reference he has made to a very interesting and informative piece of work that has been done in the field of surveying. It is highly appropriate that he, as a former Minister of Mines and Technical Surveys should refer to this work.

I have not had any experience in the Department of Energy, Mines, and Resources, but in the course of the summer I came across a book entitled *Surveyors of Canada,* written by Courtney C. J. Bond, Dominion Land Surveyor, and published by the Canadian Institute of Surveying. The foreword is by Major General E. L. M. Burns, who has made a very significant contribution to surveying, and is well known to all members of this chamber.

Senator Flynn has emphasized the importance of surveys to the exploitation and development of a country as great as Canada. Therefore, I think a brief reference to this book would be appropriate in this Centennial Year as a tribute to a great profession and one that has made a tremendous contribution to the development of this country.

The first part deals with the 5,000-mile frontier between Canada and the United States, the survey of our southern boundary, and that principle enunciated by Robert Frost, that "good fences make good neighbours." This survey was undertaken at a very early time. It was done as a result of international agreements.

The first western boundary we have from the Rockies to Lake of the Woods was carried out beginning in 1875 along the 45th

parallel of latitude. The book indicates that the marking was never actually finished, but there was a good deal of hardship and privation suffered by the original surveyors, and indeed lives were lost in the course of the work. The Prairie portion was undertaken in 1867 by William McDougall, who was Minister of Public Works at that time, and he also arranged for the road from the Red River to Fort William. In 1872 the Dominions Lands Act was passed.

In addition to the work done on that boundary, the Geological Survey was established by Sir William Logan in 1856, before Confederation, and the work done in connection with geological surveys by carts, boats and other primitive forms of transportation, was started in Nova Scotia and ran to the Manitoba border. The name of Hugh Fletcher appears as a prominent one in that work.

In 1890 the real value of the tar sands was indicated as a result of the work of the Geological Survey, and there is mention in the book too of work done of a very important character in 1905 by the late Dr. Charles Camsell, a great public servant in Canada, whom many members of this chamber knew very well.

Hon. Senators: Hear, hear.

Hon. Mr. Connolly (Ottawa West): In addition to the work of the Geological Survey, the Topographical Survey was organized in 1873 under the then Department of the Interior. In 1890 the Topographical Survey Branch was organized. That work is now continuing with more modern equipment—aircraft, cameras, helicopters. It has extended not only to various habitable and uninhabited parts of Canada, but also to the Arctic islands; it has extended through the Mackenzie system, and since the war very modern equipment such as tellurometers, the aerodist and other such apparatus has been used to further the work.

Perhaps we forget that military surveys performed also an important part in the surveying activities in this country. Air-photo surveys—the basic research for which was done in Germany before the war—were introduced in this country in 1935. By 1950 the system known as Shoran began to be used, and in one year 170,000 square miles of Canadian territory were surveyed for military purposes by the use of this equipment. This is a tremendous amount of territory when one looks back to the earlier days and to the earlier surveys. In 1957 a new system, called radar altimeters began to be used, and it has increased the productivity of the work of the surveying profession.

Then there was the Geodetic Survey. Arthur Meighen described that in this house at one time as like the steel framework of a building. It locates the reference points on the earth's surface. Perhaps honourable senators would like to know that the first station in the Geodetic Survey was established on King Mountain in Kingsmere, and there is a pathway up to it with a beautiful lookout over the Ottawa Valley, which is particularly attractive in the early fall when the leaves are in colour. I should like to say that despite the fact that Mr. Mackenzie King had his summer place there, the mountain was not named for him; it was named King Mountain before he came into Kingsmere.

Perhaps one of the most practical surveying undertakings that the country has witnessed was the surveying done by the railroads. In 1863 surveying for the Intercolonial was undertaken, and the name of Sandford Fleming is closely associated with that great enterprise. In 1871 Mr. Sandford Fleming, as he then was, became the engineer-in-chief of the Canadian Pacific Railway. In 1881 the name of Collingwood Schreiber appears as an important man in the work of railway surveying. In the 1900s the firm of MacKenzie and Mann had a great deal of survey work undertaken. The survey of the railway surveys is indeed a story in itself.

This is a great profession. The members who have carried it on have been intrepid men; they have been ingenious men; they have been adaptable to new discoveries, to new conditions, to new requirements; and they have made possible the physical opening of Canada in so many branches of her development.

Hon. Senators: Hear, hear.

Hon. Mr. Connolly (Ottawa West): Honourable senators, Senator Flynn has suggested that it may not be necessary to send this bill to a committee. That course is perfectly satisfactory to me. I looked at this a moment ago, and noted that on June 30, in answer to a question by honourable Senator Brooks as to

whether it was desired to refer this bill to a committee, I said that it was my intention to refer it to a committee. Now I am completely in the hands of the Senate. If it is desirable to have this bill go to a committee, that is satisfactory. However, in view of the fact that the Legislature of British Columbia has agreed to the markings—and that is really all we are accepting by the bill—it may not be necessary to go further than stand it for third reading.

Hon. W. Ross Macdonald: Honourable senators although I realize our leader closes the debate, may I crave the indulgence of the Senate?

Hon. Senators: Agreed.

Hon. Mr. Macdonald: I wish to refer to one who was with us for many years, who contributed considerably to this profession. He sat on the opposite side of the house from that on which I sat. He is retired now, I understand, and is enjoying reasonably good health, living in Edmonton. I refer to Senator Buchanan.

Senator Buchanan carried on his profession in Western Canada, and I am told that he had a great deal to do with the opening of the northern part of Alberta; that in the early days he laid out great sections of that country which today are very valuable lands for wheat growing, and, farther north, oil and mineral producing lands.

When we speak of great surveyors, it should give us some satisfaction to know that one such person sat as one of our colleagues in this house for many years.

Motion agreed to and bill read the second time.

Hon. Mr. Connolly (Ottawa West) moved, with leave of the Senate, 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

On the motion to adjourn:

Hon. John J. Connolly: Honourable senators, before moving the adjournment of the Senate, I should draw attention to the fact that the *Debates of the Senate* of yesterday bear the special marking, "One Hundredth Anniversary of the First Sitting of the Senate of Canada."

I do this because this may be considered to be a rather historic document and honourable senators might not have had it drawn to their attention. We are indebted to the Clerk of the Senate and his staff for having thought about doing this in this way.

I should also like to commend the Debates and Reporting Branch, for having had reproduced by photographic process in its original form the Proclamation and an extract from the *Journals of the Senate* of November 6, 1867. This is a splendid piece of work and it makes this particular issue of our *Hansard* much more valuable.

Hon. Senators: Hear, hear.

Hon. Mr. Croll: Honourable senators, I have one observation to make. I noticed it immediately. I regret that they somehow did not take advantage of the opportunity to put in the names of those who belong to the Senate now and were present, so that we would have the complete picture on one page, as it were.

Hon. Mr. Connolly (Ottawa West): We have that.

Hon. Mr. Croll: True, but it is in another document. It is not part of this document.

Hon. Mr. Connolly (Ottawa West): Honourable senators will note that the first insert after page 392 is the Proclamation; and on the following page there is shown the names of those senators who attended the first sitting; and on the next page and the beginning of the following one is shown those who had been appointed to the Senate.

Hon. Mr. Flynn: Senator Croll is speaking of those who attended yesterday.

Hon. Mr. Croll: Yes, I mean those who attended yesterday and who were members of the Senate as of yesterday. Had they been included, we would have had the whole story in one issue of *Hansard*. However, I do not begrudge the praise for what was done, and I congratulate them on it.

Hon. Mr. Connolly (Ottawa West): I see what the honourable senator means. He

would have liked to have included also the names of those senators who attended the sitting yesterday, and which appear in our *Minutes of the Proceedings*. It is unfortunate that we did not think of this at the time. However, the record is there.

Hon. Mr. Flynn: When there is a reprint of this, possibly the names of the senators could be inserted.

Hon. Mr. Connolly (Ottawa West): Perhaps that could be done.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Wednesday, November 8, 1967

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

Prayers.

DOCUMENT TABLED

Hon. John J. Connolly tabled:

Report of Temporary Loan out of the Consolidated Revenue Fund to the Cape Breton Development Corporation on November 2, 1967, authorized by Order in Council P.C. 1967-2064, dated October 31, 1967, pursuant to section 82(4) of the Financial Administration Act, chapter 116, R.S.C., 1952. (English and French texts).

PRIVATE BILL

CO-OPERATIVE TRUST COMPANY LIMITED—REPORT OF COMMITTEE

Hon. Salter A. Hayden, Chairman of the Standing Committee on Banking and Commerce, reported that the committee had considered Bill S-20, respecting Co-operative Trust Company Limited, 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. David A. Croll: 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.

FOOD AND DRUGS 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-21, to amend the Food and Drugs 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.

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-18, 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.

PRIVATE BILL

TRANS-CANADA PIPE LINES LIMITED—REPORT OF COMMITTEE

Hon. Gunnar S. Thorvaldson, for Hon. T. D'Arcy Leonard, 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-26, intituled: "An Act respecting Trans-Canada Pipe Lines Limited", has in obedience to the order of reference of November 2, 1967, 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: For honourable Mr. Leonard, 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. Daniel A. Lang: I move, with leave of the Senate, that the bill be read a third time now.

Motion agreed to and bill read third time and passed.

ADJOURNMENT

Hon. John J. Connolly: Honourable senators, I move that when the Senate adjourns today it do stand adjourned until Tuesday, November 21 at 8 p.m.

Honourable senators, since the Senate reassembled on October 31, it has had a very full Order Paper and the work has been conducted with great dispatch. Two bills remain on the Order Paper. One is the Canada Deposit Insurance Corporation bill, on which it is possible that the debate will finish today. The other, a bill seeking to amend the Currency, Mint and Exchange Act, stands adjourned in the name of Senator Willis.

We have, since October 31, introduced six new bills to this house; two of them are standing for second reading; the other four have been proceeded with. We have made good progress with other matters as well and, in addition, we dealt with the final supply bill last Friday.

Rather than have the Senate shuffling back and forth for a couple of days a week, it seems to me in view of the situation in the other place—which we have to watch carefully—that it is more provident and appropriate to adjourn until we have ample business before us, at which time we could work hard and complete it. There will be a full schedule of work when we return, and I would certainly hope that these public measures could be cleared from the Order Paper and be dealt with in committee at that time.

This adjournment, like all adjournments, is subject to recall if necessary. I hope the motion commends itself to the Senate.

Motion agreed to.

COMMONWEALTH PARLIAMENTARY ASSOCIATION

VISIT TO CANADA BY DELEGATION

Hon. Allister Grosart rose pursuant to notice:

That he will call the attention of the Senate to the visit to Canada, 26th September to 6th October, 1967, of a delegation of parliamentarians from United Kingdom, Northern Ireland, Jersey and Isle of Man Branches of the Commonwealth Parliamentary Association, as guests of the Canadian Branch of the Commonwealth Parliamentary Association.

He said: Honourable senators, as one of the representatives of this chamber on the Executive of the Canadian Branch of the Commonwealth Parliamentary Association, it is my duty at this time to report on the centennial project of the Canadian Branch. The other representatives of the Senate on the Executive are Senator Beaubien (Provencher), Senator Bourget, Senator Cook, Senator Flynn, Senator Gouin, Senator Haig and Senator Leonard. I may say that Senator Haig and Senator Leonard are at the moment in Uganda attending a meeting of the Commonwealth Parliamentary Association as representatives of the Senate of Canada.

As a centennial project, an invitation was extended by the Canadian Branch to branches of the Commonwealth Parliamentary Association in the United Kingdom, Northern Ireland, Jersey and the Isle of Man. It was conceived as a reciprocal project for us to say "Thank you" to those branches and their members for the hospitality they have extended over the years on so many occasions to visiting parliamentarians from Canada.

Their visit lasted from September 26 to October 6. The main point of the invitation was to give the visiting parliamentarians an opportunity to see Expo and some other parts of Canada.

The branch of the association attached to the Legislature of Alberta extended a supplementary invitation, of which some members of the delegation took advantage and had an enjoyable visit to Alberta.

The delegation consisted of a very distinguished group of people and it may interest honourable senators to know who they were. The leader of the delegation was the Right Honourable Douglas Houghton, C.H., M.P., member for the Sowerby division of the West Riding of Yorkshire. The deputy leader was the Right Honourable William Deedes, M.P., Conservative member for the Ashford division of Kent.

Then there were, the Right Honourable Lord Drumalbyn, formerly Niall Macpherson, who was Minister of State, Board of Trade,

in the Conservative Government, and a distinguished Member of Parliament for Dumfries before he was appointed to the Lords; Lord Taylor of Mansfield, a distinguished Labour member, and formerly the member for the Mansfield division of Nottinghamshire; Sir Edward Brown, Conservative member for Bath; Mr. Charles Grey, Labour member for the Durham division of Durham; Mr. Stanley McMaster, Conservative Unionist member for Belfast; Mr. Frank Judd, Labour member for Portsmouth West; Mr. Marcus Worsley, Conservative member for Chelsea; Mr. Victor Yates, Labour member for the Ladywood division of Birmingham; Deputy Cyril P. Tanguy, member of the States of Jersey—the States being the official designation of the legislature at St. Helier.

We also had with us Mr. Ian McClure, a prominent surgeon and a member of the Legislature of Northern Ireland for The Queen's University of Belfast, from whom some of us learned something about British professional protocol. We were inclined to call him Dr. McClure, but he informed us that in the United Kingdom a medical man first becomes a doctor, but when he rises into the specialist class and other professional capacities he reverts to mister. So we learned to call "Dr. McClure" Mr. McClure. We also had with us Mr. Ambrose Spencer Kelly, from the Isle of Man. Some fun was engendered wherever we went by virtue of the fact that we had "Kelly from the Isle of Man" with us. The secretary was Mr. James Batten, who is assistant secretary of the United Kingdom Branch.

The itinerary, as I say, began at Expo where our visitors spent five days and visited, I think, every pavilion, and were received by, among others, the senior British trade commissioner in Montreal, Mr. Arnold Heckle, and Mrs. Heckle, and by Lieutenant General Sir William Oliver, Commissioner General of the United Kingdom pavilion. They were received at the Canada pavilion by the Commissioner General and at the Hôtel de Ville by His Worship Mayor Drapeau.

On the Sunday following the visit to Expo our guests proceeded to Cornwall where they were received by Mr. Fernand Guindon, M.P.P., Chairman of the St. Lawrence Parks Commission, and were given a very thorough briefing on the history and development of the seaway. Then they went to Upper Canada Village, where they were luncheon guests of the chairman of the commission.

On Monday they were in Toronto and were received by Mr. A. E. Hall, the Vice-President of the Toronto-Dominion Bank, and had an opportunity of looking at the smog of Toronto from the 56th floor of the bank building. After being received by His Worship the Mayor, at the City Hall—an edifice which greatly impressed them—they had lunch with Mr. G. H. S. Jackson, C.M.G., who is Senior Trade Commissioner and Head of Post for the United Kingdom in Toronto, and were briefed on the British Trade Week in Toronto.

In the afternoon they were received by the Speaker of the Ontario Legislature, the Honourable Donald Morrow, and later by His Honour the Lieutenant Governor, the Honourable Earl Rowe.

The next day they visited Niagara Falls, where they were the guests of the Government of Ontario for lunch; and on their way back to Malton they were the guests of Mr. John Addison, M.P., at his home not far from Malton.

On their arrival in Ottawa they were received by His Honour the Speaker of the Senate and by His Honour the Speaker of the House of Commons. They made courtesy calls on the Government and Opposition leaders, and were the special guests at a dinner attended by a great many members of the Canadian branch of the Commonwealth Parliamentary Association, at which the Government Leader in the Senate, (Hon. Mr. Connolly, Ottawa West), represented the Prime Minister. The new leader of the Conservative Party, the Honourable Robert Stanfield, also spoke. They were also guests at a reception given by Sir Henry Lintott, the British High Commissioner, and before departing Canada were received by the Governor General.

Honourable senators, this is one of many interchanges of this kind that are taking place around the world today among members of the various parliaments. They represent what is becoming more and more, in my view, a new aspect of international diplomacy. It was said to me by one of the parliamentarians who has been on many such trips, that perhaps if diplomats failed among themselves to solve some of the problems existing between nations, perhaps of these interchanges and visits between parliamentarians will come something approaching a solution. These visits differ from the normal contact at the diplomatic level, in the common grounds of understanding existing among

parliamentarians due to their background and the nature of their understanding of the political system; in the informality of discussion which is so prominent a feature of these visits, and, of course, in the personal friendships they generate.

I may say that I have received letters from some of our representatives who are now in Uganda, and the note that runs through them all is that of the reviving of friendships made on earlier trips, and inquiries about members of this chamber and the House of Commons who are not with them at this time but who are remembered by some of the parliamentarians of the Commonwealth now in Kampala.

For these reasons, I think it is important that reports be made on these parliamentary exchanges in which the Senate is represented. I believe they are making a useful contribution to a better understanding among nations.

Hon. John J. Connolly: Honourable senators, I shall speak for only a few moments.

First, I wish to commend the Canadian branch of the Commonwealth Parliamentary Association on their centennial project, the visit of British parliamentarians to this country this year, as has just been outlined by Senator Grosart. I rise also to thank the members of the executive of that committee, and in particular Senator Grosart, for the very great amount of work that went into the preparation for this tour which resulted in the obvious success it enjoyed.

Hon. Senators: Hear, hear.

Hon. Mr. Connolly (Ottawa West): There are others that I could mention, and others whom Senator Grosart knows, but he, in particular, has been very careful and assiduous in this work.

May I say also that I hope that it will not be another hundred years before we have the British parliamentarians back with us, centennial project or not, because the plain fact of the matter is that the British branch for years has done many things for Commonwealth parliamentarians when they have been in London and at C.P.A. meetings all over the world. The British branch has spent a vast amount of money. Its portion of the budget is almost 50 per cent of the total of all that is spent on C.P.A. work throughout the world. That is a very large percentage.

The general secretariat is in London. In addition to the normal operations in respect to keeping the C.P.A. in being, the British have been for years paying for courses for parliamentarians from various parts of the Commonwealth, including Canada. This is a most valuable exercise, particularly for young parliamentarians who are cutting their teeth and beginning to get accustomed to the ways and traditions of parliamentary life.

So, in one sense, the hospitality shown to the British branch was long overdue. I am delighted that this year it has been possible to have this very significant visit, and to have it described so ably by Senator Grosart.

There is one other thing I should like to say. In the past when the Empire consisted of five or six countries it was natural that the British Branch should have to carry the load, take the initiative, and pretty well be responsible for the functioning of the Commonwealth Parliamentary Association. That responsibility was, in fact, assumed.

Today the situation is changing. No longer is there an empire. There is a commonwealth, the member countries of which are free and equal partners under the Crown. So, it behooves at least the federal branches, the national branches in all of the Commonwealth countries to take a more active interest in the work of this association. Its objectives are most important to the Commonwealth. I believe they are most important to the world at large. So the greater the load that is borne and the greater the responsibility and interest that is shown by Canadian parliamentarians in this work, the more advantageous it will be for all concerned.

I repeat to Senator Grosart my thanks on behalf of all honourable senators for the work he has done and for his report this afternoon.

BRITISH COLUMBIA—YUKON—NORTHWEST TERRITORIES BOUNDARY BILL, 1967

THIRD READING

Hon. John J. Connolly moved the third reading of Bill S-19, respecting the boundary between the Province of British Columbia and the Yukon and the Northwest Territories.

Motion agreed to and bill read third time and passed.

FEDERAL SCIENTIFIC POLICY

MOTION FOR APPOINTMENT OF COMMITTEE

The Senate resumed from yesterday the adjourned debate on the motion of Hon.

Mr. Lamontagne, that a Special Committee of the Senate be appointed to consider and report upon the scientific policy of the Federal Government.

Hon. Norman A. MacKenzie: Honourable senators, first I should like to congratulate Senator Aird—I am sorry that he is not in the chamber to receive these congratulations —upon the most timely and excellent speech which he made yesterday on the importance of education for Canada and Canadians.

It is particularly appropriate that I should have the opportunity of speaking on Senator Lamontagne's motion for the establishment of a Special Senate Committee to study all aspects of scientific research in Canada immediately after Senator Aird's address. I say this because research is, in a sense, the alpha and omega of education. By this I mean that we must be constantly discovering and applying new and better methods and techniques in the education of children and young men and women. During their formal education, and particularly at its conclusion, we must provide them, or those among them equipped for research, with the opportunity of carrying on and making their contribution to the discovery of new knowledge, and the application of this to practical problems which concern all of us.

As honourable senators know, I have devoted most of my life to university education. Research plays a major role in university life and work, and will play an even more important role in the future. I am very glad to support Senator Lamontagne's motion.

In this connection I may say that only yesterday I came across a very interesting article entitled "Some Canadian Contributions to Medicine" written by a William C. Gibson, M.D., D.Phil., of the Universities of British Columbia and Oxford. This paper was published in the edition of June 5, 1967 of the Journal of the American Medical Association, Volume 200, at pages 860 to 864.

I wish I had the time to read all of this paper, because I was both surprised and delighted at the number of Canadians who have made distinguished contributions in this field and at the importance of their contributions to medicine and the sciences. I recommend that all of you who may be interested in scientific research, and particularly any of you who have any doubts about the importance of supporting research, should read this article, for there is good evidence in it that most of us have benefited in direct ways from the medical research done by members of the Canadian medical profession here in Canada, in the United States, in Britain, in France and in other parts of the world.

On page 863 of this publication Dr. Gibson writes as follows:

> Throughout the first world war A. B. Macallum laboured to develop scientific research under a Privy Council committee set up along lines similar to the Medical Research Council of Great Britain and the National Research Council in Washington. The House of Commons unanimously passed the legislation, only to have it torpedoed in the Senate where decerebrate rigidity won the day. One senator called the bill "sheer nonsense" and his view, unhappily, prevailed. Only gradually has it dawned on us that the campaign for research support is too important to be left to researchers. It requires the concern and unremitting effort of all educated and civilized people.

Since that time, when it seemed that in the Senate at least a negative attitude towards research was in vogue, the Parliament and the people of Canada have come a long way in providing assistance for research.

After World War I the National Research Council was established, with its headquarters here in Ottawa, under the presidency of Dr. Henry Marshall Tory, then President of the University of Alberta. Canada owes a great deal to Dr. Tory, and I wish I had the time to record some of his contributions to our nation. Among other achievements, the National Research Council is one of the most outstanding, and it has contributed, both through its own laboratories here in Ottawa and across the country and, perhaps more important, through its support of research in the universities, a great deal to Canada.

I have here in the current issue of the *Canadian Year Book* the organization of research at the federal level in Canada. I have mentioned the National Research Council. Then in chronological order comes the Committee of the Privy Council on Scientific and Industrial Research, then a committee known as the Science Secretariat in the office of the Prime Minister. Only last year members of this house will remember that we approved the passage of an act setting up the Science Council of Canada.

I think it is in order too to list here some of the various departments or agencies of government that are interested in research. I

should like to recommend to all those in the Senate who are interested in this matter this issue and preceding issues of the *Canadian Year Book*, this one from page 382 on. In it are these departments: the Departments of Agriculture, Atomic Energy—including the Atomic Energy Control Board and the Atomic Energy of Canada Limited—the Department of Fisheries, the Department of Forestry and Rural Development, the Department of Industry, the Medical Research Council, the Department of Energy, Mines and Resources, the Department of National Health and Welfare, the National Research Council, the Department of Indian Affairs and Northern Development, the Department of the Secretary of State, the Department of Transport, the Department of Veterans Affairs, certain other civilian departments or agencies, the Department of National Defence, the Armed Forces and the Defence Research Board.

All of these to all intents and purposes are concerned with what may be described as scientific research. There is in addition, of course, the Canada Council which, indirectly if you like, through grants and other ways to the universities does support research in the humanities, in the liberal arts, in the fine arts and in the social sciences.

Honourable senators will therefore readily appreciate the importance that is given to research by this Government and this Parliament, and by the people of this country, and why it seems timely and in order for us in the Senate, not only to know more about this, but to apply ourselves to a thorough study and investigation of this whole field.

Research is usually described as being either basic, that is, pure research, or applied, that is, practical. Basic research is concerned with the search for new ideas, for new discoveries, and with the pushing back of the frontiers of human knowledge farther out into the unknown. Applied research is the process of taking the results of basic research and applying them in practical ways to problems to be solved or to new techniques, procedures, machinery, equipment and the like.

Understandably it is difficult to define the line dividing basic from applied research, and equally difficult to restrict the work of scientists to either one or other of these fields. In a general way, however, it has been and continues to be assumed that the universities are concerned primarily with pure or basic research, while industry is interested in applied and practical research. Governments at all levels, and more particularly the federal Government, are involved in both basic and applied research, though naturally one assumes that most of its work and most of its results are in the practical and applied fields.

Scientists themselves tend in many ways to be interested in both pure and applied research, and are unhappy if any attempt is made to deny to them the opportunity to work in both fields.

I have given you the list of agencies and departments of the federal Government working in these fields. The only other matter in this connection which I would like to bring to your attention is that most of the provinces have their own boards or councils or foundations, which exist to assist and promote research in work in which provinces and the people of the provinces have a direct and special interest.

Industry, too, is interested in and concerned with research and some of the larger and more important of the industries do carry on important and extensive programs, but here we are faced with the problem common to Canada in practically every field and that is our relations with and dependence upon the United States of America. Many of the industries in Canada are branches or subsidiaries of parent industries in the United States and it is understandable that the research done in these industries, in the main, will be done at the headquarters of these industries in the United States.

This creates a serious problem for Canada on two counts. The first is, if good young Canadians interested in applied research in industry want to find employment, it is necessary in too many cases for them to go to the United States. The other fact, or probability, is that since discoveries made are likely to be beneficial, their release to Canadians may be restrained or prevented with a view to the advancement of the parent organizations in the United States and that country's economy generally.

Perhaps the most graphic illustration of our problems in this respect grew out of the program for the development of the Arrow —that controversial aeroplane. Without entering upon a debate about the wisdom of the decisions made in respect of it, the results are well known, for the abandonment of that program did result in the transfer or movement of most of those engaged in research on the program to the factories and industries on the west coast of the United States which were carrying on advanced work in this field.

As I have indicated, the universities provide one of the most important sections of the whole field of scientific research. On the basis of my own experience, I believe that federal Government money, spent through the universities, has been well spent and has, in many ways, been more productive, particularly in basic research, than money restricted to the federal Government agencies or laboratories alone.

This is best illustrated by contrasting the contribution made by the National Research Council, through its co-operation with the universities, with the contributions made by the Departments of Agriculture, Forestry, and Fisheries, which have tended to restrict their support to government laboratories and government agencies and have used the universities only in a limited way and to a limited extent.

In addition to these three areas of research, namely, the governments, the universities and industry, there are of course the private individuals who occasionally, with limited if any resources, other than their own brains, make outstanding contributions which have profound effects upon all of us and upon the whole field of research.

I have in mind the fact that Sir Frederick Banting did most of his work on insulin in the Canadian equivalent of a garret, and I suspect that Einstein relied more on his own unique brains and intelligence than on expensive laboratories.

While we hope and expect that individuals can and will continue to do this, I can only give it as my own opinion that, without substantial and increasing government aid, research in this country will not advance as it should and Canada and Canadians will drop behind in the continuing race to solve problems that concern all of us and to ensure, for Canada, its share of the development of its products and of developments that are taking place in other countries throughout the world.

It is for these reasons that I believe a thorough study of this whole question is of such importance, not only regarding the ways in which federal moneys and private moneys may be spent, but as to the overall organization, the co-ordination of research in this country and the co-operation which may be effective between the various groups involved in it.

As Senator Lamontagne said a few days ago, whether we maintain our place in the world in which we live and work, or whether we drop behind with reference to other countries, will depend very largely on the intelligence that we have and the support that we give in this important field, not only of scientific research but of research into the social sciences, the humanities and other liberal and fine arts as well.

Motion agreed to.

APPOINTMENT OF MEMBERS TO COMMITTEE

Hon. John J. Connolly moved, with leave:

That the Special Committee of the Senate appointed to consider and report upon the Scientific Policy of the Federal Government be composed of the honourable Senators Aird, Argue, Belisle, Bourget, Cameron, Desruisseaux, Grosart, Hays, Kinnear, Lamontagne, Lang, Leonard, MacKenzie, McCutcheon, Phillips, Sullivan, Thompson and Yuzyk; and

That the said committee be authorized to print such papers and evidence from day to day as may be ordered by the committee.

Motion agreed to.

CANADA DEPOSIT INSURANCE CORPORATION ACT

BILL TO AMEND—SECOND READING

The Senate resumed from yesterday the adjourned debate on the motion of Hon. Mr. Hayden for the second reading of Bill S-24, to amend the Canada Deposit Insurance Corporation Act.

Hon. Jacques Flynn: Honourable senators, I wish to yield to honourable Senator Grosart.

The Hon. the Speaker: Is it agreed that honourable Senator Grosart speak now instead of honourable Senator Flynn?

Hon. Senators: Agreed.

Hon. Allister Grosart: Thank you.

Honourable senators, yesterday we had, as is usual from Senator Hayden, a lucid and very complete explication of the complex provisions of federal-provincial jurisdiction, which Clause 2, the substantive part of this bill, is intended to meet.

The purpose of clause 2, as Senator Hayden told us, is that it has been found necessary, in view of the decision of the Province of Quebec—which they have every right to make, of course—to operate its own system of deposit insurance for certain deposit-taking institutions.

The only point which occurred to me in that respect is that I was under the impression that the Canada Deposit Insurance Corporation already had authority in the bill we passed last February to enter into these contracts with the various institutions outlined in the act. I refer to section 8(b) of the act which is under the Objects, Powers and Duties of the Corporation, and gives the Corporation power to provide the deposit insurance under the act for federal institutions and to enter into contracts of deposit insurance with provincial institutions.

However, I suppose that the law officers of the Crown felt that a more explicit authority was necessary to enter into these contracts with provincial institutions. I would say that if there was any doubt whatsoever in their minds on that score, we cannot complain of their decision to come back to Parliament and ask for that specific authority. I would like to see them do it more often than they do.

This brings up another point, namely, the definition of the word "deposit" in the title of the act and throughout its sections. I regret that this was not the subject of an amendment in this bill. As honourable senators may remember, there was strenuous objection when the act was under consideration in Parliament over the lack of such a definition in the bill.

The explanation given by the minister was on the whole satisfactory, I think, particularly because of the urgency of the circumstances under which that bill was introduced into and passed by Parliament. In fact, it was handled more expeditiously than usual for bills of Parliament. Expediency, of course, is often a good reason for particular action by a government, although one has doubts often as to whether in the long term expediency is a complete justification.

The complaint about the lack of definition was that a Corporation, the Canada Deposit Insurance Corporation, was being set up but with no definition of the essential word in its title, "deposit". The definition was left under the act to the officials of the corporation to define in a by-law—which they have done—the by-law being, of course, subject to approval by order in council.

It was pointed out at that time that this corporation was not directly responsible to Parliament and that this lack of definition gave to the officials really the right to describe the ambit of their authority. As I say, the by-laws are subject to approval by the Governor in Council, but the effect of this surely was that Parliament lost complete control of the basic subject of this important Act. I say that because the corporation, subject to the Governor in Council, was given the authority to define the essential word in the title of the act and the essential operative word throughout the act.

I would have to say that great credit is due to the officials for getting the by-law ready as expeditiously as they did, so that as early as March 30 this year the by-law was approved and now stands by order in council as P.C. 1967-579.

I must say I had expected that the definition, which is so important a part of the act, would have been incorporated into this first amending bill which is the one before us now. I suggest that the advantages of that would have been quite obvious. As I have said, the reason given for not incorporating the definition into the original act was the urgency of that particular time. If that was so, surely it was reasonable to expect that the omission would be corrected at the earliest opportunity—which is now.

As a matter of fact, that was the impression that I at least was given by the minister when he said:

> After we have had some experience it may be possible for us to describe more precisely in legislation of this kind the instruments that would hereafter be insured.

The reference to "hereafter" was to the fact that in this emergency situation all eligible deposit-taking institutions were—if I may use a short word, though not entirely an adequate one—automatically brought under the protection of the act when it was proclaimed.

Today the corporation has the experience that the Minister spoke of; certainly, it has enough to give it the confidence to draw up a definition of "deposit" and incorporate it in the by-laws.

Hon. Mr. Aseltine: What does "deposit" now cover?

Hon. Mr. Grosart: The definition of deposit, senator, is a very long one. I would not like to summarize it. Perhaps Senator Hayden might do that. I would like to hear him summarize section 2, subsection 1, paragraph (a) and the succeeding subparagraphs.

I will have some comment to make a little later on what I consider an inadequacy there, but by and large I am assuming that the definition is adequate under the circumstances, largely because of the tremendous experience the officials of the department have had in dealing with deposit-taking institutions.

I can deal with deposit, Senator Aseltine, by extracting a few of the major parts of the definition.

> 2. (1)(a) "deposit" means the unpaid balance of the aggregate of moneys received or held by a federal or provincial institution within the meaning of the Act, from or on behalf of a person in the usual course of business, and for which the institution
>
> (i) has given, or is obligated to give, credit to such person's account or
>
> (ii) has issued or is obligated to issue, a receipt, certificate, debenture other than a debenture issued by a chartered bank, transferable instrument, draft, certified draft or cheque, traveller's cheque, prepaid letter of credit, money order or other instrument in respect of which the institution is primarily liable, if the institution is obligated to repay the moneys
>
> (iii) on a fixed date,
>
> (iv) on demand by the depositor, or
>
> (v) within a specified period of time
>
> following demand by the depositor...

It then limits the definition—and I think this is the essential limitation in the definition in the by-law—to instruments of the kind which mature in five years.

I will comment on another part of the defining section in a few minutes. Now, with respect, I was going to suggest to Senator Hayden, who is not only the sponsor of the bill but Chairman of the Standing Committee on Banking and Commerce, which I presume will be considering this bill, that it might be a proper course to recommend that this temporary omission of a definition being included in the act be rectified in a subsequent amending bill. I do suggest that it is at least unusual, if not unacceptable, for a bill or act of this kind to confine its definition of the main and operative words to this:

> "deposit" means a deposit as defined by the by-laws of the corporation.

I might say that I am well aware of the difficulties that have arisen over the years in the attempt to define a "bank". The Bank Act defines "bank" as "a bank to which this act applies". There are particular reasons, I think, why there is no further definition in the Bank Act. It is because there is good reason for limiting the definition of the word "bank" to certain institutions which we know as chartered banks and the Quebec Savings Banks to which that act applies.

The Porter Commission, as honourable senators will remember, wrestled with this problem a bit, and they came up with a definition of what are sometimes called "near-banks" as "banking institutions". And banking institutions are defined by the commission to include all financial institutions which issue transferable demands and short-term claims with an original term up to 100 days. We are speaking of definitions, and this was the Porter Commission's definition of a banking institution. The Bank Act does not define "bank" as such, other than as a bank which is covered by the Bank Act.

As a matter of fact, I listened to the Inspector General of Banks one day in committee, and, if I am correct in paraphrasing him, he said that not only has Canda never come up with a definition of banking but, to his knowledge, neither has any other country in the world.

However, I suggest that that problem is not the problem here. The officials have come up with a definition of "deposit", which I presume is generally acceptable and workable, and all I am suggesting is that perhaps the Senate committee would consider recommending that this definition, if it is an adequate one, if it meets the approval of the committee, be at some future date included in the interpretation section of the act.

There is another reason why I think this might be a useful way of proceeding in this matter, and that is that if this were done, then this important definition would come before Parliament in a normal way, and Parliament would be given an opportunity, in effect, to find out what it had done in passing the original Canada Deposit Insurance Corporation bill. I am not expert enough in these matters to say whether this definition is adequate. I have great respect for the officials, but as a layman I would question, as I said to Senator Aseltine a moment ago, one part of the definition which occurs in section 2, paragraph (c), defining "date of deposit", it says:

> (c) "date of deposit" means with respect to any moneys constituting a deposit within the meaning of paragraph

(a), the day credit for such moneys is given to the account of the depositor or the date an instrument is issued for such moneys by the member institution.

This seems to me to be a little unclear unless there is elsewhere a legal definition of "given to the account of the depositor". It would seem to me that the depositor might here have been left unprotected in the case of failure or neglect of the deposit-taking institution to credit the amount of the deposit to his account. And in these days of computerized accounting one, I think, would be entitled to ask how often that might happen, and how long it might take a depositor before he would find out about it. I am not sure whether the terms of reference to the Standing Committee on Banking and Commerce would give them the authority to examine this by-law, but I suggest that it would be very helpful, in view of the well-known and special competence of that committee, if they would do so, because this might give some help and even direction to the committee on Finance, Trade and Economic Affairs of the House of Commons, which is charged with the examination of this definitive by-law. Indeed that committee postponed its first meeting after the recess until it had this amending bill before it.

There are then some corollary matters that might be mentioned at this time, and these are what I would call improvements in our financial legislation which would, as this act does, continue the implementation of some of the recommendations of the Porter Commission. They would not all be implemented under this particular act, but some, at least, of the suggestions would be of a very vital interest to the corporation in view of the guarantees it now extends to depositors in banking institutions.

At this time I would like to read from page 375 of the report of the commission where it says:

> ... we recommend that the powers of banking institutions be broader than any of them exercises under present legislation.

This was, of course, before the passing of the present Bank Act.

> They should all be free to invest in N.H.A. or conventional mortgages, subject in their conventional lending to the 75% loan-to-value limit—similarly, they should all be free to make commercial and personal loans without restriction on the security they choose to take, and should all be entitled to the classes of security now available to chartered banks under Section 88 and related parts of the Bank Act, and to any loan guarantees which are offered by the Government to the present chartered banks. Other institutions need the same access to security as chartered banks if they are to compete effectively in this area, particularly as the banks' long experience and established position will give them a great working advantage.

One of the peculiarities of the implementation of the Porter Report is that it did recommend that the whole business engaged in by banking institutions should be made more competitive. The effect has been to make the business rather less competitive in one sense in that now we have resumed the trend of some years ago of very substantial increases in the share of banking business enjoyed by the banks. Mr. Rasminsky called this the other day a revolution in our financial economy. I am not in any way against banks; personally I could not get along without them, but I do suggest that there should be a further implementation of the Porter recommendations to balance the competitiveness of the banks and other financial and banking institutions.

I believe there are some submissions before the Government at the moment, and one of them at least would appear to come under this act. It would require an amendment to section 11, paragraph (a), which I do not intend to read in full. I believe there was some hope on the part of one group of deposit-taking institutions that this particular paragraph might have been the subject of an amendment in this act. The amendment that was hoped for by some would have given certain deposit-taking institutions other than chartered banks recourse as of right and as of normal business practice—

Hon. Mr. Aseltine: Credit unions?

Hon. Mr. Grosart: Credit unions, no.

Hon. Mr. Aseltine: They are not included now?

Hon. Mr. Grosart: They are not included in the Canada Deposit Insurance Corporation Act at the moment. They have asked for this

particular kind of support and I believe it is now before the Government. The purpose of the amendment which some had hoped for would be to give some recourse to member institutions as of right to the corporation as an ultimate lender, or, as it is sometimes called, the "lender of last resort"—which seems rather an ominous phrase—to give them recourse to the resources of the corporation in the normal course of business in much the same way that the chartered banks now have this kind of recourse to the Bank of Canada.

Perhaps we can look forward to this kind of amendment and some other amendments in other acts to implement these recommendations of the Porter Commission in further legislation that will come before us.

Hon. Jacques Flynn: Honourable senators, may I be allowed just a few remarks. The main purpose of this bill is to provide for an arrangement between the Canada Deposit Insurance Corporation and the Quebec Deposit Insurance Board so that there is no duplication. Senator Aird made an excellent speech yesterday. I am not discussing the topic of his speech because it would be out of order, but in passing I wish to compliment him on an excellent expose and to quote from his speech at page 422 of *Hansard*:

> As some of you know, I am an advocate of some aspects of a concept of government called "Creative Federalism" which, in its simplest terms, takes the business-like view that government powers should be exercised by that level of government, federal or provincial, that can exercise them best.

It would be interesting to ascertain, from the experience of both the Canada Deposit Insurance Corporation and the Quebec Deposit Insurance Board, which level of government can best undertake the insurance of deposits.

Hon. Salter A. Hayden: Honourable senators—

The Hon. the Speaker: I must inform honourable senators that if the Honourable Senator Hayden speaks now it will have the effect of closing the debate.

Hon. Mr. Hayden: Honourable senators, there are just a few points I want to make in answer to questions raised by Senator Grosart.

First, in connection with the definition of "deposit," you will recall that in the original act provision was made so that the board of directors, subject to the approval of the Governor in Council, might make certain regulations. One was to define the expression "deposit" for the purposes of this act. I agree that this is an unusual way of dealing with a matter which is really the basis of and fundamental to the legislation, because the premiums have to be calculated in relation to the amounts encompassed in the word "deposits." The limits of liability have to be determined in that same relationship. But the legislation was accepted because the minister quite frankly said this was new and they wanted a little time to work with it.

Now a regulation has been passed defining "deposits," and I am sure it may well be the view of this house—as it may well be of the committee, as and when the bill goes to committee—that if the experience of those administering the work of this corporation has got to the stage where they are able now to propound a definition of "deposits," then the proper place to put it now would be in the statute and not in the regulations. I would expect that is a matter which would be raised and which would be regarded as a very sensible solution to this question. To have to look to a regulation to determine what is basic in the bill is not something that should persist for any indefinite length of time, nor should it persist much longer after you have been able to put it in definition form which, we must assume, is good enough for the administrative purposes of this corporation.

My friend also referred to one of the paragraphs dealing with the definition of "deposit" as contained in by-law No. 1 of the general by-laws of the corporation. I do not propose to spend any time on it. On the question of the date of deposit, I would have thought that possibly the date of the deposit would be more accurately described as the date credit for such money is given or should have been given, instead of simply saying it is the date credit for such deposit or such amount is given. But I am sure we can clarify that when we get to committee.

My friend has gone to the third question, which I feel is a substantial one, that is that banks, in the interests of liquidity, may have recourse, on terms provided in the Bank Act, to the Bank of Canada to secure additional moneys, and the terms are provided. He was

suggesting that some concept be incorporated into the deposit insurance legislation under which that kind of recourse would be available to trust companies and loan companies.

First, I think such recourse is available under the statute, but not on the basis that my friend put it—that is, that it would be a recourse as of right on the part of the trust companies or the loan companies. There is recourse provided under section 11(a), at the instance of the corporation, and here is the language first. Then I will make my comment.

> ...the corporation may, in furtherance of its objects,
>
> (a) acquire assets from a member institution,

That would include a trust company or loan company covered by this statute.

> make loans or advances to a member institution and take security therefor and guarantee loans to or deposits with a member institution,

And here are the important words:

> for the purpose of reducing a risk to the corporation or reducing or averting a threatened loss to the corporation;

This means that at any instant, where it appears to the corporation that the liquidity of the member institution has reached a stage where there is some risk to the corporation in relation to the guarantee which it has given as to deposits, then the corporation may make loans or deposits with that member institution so as to reduce or lessen or remove that risk. Or, alternatively, it may take the same course for the purposes of reducing or averting a threatened loss. First, you have the question of risk; and, secondly, the question of a threatened loss.

I have been informed that in one instance the corporation has already moved administratively under section 11(a), and has either advanced moneys or made deposits—I think in this case it was an advance of moneys—on the very basis under which it is permitted to do so in this section, in relation to a member institution which, I understand, was a trust company. I also understand that at the present time the broadest possible interpretation is being given administratively to this section in the interests, of course, of preserving the integrity of the corporation itself and the insurance that it has undertaken in relation to deposits. But to do this as of a right in the member institution to demand or to have resort to the corporation is a different proposition, because member institutions in the area of trust companies and loan companies are not primarily bankers and they are not primarily carrying on the business of banking; they operate in many other fields and in a larger area.

Having regard to the supervision of banks under the Bank Act, you could justify the approach which a bank has of right to additional money or to the availability of additional money under the terms and conditions of the Bank Act to improve its liquidity for the time being. We have been told about those conditions in committee and here when we were considering the bill. They are strict, and the position of the central bank is well protected when it deals in that way; but my own view is that there is a differentiation between providing recourse as of right in the case of banks and providing it at the instance of the corporation in the case of member institutions other than banks. The only recourse under this statute in relation to any member institution is for the purposes which I have stated. The recourse as of right, if you meet certain conditions, in relation to banks exists under another statute. But this is a legitimate comment in relation to the provision of the act, and since we have before us the bill proposing amendments to the act, it would be a legitimate inquiry to make in committee and a proper issue to raise.

I have added what I know about it now. I have expressed my own viewpoint in relation to it, and why I think this provision in relation to trust companies and loan companies goes as far as it should. But, at the same time I call attention to the fact that in this bill there is no differentiation made in relation to the right of the corporation to lend assistance to a member institution if there is a risk to the corporation in not doing so, and there is no difference made as between banks and the trust and loan companies. The difference is one that exists under the banking legislation itself.

This is an important point, and I think it would be legitimately a subject matter for discussion in committee.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Hayden, bill referred to the Standing Committee on Banking and Commerce.

CRIMINAL CODE (HATE PROPAGANDA)

BILL TO AMEND—DEBATE ADJOURNED

Hon. Jean-Paul Deschatelets moved the second reading of Bill S-5, to amend the Criminal Code.

Hon. Arthur W. Roebuck: Honourable senators, I have no desire to make a speech in connection with this bill, but I would like your permission to make a suggestion.

This bill, as honourable senators will recall, is one that relates to genocide. It is as we called it, the hate propaganda bill. No bill in recent times—according to my memory, at all events—has had the amount of attention, or has undergone the extent and intenseness of debate, that this bill had during the last session. The debate commenced in November 1966 and ran on until March 20, 1967, when I closed it—four months in all. Every honourable senator who had anything to say on this bill said it, I have no doubt, in that time. There were no less than ten speeches, excluding my own.

The one thing upon which we all agreed —because there was a very wide diversity of opinion in respect of this bill—was that it should be referred to a committee. The motion to refer it to a committee was agreed to almost unanimously. The committee to which it was referred at that time was a joint committee of both houses. That committee met, and on my motion Senator Bourque was elected chairman. Then, as honourable senators will remember, the session was prorogued on May 8, and that was the end of the matter.

We have now constituted another committee, but this time a committee of the Senate. That committee is ready to act. My suggestion is that we pass this bill on second reading now.

Hon. Mr. Aseltine: No, no.

Hon. Mr. Roebuck: Let me make this suggestion, anyway. I do it so that the committee can get to work, and bring in its recommendations, whatever they may be. I can assure you that I will not be the chairman of that committee. I have played too active a part in the debate.

I want to make it perfectly clear that I have no desire to prevent anybody who wishes to speak from speaking, but I do take the liberty of making this suggestion. Do not forget that there will be two more opportunities for debate in this chamber. The first will occur when the committee reports, and the second, if the bill gets that far, will be on the motion for third reading.

I am not moving closure, I can assure you, but I think it would be wise from our own standpoint to facilitate the progress of this bill through this house by letting the committee that is already constituted get busy on it and hear the representations that may be made, and then make its report.

There will be a different attitude taken, I think, from the one that we adopted in the last session. We had at that time a keen debate and also the widest divergence of opinion, and it was in public that we expressed ourselves. When the committee begins its deliberations on this bill it will be a different matter. The committee meets in quiet, and there will be an opportunity there for those who did not take a very active part in the debate previously to present their views which will be, no doubt, very sensible ones. I do not know what the report of the committee will be, but I am sure, from looking at its composition, that it will make progress.

My suggestion is that we read this bill the second time now so that the committee may go on with its work.

Hon. Mr. Choquette: Honourable senators, before we do anything I should like to ask the honourable senator a question. He said that last session there was a joint committee appointed which had one meeting at which it elected its chairman, Senator Bourque. As the honourable senator explained, as soon as the session was prorogued the committee ceased to function.

There was a statement made by one of the members of that joint committee, Mr. Klein, who is the Member of Parliament for a riding in Montreal, to the effect that this bill was sure to pass, and that he had an undertaking from the Prime Minister that his government was ready to stand or fall on this legislation.

I ask the honourable senator if he knows of such a commitment on the part of the Prime Minister.

Hon. Mr. Roebuck: I know of no such commitment, and offhand I would say that I rather doubt that any such commitment was ever made.

Hon. Mr. Hollett: Honourable senators, may I ask a question? If we pass this bill now will not be, in effect, agreeing to the principle of the bill?

Hon. Mr. Roebuck: We have already passed it once, and at that time it was on the understanding that it was not an endorsement of the principle of the bill, but rather an act towards getting it before the committee, so that the committee might make its report. I remember distinctly that that was the understanding among us when we did that.

Hon. Jean-Paul Deschatelets: Honourable senators, as sponsor of the bill on second reading, I should like to say a few words. My understanding is that we are being asked to agree to the very general principle that hate literature is a bad thing. As far as I am concerned it does not go very much further than that.

Hon. Mr. Aseltine: It goes much further than that.

Hon. Mr. Choquette: Sin is also a bad thing.

Hon. Mr. Deschatelets: Since the special committee of the Senate has been constituted I have read very carefully the speeches that were made on this bill in the last session. It is my personal opinion that this committee, after it has heard the witnesses for and against, will be in a much better position to say whether further steps in this direction are warranted, and especially after so many speeches both for and against have been made.

My personal feeling is that it would be of great interest to obtain some facts, and these can only be obtained from witnesses. That is my opinion today. I should like a vote on second reading taken today, the only purpose being to assist the bill to reach the committee stage early. After a report is made I think it will be easier to justify any further steps that may be warranted.

Hon. Jacques Flynn: Honourable senators, if my memory serves me right the Senate never gave such a bill second reading. It seems to me that the first time this bill was before us, in the previous session, it died on the Order Paper after I moved that the bill be not now read a second time, but that the subject-matter thereof be referred to a special joint committee to be appointed. There the matter stood, because we were waiting for the other place to appoint the members representing it on the special joint committee.

In any event, honourable senators will recall that there was a division of opinion on that bill on both sides of the house. I do not think that at this time it is necessary to repeat the motion I then moved. It may very well be that we could pass this bill on division and have it referred to a special committee. On the other hand, today there are many senators who have an interest in this bill who are not present, and I feel they would probably agree with the course of action I have just indicated. This would not delay the committee, because it will not meet before we reconvene on November 21.

It seems to me that the best course of action would be to adjourn the debate at this time, and, if there is a general concensus that the bill be passed on division, next time we meet it could be referred to a special committee.

Hon. Mr. Roebuck: On the understanding that it does not pledge any of us so far as the principles are concerned, that it is simply for the purpose of administration in getting it through a committee.

Hon. Mr. Flynn: I would move that the debate be adjourned.

Hon. Mr. White: May I ask the honourable senator a question? When you speak about second reading, is there not only one correct legal interpretation, which is that if the bill receives second reading the principle of the bill is approved? Is that not correct?

Hon. Mr. Roebuck: No, I do not think that is correct. That is a very general idea. On some bills perhaps it does apply, but certainly not when we agree that the passing of the bill does not involve the approval of the principle but is for the purpose of administration only. I feel sure that is so.

Hon. Mr. White: Then what would be wrong with Senator Flynn's suggestion regarding the motion he moved when the bill was before the house earlier, that the subject-matter be referred to a committee and then have the bill come back and be debated and a vote taken, whether or not all members approve it in principle?

Hon. Mr. Aseltine: The bill is still on the Order Paper.

Hon. Mr. White: For my part I object, and will object, to passing the bill without debate.

Hon. Mr. Deschatelets: If the Leader of the Opposition (Hon. Mr. Flynn) will permit me to say so, I did not understand his suggestion very clearly and I should like him to repeat it.

Hon. Mr. Flynn: I was saying that I would move the adjournment of the debate at this time to find out whether honourable senators would be content that the bill be passed on division. That is, those who have objections to it in principle would be expressing their views in saying that it is adopted on division. As I understand the position taken by Senator White, he would rather have a recorded vote. In any event, at this time, to avoid any further misunderstanding, honourable senators, I would move the adjournment of the debate.

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

The Senate adjourned until Tuesday, November 21, at 8 p.m.

27059—36

THE SENATE

Tuesday, November 21, 1967

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

Prayers.

RETIREMENT OF HON. A. J. BROOKS, P.C.

TRIBUTES

Hon. John J. Connolly: Honourable senators, on October 31, when we reassembled after the summer recess, we welcomed Senator Flynn as the newly appointed Leader of the Opposition. At the same time we expressed our gratitude to Senator Brooks for his leadership in the Senate for five years, first as Leader of the Government and then as Leader of the Opposition.

That evening Senator Brooks was not in the chamber. He was absent because he was undergoing a medical examination. This evening I am sure that I am expressing the deep dismay which is felt by all honourable senators on learning of the resignation from the Senate of Senator Brooks. This course has become necessary because of a serious deterioration in his health and has been taken on the basis of advice given to him by his doctors.

Senator Brooks had a parliamentary career which began in 1925. That career is now ended. It ran through the legislature of his beloved New Brunswick. It ran through eight general elections in which he was returned by his people to his seat in Parliament in Ottawa. It carried him to the ministry of this country in 1957. It brought him to the Senate in 1960 and it brought him to the leadership here in 1962.

Senator Brooks has made a notable contribution to Canadian life and more particularly to Canadian parliamentary life. He has been an illustrious son of New Brunswick. He has been a notable Canadian. He was a fine parliamentarian. He was perhaps above all a great gentleman.

Some Hon. Senators: Hear, hear.

Hon. Mr. Connolly (Ottawa West): He was indeed a man of supreme integrity. As a lawyer and a doctor of the law he was learned; yet there was no ostentation about his learning or his scholarship. But his judgment was founded upon a mind that was highly cultivated and upon a wide experience with people.

As a soldier, he had the record and the bearing of a gallant man. He had won this attribute, and deserved it richly, both in the First World War, when he served on active service, and in the Second World War. The evidence of his career in the army is for all to read in the *Canadian Parliamentary Guide*.

Here, as a senator, he was a friend of all of us, commanding the deep affection of everyone who knew him—and I am sure of my statement in that respect.

What more in the way of human accomplishment, achievement and indeed of appreciation can any man ask? Senator Brooks retires full of honour, the recipient of honours from a grateful nation, leaving behind him here a saddened host of friends. I personally owe him so much that words are completely inadequate to express how much he has meant to me, for his understanding, his co-operation and the advice that he has given to me since I have become the leader.

Senator Alfred Brooks believed in the value of this house and of its work—so much so that it hurt him deeply when it was misunderstood, when it was misjudged and when it was maligned. He did much to uphold the best traditions of this chamber.

It is difficult to speak about Senator Brooks, because the condition of his health just now is most precarious, but I am sure that he faces this crisis in his life with the same undaunted courage that has characterized him in other crises: with the courage of a soldier.

We all pray that Divine Providence in His inscrutable wisdom will spare Senator Brooks long in recovered health through a happy retirement.

Hon. Jacques Flynn: Honourable senators, perhaps the whole of Senator Brooks' career can be summed up and evaluated in the fact that as his long public service comes to an end, those who know him can say without fear of contradiction that he is a good man and a fine gentleman. One does not hear of him the damnation with faint praise that he is a very nice guy but—rather, people speak of him as a man who is fair, far-sighted, firm, forceful and fearless in the pursuit of all he considered to be the proper course of action in a given situation.

Alf Brooks sat in the Senate and in the House of Commons as an active participant in every Parliament from the 17th to the 27th, a total of 40 sessions which have been

held since February 6, 1936, and that after having served at least two terms in the New Brunswick Legislature.

I need not repeat what the Leader of the Government has said about his lengthy career. I want to say, however, that it is one almost without equal in terms of length and quality of service both in war and in peace. As a lawyer, teacher, soldier, member of Parliament, minister of the Crown and senator, he was a man who took his duties seriously and carried them out well, but who, nevertheless, could always see the lighter side of a situation. His sense of humour relieved many a tense situation and allowed progress to be made where previously an impasse had been reached.

The Senate is losing one of its distinguished members, and we are the poorer for his departure from Canadian public life. All of us here will miss Alf Brooks, but I more than anyone else in this chamber since I was counting heavily on his advice and support as I learn to carry out the task that he has left to me.

[*Translation*]

Honourable senators, I should like to add a few words in French to express our regrets that the health of Senator Brooks has forced him to resign. Senator Brooks was a good man who represented true Christian charity.

I should like more particularly to emphasize his friendship for Quebec and the French Canadians. He had a very close attachment for La belle province and for the old capital where one of his sons lives; indeed, it is my privilege to number him among my friends. I know the feelings we all share tonight are very deep among the French-speaking Canadians who have had the privilege of knowing him.

We shall miss him here. We shall also miss the charming Mrs. Brooks to whom we send our most cordial and respectful greetings.

At this time I repeat the hope expressed by the Government Leader that Providence will restore Senator Brooks' health so that he may, with his fine family, enjoy many years of a well-deserved retirement.

[*English*]

PRIVATE BILL

PRINCIPAL LIFE INSURANCE COMPANY OF CANADA—COMMONS AMENDMENT

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons returning Bill S-11, respecting Principal Life Insurance Company of Canada, and acquainting the Senate that they have passed this bill with the following amendment, to which they desire the concurrence of the Senate:

> *Title of the Bill:* The title of the bill in the French language version is abrogated and replaced by the following: "Loi concernant la Principale du Canada, Compagnie d'Assurance-Vie."

Honourable senators, when shall this amendment be taken into consideration?

Hon. Donald Cameron: I move that this amendment be taken into consideration at the next sitting.

Motion agreed to.

CANADA MANPOWER AND IMMIGRATION COUNCIL BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-150, to establish a Canada Manpower and Immigration Council.

Bill read first time.

Hon. Mr. Connolly (Ottawa West) moved that the bill be placed on the Orders of the Day for second reading on Thursday next.

Motion agreed to.

DOCUMENTS TABLED

Hon. John J. Connolly tabled:

> Statement showing Classification of Loans in Canadian Currency of the Chartered Banks of Canada as at September 30, 1967, pursuant to section 119(1) of the Bank Act, chapter 87, Statutes of Canada, 1966-67. (English and French texts).
>
> Statutory Orders and Regulations published in the *Canada Gazette*, Part II, of Wednesday, November 8, 1967, pursuant to section 7 of the Regulations Act, chapter 235, 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, 1967, pursuant to section 18 of the said Act, chapter 329, R.S.C., 1952. (English and French texts).
>
> Revised Capital Budget No. 2 of Central Mortgage and Housing Corporation for the year ending December 31, 1967,

as approved by Order in Council P.C. 1967-2157, dated November 14, 1967, pursuant to section 80(2) of the Financial Administration Act, chapter 116, R.S.C., 1952. (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, 1967, 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 and French texts).

Report by the Tariff Board relative to the Inquiry ordered by the Minister of Finance respecting Chemicals—

Volume 11—Tanning and Colouring Agents, Paints, etc., Driers, Fillers and Inks, in Headings 25.09 and 32.01 to 32.13 of the Brussels Tariff Nomenclature,

Volume 12—Surfactants, Detergents and Washing Preparations in Heading 34.02 of the Brussels Tariff Nomenclature; Explosives of B.T.N. Headings 36.01 and 36.02—

Reference No. 120, pursuant to section 6 of the Tariff Board Act, chapter 261, R.S.C., 1952. (English and French texts).

Report of Operations under the Crop Insurance Act for the fiscal year ended March 31, 1967, pursuant to section 10 of the said Act, chapter 42, Statutes of Canada, 1959. (English and French texts).

Copy of the Agenda of the meeting of Ministers of Finance held at Ottawa, November 16 and 17, 1967 (English and French texts), together with copy of statistical tables presented at the said meeting (English text).

NORTHERN ONTARIO PIPE LINE CROWN CORPORATION DISSOLUTION BILL

FIRST READING

Hon. John J. Connolly presented Bill S-29, to provide for the dissolution of Northern Ontario Pipe Line Crown Corporation.

Bill read first time.

Hon. Mr. Connolly (Ottawa West) moved that the bill be placed on the Orders of the Day for second reading on Thursday next.

Motion agreed to.

EXCISE ACT

BILL TO AMEND—FIRST READING

Hon. John J. Connolly presented Bill S-30, to amend the Excise Act.

Bill read first time.

Hon. Mr. Connolly (Ottawa West) 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. 277 to 372, inclusive, and moved, with leave of the Senate, that the said reports be taken into consideration at the next sitting.

Motion agreed to.

CRIMINAL CODE (HATE PROPAGANDA)

BILL TO AMEND—MOTION IN AMENDMENT NEGATIVED—SECOND READING

The Senate resumed from Wednesday, November 8, the adjourned debate on the motion of Hon. Mr. Deschatelets for the second reading of Bill S-5, to amend the Criminal Code.

Hon. Jacques Flynn: Honourable senators, when I spoke in respect of this bill on November 8 last I made an error which I want to correct immediately. I had assumed that when a similar bill was before this chamber in the last session, the motion I made to refer the subject matter of the bill to a committee before second reading had not been lost. I assumed that it had remained on the Order Paper at the point where I moved that the subject matter be referred to a committee before second reading. By checking *Hansard* I found that the motion I then moved was lost on division and that the bill was given second reading on division. Then it was referred to committee, but the session ended before it could be considered there.

I agree that we need not repeat the debate we had in the previous session. I do not think anything has happened to change the situation, and I would assume that nobody here has changed materially his opinion on the bill. Therefore, for the sake of the record I intend to move the same motion that I did before, expecting the same result.

I move, seconded by the honourable Senator Choquette, that the bill be not now read a second time but that the subject matter thereof be referred to the Special Committee of the Senate appointed to study and report upon amendments to the Criminal Code relating to the dissemination of varieties of "hate propaganda" in Canada, as set out in Bill S-5, intituled, "An Act to Amend the Criminal Code."

The Hon. the Speaker: Honourable senators, it is moved by honourable Senator Roebuck, seconded by honourable Senator Deschatelets, that Bill S-5, intituled, "An Act to amend the Criminal Code", be now read a second time.

In amendment, it is moved by honourable Senator Flynn, seconded by honourable Senator Choquette, that the said bill be not now read a second time but that the subject matter thereof be referred to the Special Committee of the Senate appointed to study and report upon amendments to the Criminal Code relating to the dissemination of varieties of "hate propaganda" in Canada, as set out in Bill S-5, intituled, "An Act to amend the Criminal Code."

Hon. John J. Connolly: Honourable senators, I did not realize that this motion was to be moved tonight. However I can well understand that honourable Senator Flynn should want to do so at this time, and I have no objection whatever to the presentation of the motion.

I agree with Senator Flynn, as I am sure all honourable senators do, that it would be unnecessary to retraverse all the grounds 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. Strong opinions were held on both sides of the house, and indeed on both sides of the question, and the opinions were not uniform on either side of the house.

However, I should point out that this is a bill which has been introduced by the Government as a Government measure. It is based upon the report of a committee which investigated the problem which is the subject matter of the bill. As a member of the Government, and with the principle of Cabinet solidarity binding me as it does, it is my duty here to support the proposal that the bill be read a second time.

As was said at the last sitting of the Senate, I think that in accepting the principle of this bill we are really doing no more than accepting the principle that the propagation of hate propaganda is undesirable in Canada. I hasten to add that there are elements in the bill to which many honourable senators, including some on this side, object. There are certain provisions which they would not like to see on the Statute Book of Canada, and I think it is appropriate for them to rise here in the Senate, a body of review, of independent judgment, and express their views. As a member of the Government I would have no criticism to offer of a performance of that kind.

I do, however, say this. There is in the country a problem which cries out for correction. Perhaps this is not the perfect vehicle to effect a correction, but after consideration by a committee of this house, comprised, as most of our committees are, by persons not only learned in the law but learned in the ways of the Canadian people, I would hope and expect that changes could be made in the bill which would produce a piece of legislation acceptable to this house as a whole.

I do not propose any amendments. I think the bill deserves serious attention. While I regret that I must oppose the amending motion moved by honourable Senator Flynn and support the main motion that the bill be given second reading, I would say that every honourable senator should feel free to go before the committee, one especially appointed for the purpose, to examine the witnesses, including the members of the committee established by the Government to deal with the problem, to cross-examine them if necessary, and to bring back here a bill in a form acceptable to the majority. I regret that I must oppose the amendment and support the main motion.

The Hon. the Speaker: It is moved by the honourable Senator Roebuck, seconded by the honourable Senator Deschatelets, that Bill S-5, intituled: "An Act to amend the Criminal Code", be now read the second time.

In amendment, it is moved by the honourable Senator Flynn, seconded by the honourable Senator Choquette, that the said bill be not now read a second time but that the subject matter thereof be referred to the Special Committee of the Senate appointed to study and report upon amendments to the Criminal Code relating to the dissemination of varieties of "hate propaganda" in Canada as set out in Bill S-5.

Is it your pleasure, honourable senators, to adopt the motion in amendment?

Those in favour of the motion in amendment will 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.

It is moved by the honourable Senator Roebuck, seconded by the honourable Senator Deschatelets, that Bill S-5, an act intituled: "An Act to amend the Criminal Code", be now read the second time.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: On division.

Motion agreed to and bill read second time, on division.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Connolly (Ottawa West), seconded by Hon. Mr. Deschatelets, bill referred to the Special Committee of the Senate on the Criminal Code (Hate Propaganda).

FISH INSPECTION ACT

BILL TO AMEND—SECOND READING

Hon. Donald Smith moved the second reading of Bill S-27, to amend the Fish Inspection Act.

He said: Honourable senators, in rising to make a few remarks in connection with Bill S-27, I am taking it for granted that most of us have had an opportunity to look at the bill during the brief adjournment we have just completed. Having done so, you are all aware that this is a very simple bill. It consists of three clauses only, which are for the purpose of amending the Fish Inspection Act.

The original legislation which this bill seeks to amend was enacted in 1914, so we have been in the field of inspecting fish for over half the time we have existed as a nation. Of course the original legislation has been amended from time to time in order to keep pace with the needs associated with the development of new products, new techniques and new markets.

At first glance the proposed amendments may appear to be of a minor nature. However, they are considered to be of importance to the officials of the Inspection Branch of the Department of Fisheries, and there are good reasons for bringing the amendments to Parliament at this time.

One of the amendments contained in clause 1 of the bill arises out of the proceedings of an international meeting held in Ottawa in June of this year. At that meeting a world-wide standard for the labelling of prepackaged foods was developed. The definition of "container" in the international standard includes wrappers and confining bands. The amendment to paragraph (a) of section 2 of the Fish Inspection Act, which appears in clause 1 of the bill, will bring the definition into line with that used on an international basis.

I do not know that it is of particular interest, but I might say that both wrappers and confining bands are used now in the fishing industry and in the marketing of dry salted cod and frozen cooked whole lobster and crab.

Clause 1 would also amend paragraph (h) of section 2 of the act. It makes clear that "processing" includes the canning of fish. It may be argued that the term "preparing fish for market in any other manner"—which is the wording of paragraph (h)—would include canning. However, apart from all legal considerations for a more precise definition, the canning of fish all over the country is such an important activity that it should at least be honoured in the legislation by including the word "canning".

Honourable senators, clause 2 of the bill provides an amendment to section 3 of the act. This was made necessary by the amendment of section 10, which follows, and which gives authority to define by regulation the additional words which appear in clause 3.

Clause 3 will prohibit the importation and exportation of fish that is—and these are the new words—"tainted, decomposed or unwholesome". In the present wording of this subsection, the phrase, for example, "fit for human food" has been found difficult to interpret. It has been suggested to me that precise definitions can be given for the terms "tainted", "decomposed", and "unwholesome", which will be very workable in the administration of fish inspection.

Honourable senators, I hope that these brief explanations will be sufficient to enable you to understand the purposes of the proposed amendments.

Since the bill was brought to my attention, I thought it might well be that further explanations in associated fields of fish inspection

may be required from the minister and his officials. Indeed, I believe that an opportunity should be provided to them to give further explanation. Therefore, I am prepared to move that the bill be referred to the Standing Committee on Banking and Commerce, if you see fit to give it second reading.

Honourable senators, before concluding, I should point out that circumstances have been brought to my attention which indicate that before very long additional amendments to the act may have to be brought forward for the consideration of Parliament. I assume that the department is not ready to bring them forward at this time, as the bill does not mention them. Let me give you a few examples of what I mean.

First, a court decision rendered just a few months ago dismissed a charge of a breach of fish inspection regulations made under the authority of the Fish Inspection Act. The grounds for dismissal, as given by the presiding judge, were that the legislation does not specifically name the fish involved in the case, nor do the regulations so specify. Therefore, under that judgment, the Fisheries Inspection Branch had no power to detain the shipment of that particular species of fish.

The unfortunate consequence of that unsuccessful prosecution was that the company involved in the case incurred a rather substantial financial loss. The shipment of fish in that case—it happened to be swordfish, which is a high-priced species of fish—was seized in February and detained illegally, according to the judgment of the court, until June of this year. In the meantime the deterioration in value occurred, for which the Crown might very well be liable. It is understood that consideration is now being given to bringing a suit against the Crown, in the circumstances.

Honourable senators, there is one other circumstance which has been brought to my attention and which perhaps is even more important. There is a legal doubt that there is presently legislative authority which permits fishery inspection officers to board Canadian vessels on the high seas for the purposes of carrying out their duties.

I understand that a brief is now being prepared for submission to the Supreme Court of Nova Scotia for decision, based on the action of the captain of a Canadian dragger who refused to heave to and permit the boarding at sea for the purpose of inspection. This is quite an important point, because at this time, when there is a growing need for international conservation measures, it seems to me that Canadian legislation to enforce such regulations should not be deficient. Canada should be a leader in this field and should always be in a position to show a good example to other nations concerned with regulations adopted by the international commissions concerned.

It may be that the Canada Shipping Act, in this particular instance, and the various fisheries acts, need to be brought up to date. Perhaps this subject and any matter related to it could be discussed usefully if the bill were referred to the Standing Committee on Banking and Commerce.

In conclusion I do want to say that I believe the Fisheries Inspection Branch of the Department of Fisheries have done a very good job indeed, in doing what is their responsibility to ensure that the highest quality of fish reaches the market for which it is destined, whether that market happens to be in this country or in the United States. Of course the United States is the big market for the fish on the Atlantic coast at least.

I was very pleased to learn recently of the interest that the Department of Fisheries has taken in a new technique for preparing fish for shipment, and of the actual shipping of the product under a new condition of temperature control. During the summer months a test shipment, using the particular technique to which I have just referred, was made from Nova Scotia to the west coast of this country, where it arrived in excellent condition. That shipment was checked along the way by the fisheries inspectors, and until it reached somewhere in eastern Ontario the fish was still of very good quality, although deterioration started to set in at that particular time.

Hon. Mr. Isnor: Was that shipped by rail, senator?

Hon. Mr. Smith (Queens-Shelburne): Yes, it was shipped by rail. I am coming to that point, Senator Isnor.

This means, of course, that with this new process we can ship fish by rail from Nova Scotia to practically any place on this continent, using the new cars which were developed for this purpose at the suggestion of the Department of Fisheries, the industry and the experts who are retained by the Canadian National Railways.

I think it is one of the most important steps taken for quite a long time. It has been a big step to get to the point where there is

now a car with mechanical refrigeration which we know will work and will keep the fish product at a constant temperature.

Incidentally, I am referring to fresh fish, not frozen fish. The point is, it has been demonstrated that with such transportation facilities, fish shipped from Nova Scotia to San Francisco or Vancouver will be just as fresh on arrival as I can get it on my table in Liverpool.

I only hope that the marketing of fish within our own Canadian provinces will improve, because I am sure, from the great deal of time I have spent in Ottawa over the last 18 or 19 years, that there is room for vast improvement in Canadian cities, in this part of Canada at least.

I cannot understand why it should not be possible for the legislative division of the provincial governments to work in co-operation with the Department of Fisheries of the federal Government in order to ensure that there is a follow-up on the time that a carload of first-quality fish reaches the City of Ottawa, for example. They should see to it that it is not retained in a market longer than necessary or, if it is retained there, that it will be kept at the proper temperature and under the other required conditions to ensure that when it is served in the Parliamentary Restaurant, for instance, one should not be able to smell it going by.

I believe that proper temperature control is one thing that will have a real effect on the widening of the market for a very important product for at least the Province of Nova Scotia, with which I am of course most familiar. The need for an expanding market is very evident these days. I do not suppose there is a fish company dealing in processed ground fish that is making a dollar profit these days. I certainly want to give them some credit in that, even though they are sending fresh and frozen fillets all over this continent at a price which does not pay for their total cost, nevertheless, they have continued to pay the fisherman a relatively high price for that fish.

There is, in other words, overproduction of fish that goes into the American market, especially at this particular time. That overproduction can be corrected in only one way: not by cutting back production—because that would cut back the chances for the fisherman on the coast to make a living—but by extending the markets. The problem, I say, can be solved by the extension of markets. I am sure that the provinces and the federal Government working with industry and all those connected with it can succeed in this objective, thus making a major contribution to the economy of the part of the country from which I come. Failing to achieve this co-operation, the fish products industry could develop into a much more serious situation than it is in today—and it is rather on the serious side at this moment.

Thank you for your attention, honourable senators. I did not intend to go into that part of the question so extensively, but it is a subject in which I am very interested. I hope I have not bored you with it.

Hon. Senators: Hear, hear.

Hon. Fred M. Blois: Honourable senators, before this Bill S-27 receives second reading, I have a few remarks to make. When this bill received first reading in this chamber of Tuesday, November 7, I got a number of copies of it and distributed them to some of my friends in the fish-packing business in my home province, Nova Scotia.

I am pleased to say that, generally speaking, the fish industry of Nova Scotia, as represented by the Nova Scotia Fish Packers Association, approves of the proposed amendments to this bill, with one exception. As Senator Smith has said, the fish packers of Nova Scotia are very proud of the manner in which they have in the past been shipping fish and fish products, not only to other parts of Canada but to places outside of Canada as well. They are most anxious that the Fish Inspection Act be made so clear and so sincere that it will protect our people here, and that there be strict observance of the act respecting fish and fish products—particularly fish products—being imported into Canada.

Now, the one objection that I hear our people in Nova Scotia making is to part of the definition of the word "unwholesome", as defined by the Department of Fisheries. That definition, found in P.C. 1967-920, is to the effect that, under these regulations, "unwholesome fish" means fish that has in or upon it bacteria of public health significance or toxic substances to such a degree as to be unfit for human consumption or that is aesthetically offensive to man.

There are a lot of words there that require some thought as to just what they mean. For instance, the word "aesthetic", in my opinion—and in the opinion of many of the fish packers of Nova Scotia—is too abstract a word. It is too susceptible of broad interpretation to become part of the Fish Inspection Act.

I gave the definition of "unwholesome" as provided by the Department. In looking into the various dictionaries, however, I have found that "aesthetic" has many meanings. One definition of aesthetic is "beautiful in nature or the arts." Well, there are some fish products which might not be considered aesthetic or beautiful, if one were to compare them to the arts or to nature. Now, this morning, for instance, if you were up early enough, you may have noticed that we had last night a white frost—what we call in Nova Scotia a mist—and when the sun came up it was truly beautiful. One might say it was aesthetically beautiful. I doubt, however, that one can apply that expression to all fish products.

Hon. Mr. Connolly (Halifax North): Is the honourable senator saying that there is no such thing as an aesthetic fish?

Hon. Mr. Blois: No, I did not make that statement. I say there are some parts of it which are not. If my honourable friend will wait a moment I will explain what I mean, and I believe he will agree with me by the time I am through.

I did a little research in connection with the word "aesthetic". For instance, I see from another dictionary that it means, "of or pertaining to the appreciation or criticism of the beautiful." I concede that could apply to ladies or to subjects of that nature, but I am not sure that it applies to all fish products. I find another meaning: "having or showing refined taste," and "in accordance with good taste." In still another dictionary I find that aesthetic means "the doctrine of taste, the science or that branch of philosophy which deals with the beautiful." And so on. In another I find this: "aesthetic—with reference to the science of the beautiful."

There are a number of things that we should consider before this bill gets second reading. I think I should mention a few of the fish products that might be considered by some people as being aesthetically offensive within the narrow interpretation of the word, but still be edible and very delicious to other persons. Let us take the tomalley from the lobster. When that is packaged, I think most of us will agree that it is not aesthetically beautiful, though it is a very delicious part of the lobster. I had a very good example of this in my native province two or three months ago when I attended a lobster party. The lady sitting beside me watched as I was taking the tomalley out of the shell and asked, "What are you going to do with that?" I said, "I am going to spread it on some bread. It is the most beautiful part of the lobster." She replied, "It makes me ill just to look at it." That, honourable senators, was aesthetically offensive to her.

The next item I want to mention is caviar. Can anyone say that caviar is aesthetically beautiful? So far as I am concerned I love to eat it but I think it would be extremely difficult to find anybody, particularly of the female sex, who would regard it as being aesthetically beautiful. Then I go on to fish roe. Even when packaged who could say that this is aesthetically beautiful? My friends in Nova Scotia enjoy fish tongues and cheeks; down there it is a delicacy. When properly cooked and served it is wonderful, but I should imagine in appearance it would be offensive to almost anybody. Nevertheless, it is one of the greatest delicacies one can have if one comes from the Maritime provinces.

Hon. Mr. Connolly (Ottawa West): Is the honourable senator suggesting that only the Maritimers can appreciate that part of the fish?

Hon. Mr. Blois: I think it can be appreciated by anybody raised near the coast and who understands how it should be properly cooked and served.

Hon. Mr. Connolly (Ottawa West): I think it is pretty easy to appreciate, and I want the honourable senator to understand that people from Ontario have been very well educated by the people of Nova Scotia and appreciate it as much as the Nova Scotians do.

Hon. Mr. Blois: I agree that they have been educated, not only in regard to fish but in other things as well. We have sent many people from the Maritimes to educate the people up here. We are very proud of that fact.

Another question I want to ask is this: Who is to decide what is to be considered as being aesthetically offensive or aesthetically acceptable to man? Who is to be the judge of the difference? Is there any one person who can determine whether or not these various fish products I have referred to, and perhaps there are others, are offensive to man? Who is going to make the decision? Perhaps we will have to go to the courts to decide, in which case it will be years before the wording is settled. I point this out because I think the wording of this amendment is very much out of place particularly the word "unwholesome". I suggest that this bill should be redrafted using another word in place of

"unwholesome". This is most unsuitable. I make the suggestion because of the department's definition of the word "unwholesome". I am in no way objecting to the amendment itself. As I said earlier, I agree with it, but that one word in my view spoils the whole thing. Therefore, I feel that this matter should be given very active consideration in this chamber before it goes to committee.

Hon. Mr. Connolly (Ottawa West): I would suggest that if there is to be an amendment of this kind, or indeed in regard to any other matter contained in the bill, but particularly about the word "unwholesome" it should be made in committee. In saying this I do not want to shut out other senators who may wish to speak, but I would suggest that the place for consideration of this word itself and the draftsmanship of the bill is in committee where you will have the draftsmen who prepared it and where you can cross-examine them as to why that particular phrase or word has been used.

Hon. Mr. Blois: I could almost answer my honourable friend by saying that they would explain that it had never been brought to their attention, and then do everything possible to keep it in. I think it should be considered here, and I think we have in this chamber men who are capable of considering it and making useful suggestions.

Hon. Mr. Hollett: I wonder if the honourable senator who just sat down has read the section which is being amended. Something like this legislation was passed many years ago. It read at that time as follows:

> No person shall import, export, sell for export or have in his possession for export any fish intended for human consumption unless the fish is wholesome and fit for human food.

I do not think there is much difference there at all.

Hon. Mr. Blois: I think there is. If you look at the dictionary the definitions of the two words you will find there are quite different. There is a very great difference in the meaning attached to "wholesome" and "unwholesome". In this connection I would again refer to P.C. 1967/920.

Hon. Chesley W. Carter: Honourable senators, this is such a simple bill and has been explained so well by the sponsor that there is no need to prolong the debate to any extent. However, I think it would not be right for me to leave the Senate with the impression that the only province that produces fish in Canada is Nova Scotia. I would like the Senate to understand that we produce fish in Newfoundland and our fish is aesthetic and wholesome as well.

Hon. Charles McElman: Honourable senators, I feel that New Brunswick should have a word in here as well. I feel that this is a pretty "fishy" discussion anyway, and I am rather amazed at my friend from the Atlantic Provinces suggesting that a fish such as an Atlantic salmon is not aesthetically beautiful.

Hon. Mr. Blois: I did not say that. I said certain fish products, and I referred to the parts I meant. The fish itself is certainly beautiful.

Hon. Mr. McElman: There is nothing so aesthetically beautiful as the Atlantic salmon breaking water in the misty Kedgwick River on an early July morning.

I think there is great need for very careful fish inspection. As is well known, fish is a brain food. It is quite necessary, however, for the fish to be fresh and in a good state when it is eaten. This, I think, is perhaps one of the reasons why the people from the Atlantic area have supplied brains to the rest of the nation for so many years. I would suggest that an effective Fish Inspection Act is a necessity to ensure that more fresh fish gets to Ontario and the central part of the nation to improve the diet of the people.

Hon. J. Harper Prowse: Honourable senators, in order that nobody will think that there is nothing beautiful about fish, let me tell you that if you want something that is aesthetically beautiful and also fun, you have only to get a three-pound jackfish at the end of a two-pound line.

While on the subject of fish, I may say that it is not just idle conversation in my part of the country, for we from Alberta export a large quantity of whitefish to eastern Canada and the markets in Chicago.

Hon. Mr. Aseltine: How about the goldeye?

Hon. Mr. Prowse: The control of the product and the guarantee that the markets will receive the same type and quality of fish from a particular area time after time is of basic importance.

As to the bill itself, there are one or two things I might want to argue about concerning the definitions, but the place to do that is in committee. We either give the bill second reading or we kill it. If we do not give it

second reading, we kill it, and I am sure that no one here wants to destroy something which is intended to make it easier for Canadians to make a living.

Hon. Arthur W. Roebuck: Honourable senators, I would like to assure my friend Senator Blois that he is quite within his rights. Not only that, but he has performed a useful function in bringing this question up. I am not going to talk fish, although in the Province of Ontario there are great fisheries.

What the honourable senator has done has been to call the attention of the members of this house to what he thinks is a defect in this bill. It is all very fine to say that if it goes to committee it will be discussed there. It will be, but he has given notice to us that there is something in this bill to think about before we get to committee. So, I wish to commend the honourable senator for what he has done this evening.

Hon. Donald Smith: Honourable senators—

The Hon. the Speaker: I remind honourable senators that if the honourable senator speaks at this time it will have the effect of closing the debate.

Hon. Mr. Smith (Queens-Shelburne): Honourable senators, I will be brief.

I want to thank Senator Blois and the others who have made contributions to this rather interesting debate on fish and semantics and definitions. I do not intend to engage in any arguments with Senator Blois on semantics and definitions; neither do I want to enter into a personal argument about who catches most fish and where. However, I am particularly grateful to Senator Hollett, who is very knowledgeable on matters pertaining to fish, coming as he does from Newfoundland, for bringing to the attention of the house that what we are attempting to do is to deal with words that have been found to be unworkable. We are referring to such phrases as "unless something is wholesome," and "if it is unwholesome," but, to me, they mean the same, and in regard to such things there is bound to be conflicting views.

I want to underline something I think I said when speaking about the clauses of the bill. I have been informed by the Fisheries Department that the one phrase in particular they have had trouble enforcing and of having a general understanding of its meaning is the phrase, "fit for human food."

I believe they have had no trouble on this matter of wholesomeness or whether the product is unwholesome or otherwise. The actual definitions will not be contained in this bill when we are through. We may see fit to strike out one, two or all three words and revert to the old definition. For reasons which have become obvious tonight, after consultation and experience, if the Government finds a definition is not a workable one, then it has the power, under the definitions section of the Fisheries Inspection Act, to formulate a new definition; and I am sure, in any case, that the department at the legislative stage, if necessary, and otherwise at the Privy Council stage, will take cognizance of the questions which have been raised with regard to definitions.

I thank you very much again for your interest in the bill.

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. Smith (Queens-Shelburne): Honourable senators, I move that this bill be referred to the Standing Committee on Banking and Commerce.

Hon. David A. Croll: Honourable senators, before the bill is referred to committee, I wish to say that I object to and protest against this habit of sending almost every bill to the Standing Committee on Banking and Commerce. After all, it is only one of 18 committees. One would almost think that we have only two forums, the Senate chamber and the Banking and Commerce Committee, and that that is the end of the whole business!

I see that we have a committee on Natural Resources. I do not remember if or when they have sat, but a bill dealing with fish should surely be referred to that committee. It is not concerned primarily with banking or commerce but other aspects, and I think it is a mistake to load up the members of one committee and let the other members of the Senate sit around and twiddle their thumbs.

I would ask that the motion to refer the bill to the Standing Committee on Banking and Commerce be withdrawn, and that the bill be referred to the Standing Committee on Natural Resources.

Hon. Mr. Connolly (Ottawa West): I am certain there is no objection, either on the part of the sponsor or that of other members of the Senate, to the bill being referred to the Standing Committee on Natural Resources, if

that is the desire of the house. I take it honourable senators would agree with that.

I have just looked at the list of members of that committee, and upon casual inspection I would anticipate they will all be present, so that there would be no difficulty in obtaining a quorum, which is very often a problem. If the honourable sponsor would care to amend his motion, I would have no objection.

Hon. Mr. Smith (Queens-Shelburne): If it is the wish of honourable senators, and with the unanimous consent of the house, I would be glad to withdraw my motion and, having done so, would be pleased to move that this bill be referred to the Standing Committee on Natural Resources.

Hon. Senators: Agreed.

On motion of Hon. Mr. Smith (Queens-Shelburne), bill referred to the Standing Committee on Natural Resources.

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE CONTINUED

The Senate resumed from Tuesday, November 7, consideration of His Excellency the Governor General's Speech at the opening of the session, and the motion of Hon. Mr. Desruisseaux, seconded by Hon. Mr. Nichol, for an address in reply thereto.

Hon. Edgar Fournier: Honourable senators, when I rose in my place two weeks ago to move the adjournment of this debate, there was a slight misunderstanding. Apparently, Senator Bourque was already prepared to propose the adjournment and was ready to address the Senate. So, with leave of the Senate, I ask that we hear Senator Bourque now, after which I shall adjourn the debate until tomorrow.

Hon. Senators: Agreed.

Hon. Romuald Bourque: Thank you, Senator Fournier, for your courtesy.

I intend to deliver my introduction in French for a few minutes, and then I will proceed in English.

[*Translation*]

Honourable senators, before proceeding with the speech I am to give in a few minutes, may I congratulate the mover of the Address in reply to the Speech from the Throne, the Honourable Paul Desruisseaux, and the Honourable John Nichol who seconded the motion. To these two senators I extend my sincere congratulations for the dignified and elegant way in which they introduced this motion. They performed their duties brilliantly.

I would be remiss if I failed to mention here the grief which we Canadians felt at the demise of our illustrious Governor General. General Georges Vanier was undoubtedly one of the most remarkable figures to occupy this post to date. To his successor, Governor General Roland Michener, a former and distinguished colleague in the House of Commons, our sincere and best wishes. It would have been most difficult to make a better choice.

We also wish to congratulate our distinguished Speaker, the Honourable Sydney J. Smith, on his fine efforts to speak French in this house and we are glad to find them successful.

We were very happy to welcome back to the Senate our popular leader, honourable Senator John J. Connolly, P.C. We are glad to note that his health allows him to assume all his responsibilities with as much efficiency and vigour as in the past.

We extend our best wishes to Senator Jean-Paul Deschatelets, who has been appointed Deputy Leader of the Senate. During the absence of our leader he proved equal to the task and, even though recently appointed to that position, he performed his duties as Deputy Leader with great talent and ability.

We have learned with regret that honourable Senator A. J. Brooks, P.C. has resigned as Leader of the Opposition in this house. That great gentleman had won the respect and admiration of all his colleagues. We are sorry to hear that his health will no longer allow him to sit with us.

We are pleased to learn that honourable Senator Lionel Choquette will continue to perform his duties as assistant to the new Leader of the Opposition. He is a brilliant man, who deserves the esteem of all his colleagues in this house.

To the new Leader of the Opposition, honourable Senator Jacques Flynn, P.C., our sincere congratulations. A man of dignity, of great intelligence and tact, he will doubtless, like his predecessor, bring honour to his task. I wish him every success in the discharge of his new duties.

Finally, we offer our sincere congratulations to the new senators. We welcome them most cordially and we hope that their career in the Senate will be very fruitful.

[*English*]

Honourable senators, at every age, at every period of his life, a man has the duty to contribute something to his family, his religion, his country, and the world he lives in. No man is an island. He is, for good or for evil, a part of the society which he helps to shape. When a man has lived out the greater part of his active life, and has tried to make some useful contributions to those around him, he has also formed opinions which, while they are his own and are not necessarily connected with any political, social, or religious creed, need to be stated in order that others may benefit from whatever wisdom they may contain.

My active business, political, and social years have ended. I no longer have business or political ambitions. I do not expect to become a multimillionnaire or an industrial tycoon. I have no expectations of being invited to join the cabinet, or of becoming a candidate for party leadership. I am content, as much as any man can be content, with what I have accomplished, and I am satisfied now simply to watch others carry on from where we veterans are leaving off, and to help these younger men and women reach goals which were just beyond our reach.

I have no further ambitions, but I still have a dream. It is the same dream I have had for more than 50 years. Sometimes my dream comes very close to being realized, and then it suddenly drifts away. But, I still have hopes that it will become reality during my lifetime. It is about that dream that I wish to speak in this chamber tonight, because while its fulfilment depends to a great degree upon what is in the hearts and minds of all my fellow Canadians, much will also depend upon the leadership which is given to Canadians by honourable senators and members of the other house.

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.

I have a vision of Canada as a nation respected among nations, not only for the value of its natural resources, the skill of its scientists and its manufacturers, the talents of its artists, and the beauty of its women, but above all for its humanity and its appreciation of man and his world.

Historically, we have an opportunity to present such an image. Our evolution from colony to nation was almost entirely without the violence and hatreds which have marked the growth of other powers. We have no long record of bloodshed or cruel injustices. We have no territorial ambitions, no urge for power. We are best known around the world for our efforts to keep the peace, and may that long be our honest ambition.

Where, then, has my dream for Canada failed? Not on the battlefields of Europe where twice in 20 years Canadians of diverse backgrounds gave their lives in the defence of democracy and human freedom. Not necessarily in the international councils of the world, where Canada's voice has been raised not once but many times in peaceful advocacy. We have succeeded, to a degree exceeded by no other power, large or small, in exercising the arts of persuasion to prevent small quarrels from expanding into big wars.

The failure of my dream to come true has native roots. At home, right here in Canada, we have yet to unite in a spirit of co-operation and understanding that will permit all of us to live as brothers in the land of our birth, or of our adoption.

Forty-five or fifty years ago, as a young man with more ambition than experience, I might readily have laid the blame for this lack of Canadian unity on the doorstep of one ethnic group or another, at the doors of one of our Canadian religions or another, or in the executive board room or a labour union office. I might also have declared the real cause to lie in the political antics of one or other of our political parties, and had harsh words to say about that party's leaders or its policies.

Now I know differently. No one is to blame, yet we are all to blame. No ethnic group, no religious sect, no businessman or labour organizer, no one political party, could have created the distrust and unfriendliness that exists amongst Canadian groups today unless that distrust and unfriendliness had

already existed in the hearts and minds of those groups themselves.

I am not looking for political gain from these remarks today, and I am not seeking personal publicity or notoriety. I am not even looking for enemies or critics. I simply propose, with your permission, honourable members of the Senate, to state my own creed as a native of Canada, born years after Confederation, and one who has spent all his life in this country, and who is prouder of the title "Canadian" which came to him by accident of birth, than of any honour or success he may have achieved.

As a member of the French-speaking community I am classified by those who wish to make such distinctions as a French Canadian, but I have never thought that that classification separated me from other Canadians whose parents happened to be English-speaking-Ukrainian, German, Indian, or Jew. We were all living in the same country. We have, I am sure, the same hopes and desires. We played as children, went to school, and grew up to be adult citizens, working at our daily jobs and sharing all the tasks of building a new nation, including in many cases the privilege of fighting for it.

As a young man I worked for French-speaking and English-speaking employers. I had neighbours who were French Catholics and neighbours who were English-speaking Jews. When I became a salesman I did not ask all my customers to declare their religious faiths, nor relate their family history. If they had the money to buy what I had to sell, then they were perfectly legitimate prospects as far as I was concerned, and many of them became my friends.

For almost 30 years I had no firm political ambitions. However, after a period in municipal office I felt that I could perhaps contribute something in the federal field, and I chose the political party whose leaders and whose policies I felt I could support. I did not choose that party because of its racial or religious composition, nor did I immediately decide that having made my choice the members of those parties which I did not join had now become traitors to Canada or political incompetents. Nor in my own constituency did I refuse the support of either Jewish, Catholic or Protestant voters, nor feel that I represented any ethnic or religious group exclusively. In my opinion, men and women of all races and ethnic groups, of all religions, or of no organized religion at all, and of all social and economic classes are entitled to share the credit for creating the nation that is Canada. We have no second-class citizens here. No one man is better than another, except when he proves it by his contributions to the general good.

Canada's strength is its diversity. Instead of complaining about it or seeking to rid ourselves of it, we should be doing all in our power to benefit by its riches, enjoy its cultural heritages and prosper from its infinite skills. We are not an ingrown people; we are not decadent or likely to become so as long as we encourage the mixing of cultures and the mingling of ideas. We have, indeed, an opportunity to create from our divergent pasts something that is entirely unique in this modern world—a truly internationally-minded man living and working and thinking in one country—Canada.

In my opinion, the Canadian is the most richly blessed of all peoples. He is not tied to any single past; he can claim a part of many countries and many cultures, and he has the privilege of maintaining here on this new continent the best of the old. The things he is quarrelling about are the very things that offer him the promise of greatness.

In Montreal, on man-made islands in the St. Lawrence River, world admiration was focused upon a Canadian achievement which, better perhaps than any other achievement in Canada's history, demonstrates this country's unique asset—its co-ordinated diversity. Expo 67 was more than a collection of buildings and displays and amusement areas. It was a creation that was specifically Canadian, a joint production of its two principal cultures. French flair and Anglo-Saxon efficiency are what made Expo 67 different from the New York World's Fair or the Brussels Fair, or the fairs that were held in Paris or London generations ago.

Expo 67 could not have been staged anywhere else but in Canada. It is doubtful if it could have been successfully staged anywhere in Canada where there was not a rich mingling of our two founding peoples. Over fifty million people have discovered for themselves what Canadians are—and a good many of those people will be Canadians, for many of us do not yet understand what it is that makes a Canadian. A visit to Expo 67 was an education in more ways than one.

In my opinion Canadians are hungry for the ideas and the inspiration and the tools that will help them to be Canadians. Our Centennial celebrations in Canada this year demonstrated this truth. Wherever the Confederation Train or the Caravans appeared, people lined up by the hundreds or the thousands to go aboard and glimpse their own history. When a Toronto composer wrote a simple and catchy song as a Centennial commercial, millions of Canadians took it to their heart and began singing "Can-a-da."

If you did not think Canadians could be flag-wavers, you should have been around counting the number of Maple Leaf flags that were waving in the breeze on Canadian lawns and buildings this summer, and in every province too. The rush of Canadians to buy and fly their own flag is an indication of the hunger that existed for a symbol of their own that Canadians could display with pride, Canadians are not a dull unpatriotic people. They have just been bottled up too long. Thank goodness the Centennial and Expo 67 came along just in time to permit people to release the feeling they have long held for their country but have been too shy to reveal.

Canada is never going to be quite the same again. By discovering itself, and by being helped by the rest of the world which has been publicly convinced that Canada is really one of the great countries on earth, Canada, to my mind, is on the verge of becoming united. This year's great emotional display may just succeed in helping this Canadian's dream come true.

As we begin our second century as a young and vigorous country which enjoys the friendship and goodwill of most other countries around the world, we have an opportunity which has occurred only seldom in the past and which we carelessly failed to grasp. Canada now has all the ingredients of greatness; it has also the reputation, based in part upon its successful World's Fair. It surely cannot permit all these values to be dissipated in order to indulge in a renewal of some ancient quarrels which have lost whatever meaning they might ever have had.

Cultivation of Canadianism—a true and sincere union of all our peoples in a confederation of the spirit as well as of the provinces—is not a function which should be restricted to any one political party or to any single parliament. It should be the constant task of all Canadians of whatever political faith, since all Canadians are bound to benefit from such a union.

On this subject there can be no room for political argument or debate. National prosperity, for instance, is indivisible. What is good for Alberta is in the long run also good for Quebec. What benefits business benefits labour. There will always, of course, be differences of opinion on matters affecting the government of the country, the nation's economics, and even the religious beliefs of the people. But we believe in differences; we believe in the right of a man to hold and to express his own opinions and to work for their adoption.

I have no objection to a young man in Quebec, for instance, stating that in his opinion French-Canada should be a separate, free and independent state. I think he is mistaken. French Canada would have much to lose and little to gain if it ever broke its bonds with the English-speaking provinces. And something of rare value would have disappeared from the community of nations if this bilingual, bicultural country were to break up into two separate parts.

I still believe the young man has a right to express his views and to press for their adoption. That freedom of expression is part of what Canada is all about. But he has not the right, either legal or moral, to support his views with violence or exhortations to others to employ violence. He has not the right to refuse obedience to the laws. Nor has he the right to expect that his opinions will go unanswered and unchallenged in the community in which he lives and in the world in which he preaches his separatist gospel.

In every man-made state, there are injustices and inequalities. I have no doubt such exist in Canada. This would be a heavenly body and not just an earthly paradise if they did not. It is a duty of the young to demand reforms. In their twenties and thirties they have a greater capacity for indignation than they will have when they are in their sixties and seventies.

If it is a duty of the young to demand reforms, it is also a duty of the old—or at least of older generations—to help the young direct their demands into more disciplined channels. Just as in our ethnic make-up we benefit by the association of French and English cultural and language groups, so we will benefit if we find a way by which young and

old can mingle and co-operate in planning for the Canadian future.

Not all our young are dedicated to "pot" or LSD or senseless vandalism. The great majority of the young people in our schools and colleges today are much too busy grappling with the complex problems of an expanding world of ideas and new communications techniques to participate in such esoteric hobbies. When they get out of college, just like their fathers and grandfathers they are going to be busy earning a living, raising families and paying off the mortgage on their first house.

These are the young people who must snatch the limelight away from the "hippies" and the "kooks" and the long-haired boys who get most of the headlines and the television time. If we are to get the kind of leadership we will need to create the united Canada we want, it must come from that large group of busy, serious young men and women about whom so little is heard.

It is up to our elder statesmen to help seek out, find and develop these young people. It does not really matter to which political party they are drawn, for I am thoroughly convinced that all our political parties in Canada are sincere in their love for Canada and their desire to promote its national interests.

What we need is good people in all parties, so that, no matter which party forms the government, Canada will gain from devoted and dedicated leadership. The development of such people must begin in the schools and carry on through university and through the first years of a young person's business or home life. To develop such a program, free of political bias and designed solely to benefit future generations of Canada, is a task that well befits this House.

My dream for Canada is one that I am sure I share with millions of other Canadians. Perhaps I am more fortunate than they are, because I have been able in a very small measure to help my dream come true. I intend to go on doing what I can to unite the people of the country I love and perhaps I may be of help to some young man or woman, or even some boy or girl who might grow up to be a future leader of this country, if I just sum up in a few sentences what I believe and what I advocate in this Canadian Centennial Year:

> I believe in the Canadian Confederation as a union of provinces and peoples which provides every individual, regardless of race, color, language or creed, with an opportunity to live a happy, useful and productive life.
>
> I believe in the parliamentary system of government and have all my life supported the Crown as the symbol of authority and the allegiance of the people. My respect and love for the Queen know no bounds, yet if the majority of the people should express a desire for a purely Canadian symbol, I would have no objections and would give such a proposal my support.
>
> I believe in the Commonwealth of Nations and in Canadian membership therein. As a member of the Commonwealth, Canada should retain the Union Jack as the Commonwealth flag and should recognize the Queen as the titular head.
>
> I believe in the United Nations and active participation by Canada in all associations and activities which may lead to the preservation of world peace. I am proud as a Canadian that my country is recognized as a peacemaker.
>
> I believe in freedom of speech and freedom of opinions, but abhor violence in any form. There is no problem in Canada—or, for that matter, anywhere in the world—which does not have a better chance for solution if discussed and considered by reasonable men than if it is attacked by force.
>
> I believe that Canada with its unlimited resources and its great wealth of manpower can enjoy a high standard of living in which both business and labor may prosper and poverty be abolished.
>
> I believe in the system of freedom of enterprise and the effective use of incentives to promote industry and harmony.
>
> I believe that no political party or group in Canada has a monopoly on patriotism, wisdom or talent and that active participation in government at all levels is a Canadian responsibility.

Those are the things I believe. Some of the things I advocate are:

> A continued program of positive Canadianism which will put on a permanent basis the achievements of Centennial Year and Expo 67.
>
> A study and recommended program for the training of political leaders in Canadian schools and colleges and during the early adult years.

A non-political program in which all parties could participate, designed to challenge the views expressed by those who would limit Canada's future by policies of separatism or disunion.

A continuing study by senior citizens of ways and means by which the desire for unity and the spirit of Canadianism may be encouraged.

These suggestions and ideas, honourable senators, I submit to you for your consideration and I hope that my dream will come true before I pass on to the Great Beyond.

On motion of Hon. Mr. Fournier (Madawaska-Restigouche), debate adjourned.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Wednesday, November 22, 1967

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

Prayers.

DOCUMENT TABLED

Hon. John J. Connolly tabled:

Capital Budgets of the Cape Breton Development Corporation for the year ending December 31, 1967, pursuant to sections 21 and 26 of the Cape Breton Development Corporation Act, chapter 6, Statutes of Canada, 1966-67, as approved by Order in Council P.C. 1967-2160, dated November 16, 1967. (English and French texts).

PUBLICATION OF STATUTES ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Salter A. Hayden, Chairman of the Standing Committee on Banking and Commerce, reported that the committee had considered Bill S-18, to amend the Publication of Statutes 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. Connolly (Ottawa West) moved that the bill be placed on the Orders of the Day for third reading at the next sitting.

Motion agreed to.

PRIVATE BILL

LONDON AND MIDLAND GENERAL INSURANCE COMPANY—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 the Bill S-25, intituled: "An Act respecting London and Midland General Insurance Company", has in obedience to the order of reference of November 6th, 1967, 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: Honourable senators, 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. Leonard, 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.

HAZARDOUS SUBSTANCES ACT

REPORT OF COMMITTEE—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-22, to prohibit the sale and advertising of hazardous substances, 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 bill.

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.

CANADA DEPOSIT INSURANCE CORPORATION 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-24, to amend the Canada Deposit Insurance Corporation 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.

CYPRUS

PRESENT SITUATION AND ITS EFFECT ON CANADIAN TROOPS—INQUIRY

On the Orders of the Day:

Hon. M. Grattan O'Leary: Honourable senators, before the Orders of the Day are called I would like to ask the Leader of the Government whether he has information to give this house, apart from what has appeared in the press, about the situation in Cyprus and how that situation affects our Canadian forces there.

Hon. John J. Connolly: I regret to tell the honourable senator that I do not have any information other than what has appeared in the press. I know that the matter has been engaging the attention of the Government. If there is anything urgent that I should report, perhaps I could take this question as notice and make a report to the Senate tomorrow.

SPEECH FROM THE THRONE

ADDRESS IN REPLY ADOPTED

The Senate resumed from yesterday, consideration of His Excellency the Governor General's speech at the opening of the session, and the motion of Hon. Mr. Desruisseaux, seconded by Hon. Mr. Nichol, for an address in reply thereto.

Hon. Edgar Fournier: Honourable senators, it is my intention to say very little in the debate for an address in reply to the Speech from the Throne. However, after listening to some of the remarks made during the debate, and this being Centennial Year, those speeches and remarks will make interesting reading in the next centennial, when I am sure not too many of us will be around. So, honourable senators, I will cut short the usual traditional remarks and just congratulate sincerely the mover, Senator Desruisseaux, and the seconder, Senator Nichol, and also express my best wishes to our Speaker.

However, I would not miss this first opportunity to congratulate my new leader, Senator Jacques Flynn. We all know that he will make a great contribution to this house through his wisdom, knowledge and friendship. I am most happy with his appointment at this moment, because it will provide him with an opportunity to better qualify himself for the duties of Leader of the Government, a new duty I am sure he will perform ably in the near future.

This is no reflection on the present Leader of the Government, who is performing his duties with great dignity. Senator Connolly (Ottawa West) has the full respect of everyone on both sides of this house, and I am sure that he is well qualified to take on the leadership of the Opposition.

Last evening many kind words were said about Senator Brooks, and I concur with everything that was said. He is a great Canadian, a great soldier, a great New Brunswicker and a great friend of everyone. Senator Brooks is known around our place as "Mr. New Brunswick." He is a friend of those in every class of society. His devotion to New Brunswick, both in civic and military life, has made him an outstanding Canadian. We in this house deeply deplore his retirement. His retirement represents not only a loss to the Senate but to all New Brunswick and Canada as a whole.

Honourable senators, Senator Brooks was a friend to all. Through his personality, his devotion, his graciousness, his military career, he ranks among the greatest of all Canadians.

The whole population knows and admires Senator Brooks in New Brunswick; he has no enemies. Even those who, because of our democratic system, at times have fought against him have had the greatest respect for the senator and his family.

I ask Divine Providence to watch over him for many years to come.

To Senator Brooks, to Mrs. Brooks and their family, I offer my most sincere respects.

A while ago I referred to some remarks made during the Throne Speech debate on the history of Canada, and on May 16 my good friend Senator Thorvaldson spoke at length, giving an extremely interesting history of Confederation. I have read his speech in its entirety several times, and I call it a masterpiece. Senator Thorvaldson touched on many subjects in his review, and pointed out very clearly the purpose of Confederation and its achievements. I concur with all that

was said, except for one remark which led me to believe that my friend has not "lived" all the difficulties in his reference to section 133 with regard to language.

In referring to the constitutional impasse the honourable senator is reported in the *Debates of the Senate* of May 16 last, at page 68, as follows:

> I suggest that that is just pure nonsense. It is just not correct.

And I agree with that.

> Has there been a single demand recently by any responsible people for a Constitutional amendment that cannot be achieved?...
>
> There has been not one. Has anybody, for instance, seriously suggested that section 133 of the British North America Act, dealing with language and language rights, should be amended? If such a suggestion has been made I should like to know who made it.

Here I would point out that I have no axe to grind with my honourable friend Senator Thorvaldson or anyone else. It is just another misunderstanding—just one of the many with which I have lived in New Brunswick.

Honourable senators, you are all aware of some of the difficulties we often hear about in the Province of Quebec. I do not want to touch upon these, but you very seldom hear of any difficulties existing in New Brunswick. Some problems exist, and some are just as old as Confederation. There was deplorable discrimination years ago. French-speaking people were denied employment because they could not speak English. They could not qualify for jobs because they had no opportunity of being hired. There were no French industries that could give them employment, and at times religion was also an objection.

We have been patient and tolerant, and easy to get along with. I am glad to say that in the last 15 years there has been much improvement. I will not say that the whole picture has been reversed, but it has certainly been improved. However, Madawaska County is one place where there has not been much change, and it is an area upon which I wish to touch today.

Madawaska County, my county, is 90 per cent French. After a hundred years of Confederation, when we go to court, we have to use the English language. The judge will be French-speaking, as will all the personnel of the court. The Crown prosecutor, the accused, the plaintiff and the defendant, the lawyers and their secretaries, and all the staff of the court will be French-speaking, and yet the proceedings must be carried on in English.

Honourable senators will understand that translation is sometimes very difficult. As a rule, the judge will insist that the translators repeat what is said word for word. Those of you who know a little bit about the two languages will understand that a word for word translation does not always give a true picture. There have been many cases in which terrible mistakes have been made.

I was one who believed that the British North America Act did not call for that situation. However, this subject came before the provincial Legislature not too long ago, so I do not want to touch on it again because it is a provincial affair. But, how did we arrive at this situation? I still do not know. But, if today I had to go to court in Madawaska County, or in any of the other French-speaking counties, I would still find that French-speaking people have to try their damndest to speak English to make themselves understood, or have their remarks translated. This is something that I hope some day will be corrected, and this is a point that I want to leave in the records. Perhaps I should end this subject by saying: My grandfather put up with it, my father put up with it, and I have put up with it, but will my children put up with it much longer?

Honourable senators, I have here a clipping from the Saint John *Telegraph-Journal* of March 17, 1967, about the C.B.C. It is a Canadian Press report from Ottawa, and it reads:

> The president of the C.B.C. made a strong plea Thursday that the corporation be subjected to fewer inquiries and "allowed to operate under more sensible conditions."

I believe that this is a terrible and irresponsible statement from a high-ranking civil servant. I am inclined to believe that the chairman of the corporation does not consider himself a civil servant responsible first to the Members of Parliament, whose prime duty it is to inquire into and to scrutinize departmental expenses. I well recognize the fact that at times questions and inquiries are motivated by personal feeling rather than by the interests of the nation. Both the Glassco Commission and the Fowler Commission in their surveys found looseness in the administration of the corporation.

I know for a fact that on several occasions when members of the corporation have appeared before the Joint Committee of the Senate and the House of Commons we were not too satisfied with the evasive answers given by the Chairman and the members of the corporation. Recommendations and suggestions by members of both houses, and commissions, fell on deaf ears. The expenses of the corporation are increasing yearly, and have reached an alarming proportion. I believe they have gone beyond all expected expenses and purposes.

At this moment it is possible to compare the operation and expenses of private stations and companies in the same field with equal and, at many times, superior production, and to arrive at a great difference in the lower cost of production. I for one have not seen anything produced on the C.B.C. that could not be produced by somebody else. I am of the opinion that the C.B.C. has now served its original purpose, and the time has come to transfer this corporation to private industries which have proven to us that they can do the job as well, if not better, and at very little or no cost to the taxpayers.

I do not wish to get involved in the dispute between the chairman of the corporation and the Secretary of State; however, I want to make my feelings known. While I do not always share the view of the honourable Secretary of State, at this moment I admire her courage in expressing her feelings and findings, by perhaps saying the right thing the wrong way. I am surprised to find that so many members of the other place who have constantly been critical of the C.B.C. management are now changing their attitude in a flash and are calling for the head of the Secretary of State merely because she said precisely what they have been advocating in the last few years. But what can we expect from what I accept as small, irresponsible parties starved for publicity? The Secretary of State may have behind her more supporters on this matter than she might think.

I know it is impossible to please everyone in public affairs, but what could be better than a special committee of the Senate and the House of Commons to fully investigate this corporation from the cellar to the attic and bring out a complete and reliable report? In my opinion this would take about one year. I do not make this a motion, but I hope that my superiors will give it some consideration.

I think I would be remiss in my duty if I did not say a word about water pollution. Water pollution is a subject of wide interest in our civilized world today. It is a problem which scientists like to promote. I do admit without hesitation that this is a serious problem, but I do not always share the views, nor the scare, that some people like to enunciate. It is indeed sad that it is only in the last 10 or 15 years that serious attention has been given to this problem.

Let us look at both sides of the coin. Let us not forget that in the process of polluting our rivers and lakes a tremendous contribution has been made to developing and building our Canada as it stands today. Without our rivers and lakes as a means of transportation for our residue, many cities and many industries would not be in existence today. In earlier days it was the only way. However, I fully concur with the idea that with better ways and means now possible we should bring about proper corrections.

It is all well and good for the experts to tell you what you should do, but usually those experts overlook the most important subject, the cost involved. To me that is the main issue. Pure, palatable water will still be available on this planet for many years to come. Three-quarters of the globe is water; nature will continue its process of evaporation and condensation. Nuclear power will in the near future give us new processes whereby salt water will be purified to soft water. Nuclear power will also replace hydro power plants. By the same token, rainmaking machineries will replenish the rivers and the lakes with fresh water. The cycle of rainfall and evaporation will always exist and will become controllable. Ships working as ice-breakers will navigate along the shores of our lakes and will by scientific methods purify the contaminated waters.

Nevertheless, pollution is today one of our major problems and its effect is counteracting our past years of growth. It now presents serious obstacles to our future expansion. Many rivers have in the past served generally to transport anything that could be dropped into them, including the driving of logs for timber, transportation by surface craft, sewer disposal and the drowning of cats. Many of our rivers serve just that purpose. However, today our new ways of living bring new facilities to cleanse the rivers from this destructive pollution. But here again the burden of providing cleaner rivers seems to hit the average working man and the small taxpayer. Today, if you build a home or a chalet along a lake or a river, sewer disposal

must not at any cost lead to the river. In many instances the same river or lake is heavily polluted by cities, municipalities and heavy industries which can drop more pollution in one minute than your home could produce in a lifetime. However, we accept the efforts because a start must be made somewhere.

New Brunswick is privileged with the world's largest potential tidal water power. Many surveys and studies have been made and some surveys are very costly, but the studies and the future of nuclear fission has widened the distance of realities for tidal power. The construction cost for the kilowatt produced by tidal power is prohibitive, and tidal power is still in the peaking load bracket. Firm power cannot be achieved without assistance from other sources such as thermal or hydraulic, and industrial requirement is mostly firm power at low cost.

One major study made during the years 1952-55 by the International Joint Commission, has well demonstrated that to develop the potential of the great Passamoquoddy, the construction cost would be over a billion dollars, and would have to be done by the full development of the St. John River, including Rankin Rapids, Grand Falls, Beechwood and other possible sites. The Mactaquac site is now under construction as one site to replace two sites—Cross Point and Hackshaw. This will be a 400,000 kilowatt capacity at high water.

One of the sore spots of the St. John River full development was the changing of the Rankin Rapids site four miles up north on the St. John River, doing away with the great water storage potential of the Allagash River. Naturally this is an all-American project as the Allagash River is in the State of Maine. The Dickey site, if ever built, will produce only peaking power, and the cost will be over $200 million.

I am still of the opinion that these developments in full will never be done, as the dollar return makes this prohibitive, and more energy can be produced by nuclear process. I am of the firm opinion that at this moment money-hungry contractors and engineering firms are mostly responsible for making these projects political, dancing puppets.

We have had occasion in this chamber not long ago to have many discussions about the freedom of the press. I go along with them, too, but I would like to point out one thing that happened to me last year when I was misquoted by this so-called "free press." I do not know how the report was arrived at, but I was quoted by the "free press" as having said that the Mactaquac was a white elephant. What I did say was that the Dickey dam was a white elephant, and that makes a lot of difference in New Brunswick. Believe me, I had several telephone calls within the next few days. I was wakened by the editor of the St. John *Telegraph*, St. John, New Brunswick, who called me at midnight to check with me as whether I had said that, and I said "Never." The next day I went down on the third floor of this building and called on the Canadian Press people. They were very kind to me and apologized, and they sent another wire along the line, to make the proper correction, but the damage was done. These wires that they send out to correct a mistake never appear with the same power and impact or in the same location as the initial headlines. Not too long ago I was called by a person in New Brunswick and asked: "What was your idea in saying last year that Mactaquac was a white elephant that you were primarily responsible for?" I told him the whole story, and he added, "A lot of us could not understand it."

I hope that in cases where these things have such importance, and where there may be confusion in names like Mactaquac or Pokiok or Hackshaw, the reporters will take the trouble to check some of them before they send wires all across Canada. I hope the Canadian Press will take note of this and correct the grave error.

Honourable senators, in New Brunswick we are not overlooking our problems, even if there are abundant fish, but we are going through very difficult times. First of all, we have in that province an irresponsible Liberal government. Secondly, the new freight rates which will come into effect on January 1 will have disastrous effects on industries, small and large. In some cases the increased rates will reach 450 per cent. I read the other day a news item which spoke of a pair of rubber overshoes going today from Ontario to Halifax at a cost of nine cents for freight. The new rate will be 29 cents. There was a long list of such items. I hope this situation will not take place, because this would certainly be a very serious problem for the Maritime Provinces.

The proposed closing of the DOSCO Steel operation of Sydney is a severe blow not only to Cape Breton but to railway transportation and railway employees. Regardless of the effect it would have on Cape Breton, there will be two less C.N.R. trains daily from Montreal to Cape Breton, one freight

train going east and one freight train going west. You know the effect of this change on the employees that are required between Montreal and Cape Breton and back—it will represent possibly some hundreds of employees. This change will take away those two trains. The C.N.R. now is in the process of laying off 450 men in the region.

Our lumbering industries, mostly the pulpwood industries, are fast being replaced by new processes—chips. In itself this is progress and good for the industries, but it has a sad effect on the lumberjacks.

Our 1967 potato crop was severely damaged by poor weather and the loss will run into millions of dollars.

ARDA, from which the people expected more, so far has very little to show for the tremendous expenditures of public funds. I could extend my remarks much more on this subject.

[*Translation*]

Honourable senators, I thank you for your kind attention.

[*English*]

Motion agreed to and the address in reply to the Speech from the Throne adopted.

The Hon. the Speaker: Ordered that the address be engrossed and presented to His Excellency the Governor General by such members of this house as are members of the Privy Council.

PRIVATE BILL

PRINCIPAL LIFE INSURANCE COMPANY OF CANADA—COMMONS AMENDMENT CONCURRED IN

The Senate proceeded to consideration of the amendment made by the House of Commons to Bill S-11, respecting Principal Life Insurance Company of Canada.

Hon. Donald Cameron moved that the amendment be concurred in.

He said: Honourable senators, this bill was approved by our Standing Committee on Banking and Commerce on June 29 and was given third reading in the Senate on the same day. It went before the Committee on Finance, Trade and Economic Affairs in the House of Commons on November 9. The English version was approved exactly as submitted; in other words, there was no change whatsoever in the English version.

There was an error in the French version of the bill in that the English title was printed on the French version. There was objection to this. It was thought that the correction could have been made as an administrative matter, but the law officers of the House of Commons thought it had to take the form of an amendment. In any case, it was unanimously agreed that the title of the French version be changed from the English version, which was "An Act respecting Principal Life Insurance Company of Canada" to "Loi concernant la Principale du Canada, Compagnie d'Assurance-Vie".

This change was made in the form of an amendment and the bill was given third reading in the House of Commons on November 15. Accordingly, I would move that the amendment be concurred in.

Amendment concurred in.

DIVORCE

REPORTS OF COMMITTEE ADOPTED

The Senate proceeded to consideration of reports of the Standing Committee on Divorce Nos. 277 to 372, 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. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, presented the following resolutions:

Resolution 268, for the relief of John Louis Zalmanovitch.

Resolution 269, for the relief of Anita Anna Szigeti Kotzmann.

Resolution 270, for the relief of Edouard Martin.

Resolution 271, for the relief of Barbara Mary Booth Smith.

Resolution 272, for the relief of Doris Josephine Webber Graham.

Resolution 273, for the relief of Michelle Robitaille Williams.

Resolution 274, for the relief of Jacqueline (Jacquelin) Halle Erdely, otherwise known as Jacqueline (Jacquelin) Halle Erdelyi.

Resolution 275, for the relief of Ann Ellen Bookman Better.

Resolution 276, for the relief of Joseph Noel Fournier.

Resolution 277, for the relief of Solange Lavoie Arbour.

Resolution 278, for the relief of Kornelia Regina Rybacka Rapaport.

Resolution 279, for the relief of Maurice Bleau.

Resolution 280, for the relief of Marilyn Clerk Merlin Wynne.

Resolution 281, for the relief of Irmgard Hettasch Roth Hughes.

Resolution 282, for the relief of Lucie Emilienne Marie Luchart Bisensang.

Resolution 283, for the relief of Albert Walter Kearley.

Resolution 284, for the relief of Georges Pendleton.

Resolution 285, for the relief of June Mary Vanstan Quinn.

Resolution 286, for the relief of Marie Anita Lafetiere Legault.

Resolution 287, for the relief of Eva Dorothy Boski Bussiere.

Resolution 288, for the relief of Marie Camille Francoise Johnston Fitka.

Resolution 289, for the relief of Joseph Valere Wilfrid Gagne.

Resolution 290, for the relief of Ernest Keith Borden.

Resolution 291, for the relief of Thomas Northcott.

Resolution 292, for the relief of Ronald Roland Bertrand.

Resolution 293, for the relief of D'Yvonne Rousseau McCormack.

Resolution 294, for the relief of Barbara Lillian Beer Berry.

Resolution 295, for the relief of Charles Herbert Goodale.

Resolution 296, for the relief of Jean Milton Burness Saucier.

Resolution 297, for the relief of Therese Barbeau Bisaillon.

Resolution 298, for the relief of Robert Giard.

Resolution 299, for the relief of Kathleen Elizabeth Gaucher de Zylva.

Resolution 300, for the relief of Benoit Pierre Perriau.

Resolution 301, for the relief of Lilianne Touchette Lalonde.

Resolution 302, for the relief of Andree Audette Scaramella.

Resolution 303, for the relief of Celia Frost Spector.

Resolution 304, for the relief of Pierrette Robitaille Marseille.

Resolution 305, for the relief of Eva Wollner Gaty.

Resolution 306, for the relief of Chana (Hannah) Starin Freundlich.

Resolution 307, for the relief of Marcel O'Rourke.

Resolution 308, for the relief of Marc Maynard.

Resolution 309, for the relief of Eveline Turcotte Martin.

Resolution 310, for the relief of Patricia Bazinet Levasseur.

Resolution 311, for the relief of Samuel Ray, otherwise known as Samuel Ravitsky.

Resolution 312, for the relief of Trevor Jones.

Resolution 313, for the relief of Joseph Jean Pierre Paul Fortier.

Resolution 314, for the relief of Nadia Debnar Anapolsky.

Resolution 315, for the relief of Marvin Fred Schwartz.

Resolution 316, for the relief of Kathleen McGovern (MacGovern) Whitehouse.

Resolution 317, for the relief of Veronika Sattler Karsay.

Resolution 318, for the relief of Georges Arthur Durst.

Resolution 319, for the relief of Joseph Georges Andre Chicoine.

Resolution 320, for the relief of Gordon Frank Howard.

Resolution 321, for the relief of Constance Helen Salhany Hilton.

Resolution 322, for the relief of Diane Joan Lacombe Stevenson.

Resolution 323, for the relief of Susan Ann Barnett Lax, otherwise known as Susan Ann Barnett Lands.

Resolution 324, for the relief of Patrick Ernest Barton.

Resolution 325, for the relief of Mary Ferenchik Hilton.

Resolution 326, for the relief of Lee Rotman Lubin Schaicovitch.

Resolution 327, for the relief of Grace Amy Lallemand Tsadilas.

Resolution 328, for the relief of Andre Champagne.

Resolution 329, for the relief of Antonas Paskevicius.

Resolution 330, for the relief of Joseph Andre Lefebvre Delage.

Resolution 331, for the relief of Pearl Marlene Zelikovitz Burack.

Resolution 332, for the relief of Charlotte Farha Yehouda Moshi Yehouda Abdoo.

Resolution 333, for the relief of Eva Letovsky Morris Bockmuz.

Resolution 334, for the relief of Frances Victoria Dumais Angel.

Resolution 335, for the relief of Denis Richer.

Resolution 336, for the relief of Colette Fauteux Turgeon.

Resolution 337, for the relief of Marilyn Isabel McNeill McCutcheon.

Resolution 338, for the relief of Robert Douglas Dickie.

Resolution 339, for the relief of Cecile Lecault Lafontaine.

Resolution 340, for the relief of Edith Emmy Herzl Tarshis.

Resolution 341, for the relief of Robert Philippe Michaud.

Resolution 342, for the relief of Lucien Boivin.

Resolution 343, for the relief of Donald Keith Franklin.

Resolution 344, for the relief of Cuthbert Wilson Syme.

Resolution 345, for the relief of Yvette Emond Dagenais.

Resolution 346, for the relief of Therese Morin Poitras.

Resolution 347, for the relief of Ann Sheppard Suess.

Resolution 348, for the relief of Sandra Joan Thompson Allan.

Resolution 349, for the relief of Marcel Seguin.

Resolution 350, for the relief of Robert Church.

Resolution 351, for the relief of Ann Monica Laws Walchyshyn.

Resolution 352, for the relief of Sandra Ann Ingram Wood.

Resolution 353, for the relief of Joseph Arthur Rene Renaud.

Resolution 354, for the relief of Claudette Chevrier Ranger.

Resolution 355, for the relief of Georges Girard.

Resolution 356, for the relief of Marilyn Gean Ellis Wray.

Resolution 357, for the relief of Madeleine Meunier Galaise.

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Resolution 358, for the relief of Cecile Gilbert Paquet.

Resolution 359, for the relief of Marguerite Agnes Marie Gillam Semeredy.

Resolution 360, for the relief of Janet Josephine Cools Cox Nurse.

Resolution 361, for the relief of Dorothy June Tibert Heselton.

Resolution 362, for the relief of Inge Klara Klinger Fraser.

Resolution 363, for the relief of Jeanne Lucienne Durain Dell.

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 at the next sitting of the Senate.

Motion agreed to.

DEFENCE PRODUCTION ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Daniel A. Lang moved the second reading of Bill S-28, to amend the Defence Production Act.

He said: Honourable senators, at the outset I would like to apologize for what is referred to as an explanatory note on this bill. I think you will realize that it really does not explain anything but merely sets out the section of the act that this amendment intends to repeal. I think therefore it might be useful if I briefly gave the background from which this amendment comes to us in Bill S-28.

Honourable senators will recall that the Defence Production Act was originally promulgated in 1951, and under that act there was created a department of government specifically charged with the responsibility of acquiring defence supplies and charged with the responsibility of constructing and carrying forward defence projects. This act, as originally promulgated, had in it the section 17(1)—which is set out under the explanatory note—in exactly the form that it is therein set out. This section has not been amended since the act was originally proclaimed.

Basically, this amendment is to increase the discretion of the minister with regard to the awarding of contracts. I think because of that fact some explanation is warranted. Honourable senators will see by referring to

section 17(1), as it is now carried in the Defence Production Act, that the minister's discretion with respect to awarding contracts is governed in two ways: first, under paragraph (e) (i) no limitation is imposed where a contract must be entered into immediately in the interest of defence, and that in the opinion, of course, of the minister.

Hon. Mr. Choquette: Even if there is no war on at the time?

Hon. Mr. Lang: That is correct.

Hon. Mr. Croll: There is always a political war on.

Hon. Mr. Lang: However, unless a contract in the opinion of the minister need be entered into immediately in the interest of defence, certain restrictive provisions apply to it, namely, a contract must receive the approval of the Governor in Council if it exceeds $25,000 in aggregate amount, but provided that it exceeds $25,000 and is less than $50,000, and the contract has been let by tender and the lowest bid accepted, then it does not require approval of the Governor in Council. Contracts exceeding $50,000 require approval of the Governor in Council under all circumstances, except for the one circumstance to which I referred initially, namely, contracts which must be immediately entered into for purposes of defence.

I think honourable senators will realize that these figures today are unduly restrictive in view of the present levels of expenditure of government and the costs involved today in government. This contention, I think, is very well borne out by the conclusions with regard to these matters contained in the Glassco Commission Report on Government Organization. If I may I would like to quote excerpts from Volume 1 of that report on management of the Public Service. At page 55 this statement is set forth:

> There will remain certain categories of departmental action which will require specific approval by the Board.

That is, the Treasury Board.

> Ministers will wish to review proposals that entail very large expenditures or represent the launching of major programs with heavy future commitments, actual or implied. But the limits of departmental authority to act independently must be raised substantially, and include all routine and recurring needs almost regardless of the sums involved.

Again, at page 104 of the report it is stated:

> A particular irritant resulting from the contract approval procedures is that items of expenditure in excess of ministerial authority may be dealt with by the Treasury Board as many as four different times: first, on submission to the board for prior approval in principle; second, when the proposed expenditure is included in the annual Estimates; third, when the contract itself is submitted to the board for approval; and fourth, if and when the contract has to be amended and involves an amount in excess of ministerial authority...
>
> Some limits on contract authority are obviously necessary, but they should be established in the light of the experience of the individual department, the volume of contractual expenditures handled, and the extent of prior approval of the particular expenditure.

Again, at page 105 we find the following two specific recommendations that:

> 2. The Treasury Board continue to lay down policies on financial and administrative matters common to all departments and agencies, but in a less restrictive manner.
>
> 3. Departments and agencies be granted more discretion in the negotiation of contracts.

Honourable senators, I refer to those excerpts from the Glassco Commission Report because this amendment follows specifically from them. It will be recalled that in 1963, by a cabinet directive, civilian procurement for all government departments and agencies was to be gradually transferred to the Department of Defence Production, thereby constituting that department not only the procurement agency for defence expenditures but also eventually the sole procurement agency for all government expenditures. At present I am advised that this transfer of procurement function is about 40 per cent complete, and that of the annual civilian expenditure—if I may use the word "civilian" for nonmilitary expenditure—of approximately $170 million, about $80 million is now handled by the Department of Defence Production. As a result, the department is functioning under two separate sets of rules in connection with the extent of ministerial discretion on contractual matters. One set of rules is given under the explanatory note

and governs defence procurement, and another set of rules came with the transfer to the department of the responsibility for non-military expenditures. I believe that last situation bears some amplification because the rules are alluded to in paragraph (d) of the proposed amendment.

The rules governing nonmilitary procurement fall under the Financial Administration Act and the regulations under that act. First I might say that the regulations provide that the Treasury Board may act for the Governor in Council in these matters, and secondly that the limitations of ministerial discretion as specifically set forth in the regulations may be increased or decreased from time to time with respect to various contracts by the Treasury Board.

Hon. Mr. Burchill: Might I ask the honourable senator a question? What would be the nature of nonmilitary procurement?

Hon. Mr. Lang: I imagine the procurement of the stationery that is in the honourable senator's desk would be an example of this, as would be the procurement of furniture.

Hon. Mr. Choquette: Swimming pools.

Hon. Mr. Lang: And personnel. I think we could go on for the rest of the afternoon finding examples. I would be glad to give the honourable senator a very full list if he will give me the opportunity to obtain it from the officials of the department.

Hon. Mr. Connolly (Ottawa West): This would apply to equipment of all kinds.

Hon. Mr. Lang: Under the Financial Administration Act and regulations at the present time, the Department of Defence Production has imposed upon it limitations with respect to nonmilitary procurement in the following amounts: On contracts up to $250,000, ministerial discretion is absolute. On contracts between $250,000 and $500,000 where public tender is called and the lowest tender is accepted, ministerial discretion is absolute. Contracts in excess of $500,000 require the approval of Treasury Board.

Honourable senators, if this amendment to the act is passed, both the civilian and military procurement functions of this department will be governed by the same rules. However, you will note that under the amended paragraph (e) the provision for unlimited ministerial discretion in the case of contracts that must be let immediately for defence purposes is retained.

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Hon. Mr. McCutcheon: Was that recommended by the Glassco Commission?

Hon. Mr. Lang: Not to my knowledge specifically.

Other contracts that do not fall within that category would under paragraph (d) of the amendment come under the Financial Administration Act and its regulations. Presumably if this amendment is passed, the department will then ask the Treasury Board to authorize limitations for defence procurement on the same basis as those now obtaining with respect to nonmilitary expenditures, and in the amounts to which I have referred.

Honourable senators, if this bill receives second reading I shall move that it be referred to the Standing Committee on Banking and Commerce.

Hon. Mr. Flynn: Would the honourable senator explain in a little more detail than he has this provision under paragraph (e). What are the reasons for giving the minister complete discretion if, in his opinion, the contract must be entered into immediately in the interests of defence? Is there any instance in the past that he could cite which would justify this discretion? The way I read the section it means that the minister may simply say, "In my opinion the contract must be entered into immediately in the interests of defence and therefore the regulations under the Financial Administration Act will cease to apply." Is this mere assertion by the minister sufficient, that in his opinion they do not apply?

Hon. Mr. Lang: In reply to my honourable friend's query, I am advised that this power has been very rarely exercised; in fact, in only some four instances during the last fiscal year. One example was in connection with severe damage to a Canadian naval vessel occasioned during NATO exercises, when to prevent its loss it had to be dry-docked immediately at the nearest port in the United Kingdom, and a contract for the dry-docking and repair of that vessel had to be entered into on such short notice that it would have been impossible to comply with the other procedures provided for in the section. That is the only example I have before me at the moment. The other instances when this section was invoked are so few that I would be glad to get the specific circumstances surrounding them for my colleague's information if he wishes them.

Hon. Mr. McCutcheon: Could you at the same time get for us the names of the ministers who exercised this discretion?

Hon. Mr. Lang: I would be glad to do that.

Hon. Mr. White: I would like to ask the honourable senator a question. Under the existing act, section 17 (1) (e) (ii) provides for an expenditure of up to $25,000; and, if I understood the honourable senator correctly, under section 17(1)(d) of the act, as amended, it is to be increased to $250,000. If that is correct, why is there a jump of from $25,000 to $250,000 in the discretion of the minister without tender?

Hon. Mr. Lang: May I answer the honourable senator's query this way? This actual amendment does not increase the discretion to $250,000 but places the amount of the discretion under the regulations under the Financial Administration Act. If that alone were simply done, then the discretion that would apply would be determined according to the subject matter of the contract; and under the regulations there are various headings such as purchase contracts, service contracts, leases and general, and different types of military contracts would be governed by the specific limits set out in the specific subsections.

It is my understanding that rather than have this condition prevail, the department will likely request that the Treasury Board exercise the powers conferred on it under section 22 of the regulations and, rather than have the specific headings apply to a specific contract, have the general ceiling of $250,000 that you referred to apply to all defence contracts, just as it does now to all nonmilitary contracts handled by the Department of Defence Production.

Hon. Mr. White: Then I am correct in saying that under this amendment the minister would be able to let the military contract, in his discretion, up to $250,000 without tenders. Is that correct—without tenders?

Hon. Mr. Lang: Without Treasury Board approval, that is correct.

Hon. Mr. White: Then why jump it from $25,000, which is all right, to $250,000? Surely, there has not been that much inflation?

Hon. Mr. Lang: These ceilings have been the ones applied to nonmilitary expenditures, and I am advised that of the total procurement contracts something like 80 per cent in dollar value is military and 20 per cent in dollar value is civilian or nonmilitary. The military procurement contracts that involve long-term expenditures must come before the Treasury Board, as I understand it, for approval in principle before any specific amounts emerge and that, accordingly, all such contracts are scrutinized before they move to the stage of execution and when they are basically at a policy decision point. If these ministerial discretions and limitations for nonmilitary procurement are reasonable, it would seem to me that they are almost restrictive today in connection with military procurement, where we are no longer dealing with relatively straightforward weapons systems but rather are dealing in an area of sophisticated hardware, the costs of which today exceed our wildest imaginings of even 10 years ago.

I am also advised that the limitations imposed have not only involved the department in going to the Treasury Board under the four sets of circumstances to which I have already referred, but for each portion of a contract they have had to do just that, with the result that something like over 1,800 various submissions were made to the Treasury Board in this area last year.

It is a matter of policy as to what should or should not be the ceilings in these areas of ministerial discretion, and I know that in this chamber we should be properly concerned with their propriety. My personal opinion would be that today in Canada these limitations are almost modest, but I would like honourable senators to have the opportunity of questioning the minister himself in this area in committee, where Government policy in these matters in relation to the present-day volume of government expenditure and the diversity of the areas of government expenditure could be brought into a more exact perspective.

Hon. Mr. Flynn: I would like the honourable senator to indicate what distinction, if any, he makes between paragraphs (d) and (e), even in emergency cases such as he has indicated. For instance, in the case of the Canadian naval vessel that was damaged during NATO exercises, the only emergency or urgent decision that had to be made was to dry dock it. It was not necessary to decide immediately what repairs had to be made. I do not see why a ceiling should not be applied under paragraph (e) as well as (d). Does the honourable senator really make a distinction between the two paragraphs?

Hon. Mr. Lang: I think this probably goes back to the classic debate when the wartime

emergency defence powers were rescinded. Personally I would see a very real necessity for the discretion being retained under paragraph (e). I think in this day and age we can very well contemplate expenditures of a defence nature that might well have to be made with practically no notice, and I think these may be far more real than defence expenditures which are involved in long-term defence planning. I can see where, for instance, in the case of aircraft it might be necessary to make a purchase of aircraft immediately to fill a gap left by a military aircraft disaster that weakened part of our NATO role, and where these expenditures would have to be made immediately to obtain aircraft of the necessary type.

If this power did not exist, then other procedures would have to be followed with possibly a resultant delay that would preclude us being able to acquire the necessary specific aircraft. The machinery of war today is so expensive that what one might purchase while keeping below a ceiling of $25,000 or even $250,000 would, I think, be practically negligible.

Hon. Mr. Deschatelets: May I ask the honourable senator if I am right in assuming that if a contractor is awarded a contract under paragraph (e), the minister in due time can be called upon to justify that the contract was awarded because of an emergency? Is the matter of emergency not the difference between paragraphs (d) and (e)?

Hon. Mr. Lang: I thank the honourable senator very much. Even after this amendment is passed, section 17 of the act itself will still contain the following qualifying words:

but—

And the "but" refers to both paragraphs (d) and (e) as amended.

> but the minister shall make a report to the Governor in Council in respect of any contract involving an estimated expenditure, loan or guarantee exceeding ten thousand dollars and entered into without the approval of the Governor in Council.

In other words, once the contract is entered into under paragraph (e) a report must thereafter be made by the minister.

Hon. Mr. Walker: Would the honourable senator answer a question? Under paragraph (e) is there no limit to the amount of a contract that might be entered into immediately in the interests of defence, and if in the opinion of the minister it is necessary to enter into such a contract?

Hon. Mr. Lang: That is correct.

Hon. Mr. Walker: This seems a rather shocking provision to me because it gives a tremendous scope to the discretion of the minister. All ministers are not too wise in making expenditures of this kind. In my experience it did not take long to get together a committee of the cabinet to pass an order in council.

It seems to me shocking that a minister should be able to exercise his own discretion in such a matter, and not be subject to review, because it will be too late once a contract is entered into. If this bill passes into law the minister will be enabled to enter into immediately, and without consultation with anyone, a contract involving untold millions of dollars. It is incredible to me that this should be allowed. Surely, there should be some way of checking this or of imposing some safeguards.

I know that the honourable senator is not a member of the Government. He has done an excellent job of explaining this bill, and I do not hold him accountable at all, but with the greatest respect, it seems to me that this matter should be referred to a committee. It seems to me a pity to pass on the principle of this bill, and approve of it, in the circumstances. Perhaps the honourable Leader of the Government (Hon. Mr. Connolly, Ottawa West) can help us out of this dilemma.

Hon. Mr. Connolly (Ottawa West): Honourable senators, I can quite understand that the point of view expressed by the honourable senator might well be shared by many members of this house. I certainly agree, first of all, that the bill should go to committee, and that the minister should appear before that committee and explain the circumstances, the requirements for defence, and the unusual exigencies that can arise in connection with defence. The honourable senator, who was a member of the Government at one time, will know that these can occur very quickly indeed.

Senator O'Leary (Carleton) earlier today asked about the situation in Cyprus, and the position of the Canadian troops there. If a sudden emergency arose there and something had to be provided in a great hurry the minister has the authority to provide it.

While in theory this does look to you, Senator Walker, as being something shocking

on its face, I do not think that ministers who would have to authorize these expenditures in the interests of defence would authorize them without very serious consideration. I think that we can rely on the good judgment of anyone who has ministerial responsibility not to embark upon such a program lightly. It is an emergency that we are talking about. However, I would hope that a much better explanation will come from the minister who heads the department than from a very obscure minister of the Government, and one without portfolio.

Hon. Mr. McCutcheon: Honourable senators, without accepting the honourable Leader of the Government's more than modest description of himself as a member of the Government, I and many other honourable senators hope that we will have a better explanation of the reason for paragraph (e), and certain other parts of the bill, than we have at present.

I move the adjournment of the debate.

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

CURRENCY, MINT AND EXCHANGE FUND ACT

BILL TO AMEND—SECOND READING

The Senate resumed from Thursday, November 2, the adjourned debate on the motion of Hon. Mr. Everett for the second reading of Bill S-23, to amend the Currency, Mint and Exchange Fund Act and the Criminal Code.

Hon. L. P. Beaubien: Honourable senators, this debate stands adjourned in the name of Senator Willis, but as he is not here, and as my new leader seems to think I should go to work, I should like, with your kind permission, to say a few words on this bill.

Senator Everett introduced the bill in this chamber about three weeks ago, and he gave us a very detailed explanation of it. What I have to say, therefore, will be very brief.

The main purpose of the bill is to do away with silver in Canadian coins. I do not think the Canadian Government has any option in the matter whatsoever. Senator Everett brought this out, as did also Senator Desruisseaux.

To give you somewhat of an idea of the economics of the business of minting coins, I should like to quote some figures which, although I cannot guarantee them as being absolutely accurate, are accurate enough to give you the picture. I am told that if somebody were to take Canadian coins, melt them down, and separate the silver from the copper, in order to make a profit he would have to be able to sell the silver at $1.53 an ounce. As you know, the price of silver in the United States has risen from $1.29 per ounce to about $2.03 per ounce today. It can be seen, therefore, that there is a very large margin of profit to be made if you were to melt down coins. However, section 3 of the act forbids the melting down of coins.

If those are the economics, and if you are minting silver coins, and you have to pay not $1.53 but $2.15 Canadian, you can see that you will incur a rather large loss. Therefore, I think we can agree with the principle of this bill, which is to do away with silver coins.

The next problem is to decide what should be used as a substitute for silver. The Canadian Government has had the advantage of observing what the Americans did in 1965, and have done since. They took a piece of copper and put on either side of it some nickel alloy and made a sort of a sandwich coin. Their purpose in doing that was really to help the vending machine industry. As the honourable senator who introduced the bill (Hon. Mr. Everett) pointed out very clearly, the vending machine industry is an enormous industry, and, of course, such things as toll road gates are actuated by coins. The sandwich coin that the Americans turned out worked very well, but it had the disadvantage of not wearing well, and it was also very easy to make a slug of copper and lead which worked in the machines. Therefore the Canadian Government has decided to use nickel. This is a problem which will have to be solved with the vending machine industry. However, they are sure they can solve it, and I would think their decision is probably right.

By producing a nickel coin the Canadian Government could perhaps develop this with other countries which have a smaller demand for coin, and our great volume would make this economical. They are therefore asking to be allowed to relocate the Mint if necessary and to build new facilities, and so on.

I think the next important problem is this: could the non-use of silver be a blow to the silver mining industry? I do not think so. There is a tremendous demand by the photographic industry, the electrical industry, the space industry, and others. The production of silver has not been dependent upon the price

of silver, which is surprising. Silver is produced almost entirely as a by-product. You will find that all the big producers in Canada produce something else and the silver is a by-product. Therefore, the quantity of silver produced relates to the quantity of copper which is produced because the demand is there, by the amount of nickel produced, and so on.

For example, the Cobalt refinery which gets silver from a whole lot of little mines, produces between 3 and 4 million ounces a year; Hudson's Bay Mining about 1.2 million ounces. These figures are for 1965, so they may be a little bit out. International Nickel produces 1½ million ounces, Cominco 6½ million ounces, and Noranda 7.7 million ounces. We do not have any figures for a new mine in production now, the Kidd mine, which is in the Timmins area, but the rumours are that it will produce a good deal more than the other mines in Canada.

The increased price of silver in the open market does not seem to have produced any amounts of silver from India and China. Silver is in short supply and I do not think there will be any danger to the industry if the Canadian Government does not use silver in its coins.

This is a good bill and I intend to vote for it. I think we on this side would appreciate it if the sponsor of the bill (Hon. Mr. Everett) were to move to send it to committee after second reading.

Hon. Douglas D. Everett: Honourable senators—

The Hon. the Speaker: Honourable senators realize that if Senator Everett speaks at this time it will have the effect of closing the debate.

Hon. Mr. Everett: Honourable senators, I should like to commend the honourable Senator Beaubien (Bedford) on his speech on this bill and say that I concur with everything he said with one very minor exception. That is, when he says that if you melt down Canadian silver coins at a time when the price of silver is above $1.53 per ounce you will realize a profit on the silver content alone. That was true of the coinage of Canada when it was 80 per cent silver—and some of that coinage is still in circulation. However, in 1966, because of this situation and because of the increase in the price of silver, the Government of Canada reduced the silver content of the coinage from 80 per cent to 50 per cent; therefore, I think I am correct in saying that even at the price of $2.03 the 50 per cent silver coinage is not of such silver content that it would be worth while melting down. There is still 80 per cent coinage in circulation. In fact, all the 50-cent pieces and dollar pieces are 80 per cent silver, but they have not been minted for a considerable length of time.

Honourable Senator Beaubien (Bedford) has said he would be pleased to see this matter referred to the Standing Committee on Banking and Commerce, and I concur in that recommendation.

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.

CYPRUS

PRESENT SITUATION AND ITS EFFECT ON CANADIAN TROOPS—INQUIRY ANSWERED

Hon. John J. Connolly: Honourable senators, before the Senate adjourns I have thought it important to get an answer to the question honourable Senator O'Leary (Carleton) asked before the Orders of the Day. May I have permission to place the answer on the record for him?

Hon. Senators: Agreed.

Hon. Mr. Connolly (Ottawa West): I would assume that what honourable Senator O'Leary (Carleton) had in mind was an incident in which three Canadian soldiers were beaten by certain Turkish-Cypriot fighters. I am informed that the commander of the Canadian contingent and the Chief of Staff of the United Nations Peacekeeping Force in Cyprus have launched a strong verbal protest with Turkish-Cypriot leaders. The UN officials have also drawn this matter to the attention of the Turkish Embassy in Nicosia. The Government views such incidents with concern, and it considers that there is a great need for improved co-operation with the UN forces by all parties in Cyprus.

I might add for the information of honourable senators that during the fighting between the Greek and Turkish Cypriots in south-east Cyprus on November 15 the Minister of External Affairs called in the Greek and Turkish ambassadors to urge their governments to exercise all possible restraint. The diplomatic representations which he has undertaken in Ankara, Athens and Nicosia

are all designed to reduce existing tension, and if possible to lay the groundwork for progress towards a permanent solution of the Cyprus problem. The Government is also keeping in close touch with the Secretary-General of the United Nations.

Hon. George S. White: May I ask the honourable Leader of the Government (Hon. Mr. Connolly, Ottawa West) a question? Having in mind the recent war between Israel and Egypt and the manner in which the Canadian troops and Canadian Peacekeeping Corps was ordered out by the Egyptian officials, could the Leader of the Government tell us who could order the peacekeeping force and Canadians out of Cyprus? Could it be done by the Greek Government, by the Turkish Government, or only by the United Nations?

Hon. Mr. Connolly (Ottawa West): The Canadian force there is, of course, under the aegis of the United Nations. I should think that the authority that put it there and keeps it there is the only real authority in the case. What circumstances might dictate in a given situation might be different; but, so far as a valid order is concerned, the authority to make that order should lie with the United Nations.

Hon. Mr. White: Then the same thing would apply with the Israeli-Egyptian war. I understand that the force there was entirely under the United Nations, but the United Nations had nothing to do with ordering the force out of the country.

Hon. Mr. Connolly (Ottawa West): That is not my understanding. I understand that the United Nations authorities were responsible for the withdrawal.

Hon. Mr. White: They were perhaps responsible, after being ordered by President Nasser to have them withdrawn.

Hon. Mr. Connolly (Ottawa West): I do not enter into the dispute on that question, but it was the Secretary-General of the United Nations, I understand, who gave the order.

Hon. Mr. White: Would the honourable Leader know whether, when a peace force like that on Cyprus is set up, there is some document or agreement that is signed by Canada, Ireland, Sweden and any other countries participating in the Cyprus force, setting out their instructions and their authority? Is there any such document?

Hon. Mr. Connolly (Ottawa West): I am afraid I would have to take that question under advisement. I remember very well the debate that went on here when the Cyprus force was authorized by Parliament. Certainly there would be terms of reference; as to whether there are specific contracts as between the parties who contributed to that force, I will make inquiries.

Hon. Mr. White: It will be remembered that at the time the Cyprus force was set up the honourable leader in speaking said that it was most urgent; and the debate in this house consisted of the remarks of the honourable Leader of the Government and of the Leader of the Opposition. When he makes inquiries whether there is any document such as I have mentioned, would it be possible for the leader to obtain a copy so that we would have some idea of just how a force of this kind is set up?

Hon. Mr. Connolly (Ottawa West): Yes.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Thursday, November 23, 1967

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

Prayers.

DOCUMENTS TABLED

Hon. John J. Connolly tabled:

Statutory Orders and Regulations published in the *Canada Gazette*, Part II, of Wednesday, November 22, 1967, pursuant to section 7 of the Regulations Act, chapter 235, R.S.C., 1952. (English and French texts).

Copies of correspondence exchanged between the Prime Minister of Canada and the Premiers of certain provinces with respect to a proposed special federal-provincial conference to consider establishing a constitutional Bill of Rights for Canada. (English and French texts).

Copies of correspondence exchanged between the Prime Minister of Canada and the Premiers of the provinces with respect to a proposed federal-provincial conference on housing and urban development. (English and French texts).

ADJOURNMENT

Hon. John J. Connolly: Honourable senators, I move, with leave of the Senate, that when the Senate adjourns today, it do stand adjourned until Tuesday, December 5 at 8 o'clock in the evening.

Honourable senators understand, of course, that this motion is made subject to recall if business requires our presence here. The Order Paper will be dealt with extensively today, and the flow of legislation from the other place is not sufficient to warrant our sitting next week.

Motion agreed to.

HON. JOSIE D. QUART

FELICITATIONS ON SELECTION AS SENATOR OF THE YEAR

Hon. Jean-François Pouliot: Honourable senators, I read this morning in the paper a dispatch from London which has pleased me immensely. It was to the effect that the Hon. Mrs. Quart had been named by the Women's Canadian Club of London as Senator of the Year. I congratulate her very warmly and I am sure all honourable senators will join with me in paying tribute to her.

Hon. Senators: Hear, hear.

Hon. Josie D. Quart: Senator Pouliot, you have taken me by surprise. I am very sorry but I was talking to our Whip on this side and I did not hear your remarks. Have I done something wrong or have I done something good?

Hon. Mr. Pouliot: Honourable senator, I made a little speech specially for you and in it I congratulated you upon your selection by the Women's Canadian Club of London as Senator of the Year.

Hon. Mrs. Quart: Thank you very much, indeed. I was very much afraid I had done something wrong!

PUBLICATION OF STATUTES ACT

BILL TO AMEND—THIRD READING

Hon. John J. Connolly moved the third reading of Bill S-18, to amend the Publication of Statutes Act.

Motion agreed to and bill read third time and passed.

PRIVATE BILL

LONDON AND MIDLAND GENERAL INSURANCE COMPANY—THIRD READING

Hon. T. D'Arcy Leonard, for Hon. Mr. Cook, moved the third reading of Bill S-25, respecting London and Midland General Insurance Company.

Motion agreed to and bill read third time and passed.

DEFENCE PRODUCTION ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

The Senate resumed from yesterday the adjourned debate on the motion of Hon. Mr. Lang for the second reading of Bill S-28, to amend the Defence Production Act.

Hon. M. Wallace McCutcheon: Honourable senators, I was hoping that Senator Lang might have for us this afternoon some of the additional information we requested yesterday. If it is not available, then I assume we will obtain it as and when the bill goes to the committee.

Hon. Mr. Lang: Honourable senators, I do have the information but it is in rather incomplete form. I will certainly have it available at the time the committee meets.

Hon. Mr. McCutcheon: Thank you very much.

Senator Lang, who introduced this bill to amend the Defence Production Act in this chamber, sketched something of the history of the act. I should like to spell out some of its history a little more fully than did the honourable sponsor.

This act was passed in 1951, at which time it contained a great many provisions which are no longer in it. The act was passed with a provision that, with the exception of one subsection guaranteeing pensions to persons who had retired from the department, it would expire on the 31st day of July, 1956. Section 17, the section that this bill amends, was in the original act, and in the same form.

In 1955 some amendments were made to the act, among which was one that extended the life of the act after July 31, 1956.

Those honourable senators who are interested in this can refer to the *House of Commons Debates* for the 1955 session, where they will find that the debate on the amending bill extended over a period of several months, and substantial changes were made to it.

As amended, the bill provided that certain sections which conferred very, very wide powers on the minister were to cease to be in effect on, I believe, the 31st day of July, 1959. I refer to sections 23 to 31, which authorized the minister to require production, to take over certain facilities, and do other things. Those sections expired on the 31st day of July, 1959. The act otherwise has remained in effect to this day. No legislative action was taken to extend the life of those sections.

We are now asked to approve certain amendments to the act. We are told, and I think correctly, that the implementation of the recommendations of the Glassco Commission has been proceeding, and the department is taking over more and more the functions which that commission recommended it should have. As a matter of fact, if one refers to Volume 5 of the Glassco report one notes it is recommended that the name of the department should be changed to the Department of Purchasing and Supply, so that its real function, which is that of chief procurer for the Government, would be shown. I think it a pity that in this bill, which is to some extent a housekeeping bill, that change has not been made.

By this bill paragraphs (d) and (e) of Section 17(1) are being repealed. Paragraph (d) is being replaced by a provision that no contract may be entered into by the minister except in accordance with such regulations under the Financial Administration Act as apply to the contract.

Senator Lang has told us he anticipates that the department will make application to the Treasury Board under the provisions of the Financial Administration Act to provide that the minister may act on his own discretion on contracts up to $250,000, and may act on his own discretion on contracts in excess of $250,000 and up to $500,000 where tenders have been called for and the lowest tender is accepted. If that is how the department proposes to proceed I consider it is in accordance with the recommendations of the Glassco Commission, some of which Senator Lang quoted, designed to give ministers greater responsibility in the financial management of their departments, and I have no quarrel with paragraph (d) as amended.

However, paragraph (e) goes on to say:

> a contract may be entered into by the Minister otherwise than in accordance with the regulations referred to in paragraph (d) if, in the opinion of the Minister, the contract must be entered into immediately in the interests of defence.

At one stage yesterday Senator Lang said that if the bill was passed the following words would still be in:

> ... but the Minister shall make a report to the Governor in Council ...

and so on, in respect of contracts let under that subsection. My reading of the bill does not lead me to that conclusion. All of paragraphs (d) and (e) of subsection (1) of section 17 is repealed, including the qualifying words to which I referred, and which Senator Lang quoted.

This bill, if enacted, will in my opinion confer upon the minister absolute authority to enter into any contract for any amount in his discretion, provided in his opinion the contract must be entered into immediately in the interest of defence. Such an extension of authority is one which I think we should not confer upon the minister.

I shall be very interested to see the details of the four cases in a fiscal year in which it

was so urgent for the minister to act on his own without reference to the provisions of the act under which he now operates, and so urgent in the interests of defence that he could not wait until he sat down with his colleagues who were members of the Treasury Board. I was a member of the Treasury Board for about four months and I know that meetings of the board can be convened very, very quickly.

Under the urgency of war a provision such as this might with reluctance be passed and this boundless unlimited authority conferred upon a minister of the Crown, but in this day I cannot imagine a situation when there would be so much urgency, remembering that the minister will have very considerable discretion in any event—because I have no doubt at all that the Treasury Board will give him discretion within the limits suggested by Senator Lang yesterday—for him to operate other than in accordance with paragraph (d) as amended in the bill before us.

Honourable senators, one could labour this point. It is a matter of Parliament conferring authority, with no opportunity to police it, with no opportunity to do anything but criticize a *fait accompli*. I do not think it is necessary to do that. All honourable senators are aware that we do not enact legislation of that nature unless there is a grave emergency, and then of course we go much further than anything that has been done here.

I am not sure whether there has been an error in the drafting, but I would not suggest for a moment that the proviso now appearing at the end of paragraph (e) be included. The inclusion of that would not satisfy me, because it would still give the minister absolute discretion, and merely require the reporting from him to the Governor in Council or to the Treasury Board, to whom the Governor in Council has delegated the responsibility for expenditure.

In my opinion paragraph (e) of subsection (1) of section 17 of the Defence Production Act should be repealed, and should not be re-enacted in any form. I suggest that under the revised paragraph (d) there is all the discretion that any minister could require, in order properly to handle the affairs of his department.

I hope that the Government will see its way clear at the proper time to amend the bill in the manner I have suggested; but as the bill stands now, I will vote against it.

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Hon. Jacques Flynn: Honourable senators, if no one on the other side is prepared to reply to the comments made by Senator McCutcheon, in order to give the Government time to think about it and see whether it is willing to amend the bill by deleting paragraph (e), I will move the adjournment of the debate.

Hon. Mr. Connolly (Ottawa West): On a point of order, Senator Lang would be closing the debate in any event, and I believe he is hesitating at the moment.

Hon. Mr. Flynn: I am afraid that Senator Lang, in closing the debate, will not be in a position to assure us that an amendment will be brought forward. I think it would be better if the Government had about a week to think it over. Therefore, I move the adjournment of the debate.

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

DIVORCE

RESOLUTIONS ADOPTED

The Senate proceeded to consideration of Resolutions Nos. 268 to 363, inclusive, which were presented yesterday.

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, moved the adoption of the following resolutions:

Resolution 268, for the relief of John Louis Zalmanovitch.

Resolution 269, for the relief of Anita Anna Szigeti Kotzmann.

Resolution 270, for the relief of Edouard Martin,

Resolution 271, for the relief of Barbara Mary Booth Smith.

Resolution 272, for the relief of Doris Josephine Webber Graham.

Resolution 273, for the relief of Michelle Robitaille Williams.

Resolution 274, for the relief of Jacqueline (Jacquelin) Halle Erdely, otherwise known as Jacqueline (Jacquelin) Halle Erdelyi.

Resolution 275, for the relief of Ann Ellen Bookman Better.

Resolution 276, for the relief of Joseph Noel Fournier

Resolution 277, for the relief of Solange Lavoie Arbour.

Resolution 278, for the relief of Kornelia Regina Rybacka Rapaport.

Resolution 279, for the relief of Maurice Bleau.

Resolution 280, for the relief of Marilyn Clerk Merlin Wynne.

Resolution 281, for the relief of Irmgard Hettasch Roth Hughes.

Resolution 282, for the relief of Lucie Emilienne Marie Luchart Bisensang.

Resolution 283, for the relief of Albert Walter Kearley.

Resolution 284, for the relief of Georges Pendleton.

Resolution 285, for the relief of June Mary Vanstan Quinn.

Resolution 286, for the relief of Marie Anita Lafetiere Legault.

Resolution 287, for the relief of Eva Dorothy Boski Bussiere.

Resolution 288, for the relief of Marie Camille Françoise Johnston Fitka.

Resolution 289, for the relief of Joseph Valere Wilfrid Gagne.

Resolution 290, for the relief of Ernest Keith Borden.

Resolution 291, for the relief of Thomas Northcott.

Resolution 292, for the relief of Ronald Roland Bertrand.

Resolution 293, for the relief of D'Yvonne Rousseau McCormack.

Resolution 294, for the relief of Barbara Lillian Beer Berry.

Resolution 295, for the relief of Charles Herbert Goodale.

Resolution 296, for the relief of Jean Milton Burness Saucier.

Resolution 297, for the relief of Therese Barbeau Bisaillon.

Resolution 298, for the relief of Robert Giard.

Resolution 299. for the relief of Kathleen Elizabeth Gaucher de Zylva.

Resolution 300, for the relief of Benoit Pierre Perriau.

Resolution 301, for the relief of Lilianne Touchette Lalonde.

Resolution 302, for the relief of Andree Audette Scaramella.

Resolution 303, for the relief of Celia Frost Spector.

Resolution 304, for the relief of Pierrette Robitaille Marseille.

Resolution 305, for the relief of Eva Wollner Gaty.

Resolution 306, for the relief of Chana (Hannah) Starin Freundlich.

Resolution 307, for the relief of Marcel O'Rourke.

Resolution 308, for the relief of Marc Maynard.

Resolution 309, for the relief of Eveline Turcotte Martin.

Resolution 310, for the relief of Patricia Bazinet Levasseur.

Resolution 311, for the relief of Samuel Ray, otherwise known as Samuel Ravitsky.

Resolution 312, for the relief of Trevor Jones.

Resolution 313, for the relief of Joseph Jean Pierre Paul Fortier.

Resolution 314, for the relief of Nadia Debnar Anapolsky.

Resolution 315, for the relief of Marvin Fred Schwartz.

Resolution 316, for the relief of Kathleen McGovern (MacGovern) Whitehouse.

Resolution 317, for the relief of Veronika Sattler Karsay.

Resolution 318, for the relief of Georges Arthur Durst.

Resolution 319, for the relief of Joseph Georges Andre Chicoine.

Resolution 320, for the relief of Gordon Frank Howard.

Resolution 321, for the relief of Constance Helen Salhany Hilton.

Resolution 322, for the relief of Diane Joan Lacombe Stevenson.

Resolution 323, for the relief of Susan Ann Barnett Lax, otherwise known as Susan Ann Barnett Lands.

Resolution 324, for the relief of Patrick Ernest Barton.

Resolution 325, for the relief of Mary Ferenchik Hilton.

Resolution 326, for the relief of Lee Rotman Lubin Schaicovitch.

Resolution 327, for the relief of Grace Amy Lallemand Tsadilas.

Resolution 328, for the relief of Andre Champagne.

Resolution 329, for the relief of Antonas Paskevicius.

Resolution 330, for the relief of Joseph Andre Lefebvre Delage.

Resolution 331, for the relief of Pearl Marlene Felikovitz Burack.

Resolution 332, for the relief of Charlotte Farha Yehouda Moshi Yehouda Abdoo.

Resolution 333, for the relief of Eva Letovsky Morris Bockmuz.

Resolution 334, for the relief of Frances Victoria Dumais Angel.

Resolution 335, for the relief of Denis Richer.

Resolution 336, for the relief of Colette Fauteux Turgeon.

Resolution 337, for the relief of Marilyn Isabel McNeill McCutcheon.

Resolution 338, for the relief of Robert Douglas Dickie.

Resolution 339, for the relief of Cecile Lecault Lafontaine.

Resolution 340, for the relief of Edith Emmy Herzl Tarshis.

Resolution 341, for the relief of Robert Philippe Michaud.

Resolution 342, for the relief of Lucien Boivin.

Resolution 343, for the relief of Donald Keith Franklin.

Resolution 344, for the relief of Cuthbert Wilson Syme.

Resolution 345, for the relief of Yvette Emond Dagenais.

Resolution 346, for the relief of Therese Morin Poitras.

Resolution 347, for the relief of Ann Sheppard Suess.

Resolution 348, for the relief of Sandra Joan Thompson Allan.

Resolution 349, for the relief of Marcel Seguin.

Resolution 350, for the relief of Robert Church.

Resolution 351, for the relief of Ann Monica Laws Walchyshyn.

Resolution 352, for the relief of Sandra Ann Ingram Wood.

Resolution 353, for the relief of Joseph Arthur Rene Renaud.

Resolution 354, for the relief of Claudette Chevrier Ranger.

Resolution 355, for the relief of Georges Girard.

Resolution 356, for the relief of Marilyn Gean Ellis Wray.

Resolution 357, for the relief of Madeleine Meunier Galaise.

Resolution 358, for the relief of Cecile Gilbert Paquet.

Resolution 359, for the relief of Marguerite Agnes Marie Gillam Semeredy.

Resolution 360, for the relief of Janet Josephine Cools Cox Nurse.

Resolution 361, for the relief of Dorothy June Tibert Heselton.

Resolution 362, for the relief of Inge Klara Klinger Fraser.

Resolution 363, for the relief of Jeanne Lucienne Durain Dell.

Resolutions adopted, on division.

CANADA MANPOWER AND IMMIGRATION COUNCIL BILL

SECOND READING—DEBATE ADJOURNED

Hon. Earl A. Hastings moved the second reading of Bill C-150, to establish a Canada Manpower and Immigration Council.

He said: Honourable senators, Bill C-150 represents a step by the Government in reorganizing the Department of Manpower and Immigration by updating and co-ordinating the structures of existing advisory bodies which the department inherited from the former National Employment Service which in turn operated under the Department of Labour.

The three advisory bodies to which I refer are the National Technical and Vocational Advisory Council, the National Advisory Council on the Rehabilitation of Disabled Persons, and the National Employment Committee. In place of these three advisory bodies it is proposed by the Government in Bill C-150 to create one council, to be known as Canada Manpower and Immigration Council. The council will be composed of a chairman and 15 members designated by the Governor in Council.

The duty of the council is to advise the minister and give him the widest possible advice on the activities of his department and on future programs with respect to maintaining manpower policies.

The Manpower Council of 15 members will be supported by four advisory boards of 11 members and a chairman each, covering the four most important aspects or the four most important programs operating in the manpower division of the Department of Manpower and Immigration. The four advisory boards operating under the council will be the Adult Occupational Training Advisory Board, the Adjustment of Immigrants Advis-

ory Board, the Co-ordination of Rehabilitation Services for Disabled Persons Advisory Board and the Manpower and Immigration Research Advisory Board.

I should add that there is provision in the bill for the minister to create additional boards from time to time, assigning them specialized tasks or subjects for study. The bill also provides for the continued utilization of the regional and district manpower committees operating with the various manpower centres in Canada.

The Advisory Board on Adult Occupational Training will advise the council and, through the council, the minister on the operation of this very important program under which it is the intention to retrain and upgrade individuals in the labour force, giving them a better opportunity to make a worth-while contribution or an even larger contribution to the economic life and the productivity of our country.

Honourable senators may be interested to know that in the present fiscal year 217,000 people will be returned to the classrooms for occupational retraining. The Department of Manpower and Immigration has, under this program, allotted 8 million training days or 48 million man hours of training. In the month of September nearly 15,000 Canadians were assigned by the manpower centres to classrooms for the upgrading of individual skills.

With respect to the co-ordination and rehabilitation services for disabled persons, this program comes under the Vocational Rehabilitation of Disabled Persons Act. Under this program vocational training is being given to disabled persons to enable them to take jobs and positions in society. There are also provisions for books, tools or equipment that may be necessary for these handicapped persons to follow their vocations.

Since the inception of this program, honourable senators, 19,157 disabled people have been rehabilitated to gainful occupations. In the five-year period 1961 to 1966, 10,247 people were rehabilitated, and these people had a total of 8,149 dependents. The estimated annual support that these people drew before rehabilitation amounted to $6.5 million; their earnings, after rehabilitation, have been estimated at $21 million.

The other advisory board concerns the adjustment of immigrants and is possibly an area where we have not been accomplishing or contributing what we should to the newly arrived immigrants in this country. With the tremendous increase in immigration this year it is estimated that we will have 225,000 arrive on our shores, and that in the not-too-distant future we will welcome to Canada the three millionth immigrant in the post-war era. We should be doing more to assist these people to assimilate into our society, especially into the work force, where they can make their contribution to productivity and economic growth.

I presume, therefore, that the minister will assign to this committee the duty of finding ways and means of assisting the immigrants, especially in the phase of learning a new language, a difficulty which no doubt many of them have to overcome. The point is that, while at present we do put them into schools, provided it does upgrade their skill to learn one of Canada's two languages, I suggest to the minister that this is one phase that must be expanded in the immediate future.

With respect to the Advisory Committee on Manpower and Immigration Research, I can do no better than to quote to honourable senators from the *Fourth Annual Review* of the Economic Council of Canada, at page 3:

> Too frequently in the past the economy has found itself in the midst of problems which could not be easily and quickly resolved once they emerged—

And one of the problems they outline is the shortage of skilled and professional manpower.

> —but which could have been anticipated through a more effective use of available information and prior study, or even averted through more timely and concerted public and private policies.

In other words, it is necessary in this swift moving society, in this computerized age, that the work force, the employees and employers, the skilled and the unskilled, must have available to them the most extended research that is possible. They must gather the facts of the past and present and the facts and figures of trade qualifications, trade needs, economic and financial trends, and project these into the future so that catastrophes such as DOSCO in Nova Scotia can be predicted and anticipated, and efforts can be exerted ahead of time to alleviate the suffering that is brought on people who find themselves in such a position. This is probably the most important aspect of the bill, the creation

of the Advisory Board on Manpower and Immigration Research.

Finally, the bill provides for the continuation of the local and regional manpower committees. These committees provide a vehicle for constructive and intelligent involvement by interested individuals and organizations in the policies of the Manpower Division of the Department of Manpower and Immigration. But manpower is not only the problem of government and departments; it crosses the whole spectrum of society.

In this regard I might tell you that in my home city of Calgary the clergy take an active part in this field. There, the Interfaith Council, led by the Reverend Father O'Byrne and Rabbi Sheldon Edwards, annually sponsors seminars and conventions between labour and management and between management and government so that each is aware of the problems of the others. The Interfaith Council of Calgary also offers itself for arbitration and conciliation in labour disputes in that city and in the province. The local and regional manpower committees do provide that vehicle for local involvement, and that manpower and its problems do cross the whole spectrum of society and give an opportunity for interested individuals and organizations to participate in the very important work of the Department of Manpower and Immigration.

Honourable senators, Part I of Bill C-150 covers the Canada Manpower and Immigration Council, its duties, its meetings and its composition; Part II covers the four advisory boards I have outlined, their meetings, composition and duties; Part III provides for the regional and local manpower committees; and Part IV provides for the administrative operation of the council, boards and committees.

As I said, this represents another step by the Department of Manpower and Immigration to keep pace with the problems that we are going to have to face in this age by providing these councils and these boards to give the minister the most up-to-date and probably the widest information and advice in the operation of programs within his department for the future, and I commend it to you now for second reading.

Hon. Allister Grosart: Honorable senators, the sponsor of the bill, Senator Hastings, deserves our thanks for a very fine outline and explanation of this important piece of legislation which has engaged the attention and concern of many Canadians who have a deep interest in the important problem of upgrading our manpower resources, native and immigrant. As the sponsor has indicated, it deals with matters which fall into this grey area of divided jurisdiction as between the federal and provincial governments. It is for that reason perhaps that the solutions to our manpower problems proposed in the Adult Occupational Training Act—in the implementation of which the council, these boards and committees will be concerned—is not altogether satisfactory. In that regard you have in the provinces people who perhaps have more experience over the years in this field than the federal authorities.

I do not criticize the bill because of that divided authority. It is something we have to live with in a federal state. I imagine that the minister and his officials are no happier about it than others, because it is perhaps an almost absurd requirement that we should have to draw a line, a constitutional and operative line, between training and education. I think it is almost unanimously agreed among educators that education and training are in fact inseparable, but the Constitution says they must be separated if we are to get any kind of effective action in these related fields from the provinces and the federal Government.

I think it is obvious that the bill before us is a sincere and carefully studied attempt to bridge the gap. Whether it will be entirely successful is another matter. I am sorry to have to say that the experience of the six months during which this act has been in operation does not encourage me greatly, nor does it engender any great hopes of immediate success. However, I believe the situation has improved in recent months. Perhaps the sponsor in closing would give us recent comparative figures of the referrals of the applicants for manpower retraining under the old act, the Technical and Vocational Training Assistance Act, and the present act.

I am sure honourable senators are aware that this act superseded the former act last April, and there are people still wondering—people with a very deep knowledge of this problem—why it was found necessary to supersede that act which was working so very well. At that time I criticized in this house the manner in which the changeover was made from the old act to the new. I am not saying at this time that the new act is bad, but I do repeat that the manner in

which it was introduced was bad, that is, without adequate preparation or planning, without consultation with the provinces, and by a legislative device which one of our great constitutional procedural authorities has described as "expediency gone mad." In the months since then there has been a constant falling off in the referrals of applications. The minister said it was because it was summertime, but the comparative figures as I understand them between the operation of the two acts in recent years indicates it was something more serious than that. What was wrong was the manner in which this act was introduced, as I said, without adequate planning, without any consultation with the provinces, and put into effect before the act had passed Parliament.

In a few minutes I shall recall some of the details of that for reasons that I believe to be important to this chamber and to Parliament, and relevant to the bill before us. However, before doing that I should perhaps make it clear that I do believe this is a sincere and laudable attempt to make amends for the indiscretion of last April, because it will provide the minister with more realistic and more grass-rooted advice than he had at that time. I should say also that I believe the chances of successful operation of the act—under which this council, these boards and committees will report—are greatly enhanced by the fact they will advise a minister who has shown in unique fashion that he is able to listen, to assess and take advice. I pay Mr. Marchand that tribute because, in the very short time that he has been in Parliament and a member of the cabinet, he has made for himself an enviable reputation for sincerity, integrity and, what in the practical sense is equally important, flexibility and willingness to make changes when changes are proven to him to be worth making. He is not afflicted, as far as I have been able to observe, with that occupational ministerial hazard, stubbornness. I wish him every success in this attempt to assume, as he has said, full and complete federal responsibility for adult manpower training and retraining, as, of course, a corollary approach to the educational training which is the responsibility of the provinces.

I think it is perhaps understandable that the minister has insisted, as he has, on this division—I was about to say "separation," but that might be misunderstood—this division of authority in this field, having in mind the constitutional philosophy of his home province of Quebec. However, I am reminded that in the same field the Government of which he is a member has not always been quite as careful to draw a fine line between the federal and provincial responsibilities as defined in the British North America Act.

One recalls the fantastic fiction of the Student Loans Act by which we were told that the Government was proceeding under its banking powers, defined in section 91(15), to grant loans to students. I have no objection whatsoever to the purpose of that bill; I think it was good. It has not worked out very well, because the last figures I saw indicated that in 20 to 25 per cent of the applications for loans under the act an element of fraud was involved. However, that is not my point at the moment. The Government at that time resorted to the fiction of saying, "We are operating under the banking powers because we are guaranteeing the loans at the bank, which means we are not actually making them to students."

Personally, I think I prefer Mr. Marchand's much less fictional approach, which is indicated in his administration so far of the act to which this bill relates, because it is my own view that the law of the Constitution is just as easily eroded by evasion as any other law, a fact which I think is too often forgotten in the introduction of legislation by governments—and I most certainly do not refer only to the present Government.

It brings me, however, to the method by which the act has been introduced—not the bill before us, but I think my remarks are relevant because these committees will advise the minister in the operation of the Adult Occupational Training Act. I make no apology for recalling this, because the more I have thought about it since last April the more I have become convinced that this was the most indefensible affront to Parliament and constitutional usage of the present administration. Again, I am not suggesting other administrations have not perpetrated similar affronts, but I recall it because I hope—now that there will be 100 or more Canadians, as this bill seems to indicate, who will have responsibilities under the act to advise the minister in this very sensitive field of education and training—I hope they will advise him this time to look far enough ahead, to plan far enough ahead, so that he will not again find himself in the emergency situation in which he found himself last April, and that he will not again have to resort to what I said has been called "expediency gone

mad," which others have called "legislative trickery," which was the climate in which the Adult Occupational Training Act was put into force.

I recall that we had the bill, which was to become the act, before us in this chamber on April 28, and in it we were asked to grant authority to the Governor in Council to make regulations under the act. The bill did not receive Royal Assent until May 8. We went through the farce here—and I do not think "farce" is too strong a word—of granting authority to make regulations, knowing that the regulations had already been put into effect, and that the federal officials were already in the field with blank cheque books, issuing cheques under authority which the Government said they had from the law officers of the Crown.

Of course the explanation was "expediency." The honourable leader here asked, "What would you have done in this situation?" The old act was expiring on the 31st of the month; the department had been caught asleep, and they suddenly woke up to find they had to do something. They might have considered extending the old act, and that is the answer I would give the Leader of the Government. Instead they found a device, one which, as far as I am concerned, I am going to remember, and ask others to remember, whenever we have an interim supply bill before us. They found in the main Estimates of the department, Vote 5, a vote which had obviously been placed in the main Estimates to anticipate the fact that this act would be passed some time before they would need to spend the money, and the words used in the vote are identical with the title of the act. Of course, the mere fact there was a vote in the main Estimates would not give the Government the authority to spend the money. Then it was pointed out or they "discovered" we had voted interim supply innocently. I can recall sitting on interim supply here when I have been told interim supply is just a formality, just the granting of one-twelfth of two-twelfths, and that it should not be examined too closely. Perhaps that was our attitude, because it was the passage of interim supply here that gave the Government the excuse to say, "Now, we have a vote in the Estimates and we have interim supply. This means we can spend the money; this means that we can issue an order in council and regulations under this act"—and that at a time when the act was before Parliament. Those Orders in Council were in force for a month and eight days before that act passed Parliament.

Of course the minister was advised, and he took that advice. He said that he had the advice of the law officers of the Crown, and I am quite sure that he had, but I need hardly remind honourable senators that something may very well be legal yet not be right. I presume that he had the advice of his colleagues in the cabinet. However, I am going to support this bill because under it he will have the advice of 100 Canadians, and I am confident that those 100 Canadians—scattered as they will be through the committees, the advisory boards and the council that Senator Hastings spoke of—will not give the minister the kind of advice that he had on that lamentable occasion.

I have said that there will be a hundred or more members of councils, boards, and committees. We do not know the exact number. Senator Hastings has told us that there will be 16 on the council, and some 48 on the advisory boards.

Hon. Mr. Isnor: The figures were 44 and 15.

Hon. Mr. Grosart: With the chairmen, I think there will be 48. There will be eleven members and a chairman on each, making up a total of 48. This gives us a grand total of 64, and then there will be the members of the local committees, the number of which we do not know.

The minister also, as Senator Hastings told us, has the power to set up additional advisory boards. That power is very wide, but I must say that I am not concerned that the present minister, at least, will use that power unwisely, but it is something that we should watch in the future. It is the kind of power that is subject to abuse, although, as I say, I do not suggest the present minister will abuse it.

The four boards would appear to cover the requirements in respect to some of the advice the minister will need. I note that there will be advisory boards on Adult Occupational Training, the Adjustment of Immigrants, the Co-ordination of Rehabilitation Services for Disabled Persons, and Manpower and Immigration Research. We had a complete explanation of the reasons why those are the initial boards that will be set up, and the objectives they will be expected to meet.

I am very glad to see the inclusion of a provision for local committees. This, of

course, carries on the principle of the former act under which we had local committees advising the National Employment Service. They worked well and they certainly brought to the administration of that act a grass-roots feel, know-how, and the local knowledge of people on the spot and people well acquainted with local conditions, which are of the utmost importance in this field of manpower training and employment. I suppose the committees under this bill will have much the same functions, and I certainly welcome this kind of decentralization, particularly if it is decentralization of decision-making in this or any other exercise of federal power and authority. In my opinion it has never been truer than it is today that government is at its best the closer it is to the people. One would hope that the advice given by these local committees will be taken by the officials, but this is not altogether certain. Any advisory committee in this or any other field is in a difficult position. An advisory committee has responsibility, but usually it has no authority.

I see no provision in the bill for giving the committees any real authority other than that of advising, and particularly I see no provision—and I would be in some difficulty to explain how such a provision might be made—in the event of any ignoring of the advice of these local committees. It is not hard for officials, particularly competent officials, to give advisory committees what we sometimes call the "silent treatment." I hope that this will not happen here, and that perhaps in the regulations to be made under this act, when it is passed, the minister will take whatever steps may be necessary to assure there will be something more than mere negative advisory power on the part of the local committees.

As a matter of fact, perhaps the main criticism that has been directed at this bill so far is that the council which will head up all of these boards and committees is not required to report to Parliament. As honourable senators know, a great many similar boards are required to report to Parliament, but in this case the council will report only to the minister. This is a weakness, in my opinion, in the bill, because the council is to be similar in many respects to the Economic Council of Canada. It will be operating in an area which the Economic Council has told us is perhaps the most vital to our national progress, namely, the upgrading of the per worker productivity of our labour force. I personally would like to see one more attempt made, perhaps in the Senate committee, to persuade the minister to accept this suggestion, because he has shown that he does accept suggestions, although he has resisted this one so far. I think we should try once again to persuade him to allow this council to report directly to Parliament. I say that because an annual report to Parliament from a board of this importance has a much greater impact than a mere interdepartmental report.

This is an area in which the federal authorities admit quite candidly they are feeling their way. It is an area of the utmost importance to the economy and the well-being of the nation. The kind of report which I suggest should come from this council would help rather than harm the minister in his duties. I must say I personally was very surprised when the minister, in answer to this suggestion, said:

> ...supposing that this government nominates a chairman...and then, suppose that another party is in power here; this chairman may decide to embarrass the government with this council. That is not the purpose here. This body is to help the minister, not to fight him.

I agree with the main thesis there, but I do not believe this really represents the thinking of the minister. He is, as I have observed, a bigger and braver man than that. I would put it down to a slight aberration resulting from the experience of a difficult time, because the statement, as I recall it, was made at just about the time that the Economic Council of Canada issued its fourth report, in which it criticized the level of spending of all governments, and which was regarded by some as embarrassing to the federal Government. But, I think most Canadians on sober reflection would say that the action of the Economic Council in drawing this critical situation to the attention of the public and the attention of the Government was a salutary one. It does seem to have evoked an immediate response from the Government, in having it bring about a major change in Government policy and, hopefully, one which will be effective. A similar practice on the part of the Manpower and Immigration Council in the shape of an annual report to Parliament would surely be in the public interest.

In my remarks I have not stressed the importance of manpower training. Senator Hastings did that very well in his introduction of the bill, and I am sure that no honour-

able senator needs to be convinced that manpower and the retraining and upgrading of technological ability is of the utmost importance to our national future.

One indication of the tremendous social importance of the adult training program is contained in the figures we now have in respect of the payment of the income supplement to old age pensioners. I cite them to show that we must have a better trained work force, and a work force more able to provide for its old age in its working years than those who are now having to rely on the present old age pension. The facts are that at the moment—and I will give the exact figures for the record—there are 1,241,261 Canadians in receipt of the old age pension. Of these, 435,284 are eligible for the full income supplement and 265,967 have been found eligible for partial payments on the income supplement. This means that seven out of twelve old age pensioners in Canada today—which includes everybody over the age now of 66, I think it is at the moment, maybe 67—have either no income other than the old age pension or less than $30 a month. In passing I would say that if any justification was needed of the work of the Senate Committee on Aging headed by Senator Croll, I do not know that one needs more than those figures.

Hon. Mr. Isnor: Could the honourable senator give us those figures again?

Hon. Mr. Grosart: In round figures, of 1,200,000 pensioners 700,000 have an income of less than $30 a month over and above their old age pension, and 435,000, one-quarter, have no income today whatsoever other than their old age pension, if I am reading the figures correctly.

Hon. Mr. Isnor: That would be $75 a month.

Hon. Mr. Grosart: That is right. That is the universal old age pension now paid to everybody of pensionable age. As the honourable senator knows, through the operation of the recent act the pensionable age is dropping by one year each year.

Then, of course, we have the information that our per worker productivity in Canada is something like 30 per cent below that of workers in the United States. This is surely a gap that could be closed only by a drastic upgrading through retraining and education of our entire work force. It is in this important field that the federal Government has been brave enough to assume full and complete responsibility, and I wish them nothing but success in carrying out that task. I am not myself convinced that this new act is better than the old Technical and Vocational Assistance Act. I do not say that because that act was introduced by the former administration. It had a record of tremendous success. Some 800 new technical and vocational schools were built in Canada under it, and some 300,000, students mostly, were fully educated in some vocational training. The new act will of course have to do much better than that; that 300,000 from 1961 to 1967 just will not be good enough in the future.

I hope this act will prove to be a better act, although the changeover was so badly done that many Canadians completely dropped out of the training plan under the old act. I think it is fair to say that the difficulties with the provinces seem to have been patched up. I take the minister's word for it that, following the conference of July 28, he now has full agreement with the provinces.

What is important now is to catch up with this backlog, to step up the program and work up to the maximum degree of co-operation between the so-called federal area of training and the so-called provincial area of education. It may be difficult, but we must hope that the council, the boards, and the committees will help.

I make one further suggestion in that regard. I think they will operate much more efficiently if the minister in his wisdom appoints to those boards representatives of the educational side of this problem as well as the training side, because it will be most important to bring together what is still an area of conflict, and what will probably always be one of conflict, between the educational approach and the training approach.

I repeat that I wish the minister, the council, the boards, the committees and the provincial authorities every success in this great undertaking.

Hon. Mr. Roebuck: Honourable senators, Senator Grosart has, if I understood his words correctly, made a serious charge against the officials of the departments working under this act or the one that preceded it. If I understand his words aright, he has said that these officials acted under the act before it became the law of the land, and that they have actually spent money out of the public treasury for which they had no statutory au-

thority. That is what I understood him to say. Am I right?

Hon. Mr. Grosart: Almost. Until the last phrase you were paraphrasing me correctly. Your last phrase was "without statutory authority." The minister claimed that the officials had the statutory authority under this strange device. They did not have the authority under the act for which the Estimates had been made. They had no authority under the act because the act was not passed. The order in council was in effect on April 1; the act—and I believe Senator Roebuck was here at the time—was before us on April 28 and was given Royal Assent on May 8. There is no question that they were not acting under the authority of regulations under the act, because we sat here on April 28 and were asked to give the Governor in Council authority to make regulations under this act. Those regulations were in effect on April 1 by an order in council passed in almost the identical words of the act, and the excuse, if you like, or the device, or the advice of the law officers, was that they could do it this way.

Hon. Mr. Smith (Queens-Shelburne): Legally.

Hon. Mr. Grosart: Legally. They could do it this way. That is why I objected to the paraphrasing of my words when Senator Roebuck claimed that I had said it was without statutory authority. Interim supply takes the form of an appropriation act; an appropriation act is a statute. But I am sure nobody in the Senate or the House of Commons, when we innocently passed interim supply as a matter of course, realized that we were giving authority to the officials, to the minister, to the cabinet, to the Governor in Council, to propagate an order in council under an act which was not yet passed.

Hon. Mr. Roebuck: In that case, of course, the officials had every authority. If we passed the appropriation and gave them authority to spend that money I cannot see that there can be any criticism of the officials. Furthermore, if there is any question with regard to these expenditures by some curious device, or something of that kind, have not these expenditures to pass the Auditor General, and is it not his duty to see that such expenditures are within the power of Parliament? I rise to make this point, not in criticsim of the honourable senator—who has just made an excellent address, showing a very wide knowledge of the subject which he is laying before us—but because it is most important for the status of Parliament that our authority be not disregarded or that curious devices be not adopted for getting around the responsibility of officials to have the authority of Parliament before they spend public money.

That is why we have an Auditor General, who reports not to the Government but to Parliament. I presume that the Auditor General has passed these matters. We have had no report from him with regard to them.

Hon. Mr. Grosart: If I may interject, the Auditor General has not dealt with this and will not, of course, until the Public Accounts are before him at the end of the year. If I may say so, I would anticipate some comment from the Auditor General, supporting what I have said. We have already had a comment from the Secretary of the Treasury Board, that this was at least an unusual procedure. Furthermore, I believe the Leader of the Government (Hon. Mr. Connolly, Ottawa West), when I criticized this before, said that it was not a usual procedure.

I may add one further point. I am sure the honourable senator himself will be the last one to agree that we could have this as a regular method of legislation. If that were so, it would be necessary only to have the main Estimates printed and pass interim supply. We would need no Act of Parliament whatsoever. An Act of Parliament would be absolutely unnecessary, because this process could be repeated over and over again.

I am sure the honourable senator, when he examines this case, will be as annoyed as I am about it.

Hon. Mr. Roebuck: My friend is entirely right to say that nobody would be more severe in his criticism than I at any finagling or curious methods. But to say that it is unusual is no criticism in itself: that is the way we make progress.

I think it is cleared up now. I may have misunderstood what the honourable senator was saying. It did seem to me that there was an implication at least in his speech of illegal expenditures, and if that were the case I am on my feet at once to object and to inquire into it to the last five-cent piece.

I thank the honourable senator for his explanation. I think his final statement is that the expenditures were legal, but unusual.

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

NORTHERN ONTARIO PIPE LINE CROWN CORPORATION DISSOLUTION BILL

SECOND READING

Hon. W. M. Benidickson moved the second reading of Bill S-29, to provide for the dissolution of Northern Ontario Pipe Line Crown Corporation.

He said: Honourable senators, this bill has been introduced in this chamber for the purpose of dissolving the Northern Ontario Pipe Line Crown Corporation. I do not think it a very controversial measure.

On May 6, 1966, in the other place a minister of the former Government, who had knowledge of this type of legislation, did ask what keeps this now defunct organization in existence. I refer to the remarks of the Honourable Alvin Hamilton. He spoke of the "complete cessation of the operations" of this corporation, and he thought it should be dissolved. There have been parliamentary delays in getting forward some matters such as this that require legislative action.

This bill results from a sale under option of the Northern Ontario Pipe Line Crown Corporation in 1963 to the Trans-Canada Pipe Line Corporation. This of course is pursuant to agreements that were entered into and amended in the years 1956 and 1957.

The Government of Canada did set up this Crown corporation to provide for and finance a section of the national pipe line that was referred to as the "Western Section" of the line. Very shortly after it was by agreement provided that the larger national pipe line, a private organization, the Trans-Canada Pipe Lines Limited, could under option purchase the Crown entity in the Western Section. This was done under the privileges of the purchase option agreement. Trans-Canada Pipe Lines Limited on May 29, 1963 did exercise their rights and purchased the Crown company assets in its section of the pipe line across Canada. In doing so, Trans-Canada Pipe Lines paid for the capital costs invested by the Crown. This was estimated to be $129 million.

In accordance with the option of the purchase agreement between Trans-Canada Pipe Lines Limited and the Crown company, and having reference to previous rental payments of some $41 million, and after adjustments thereon, this agreement for sale was exercised on May 29, 1963. The aggregate of the rental payments for the period of rental, from October 22, 1958 to May 29, 1963, amounted to $41.1 million. The rental payments of this $41.1 million were applied apparently to yield a 3½ per cent return on investment, in the amount of $19.6 million, and the balance, $21.4 million, to the amortization of capital cost, also at 3½ per cent. This was in accord with a number of agreements between the Government and the private company, Trans-Canada Pipe Lines Limited, made in 1956, 1957 and subsequent years.

As I have perused the annual reports presented to Parliament by the pipeline Crown company, namely, Northern Ontario Pipe Line Crown Corporation, in the ensuing years, I come to the conclusion that the Crown corporation has been paid for all interest charges that would be assessed to it by the Minister of Finance for borrowing by the Crown corporation from the Minister of Finance, and in addition, as on sale in 1963, under the terms of the sale agreement option entered into with Trans-Canada Pipe Lines Limited, has received from the purchaser all its expenses, interest payable to the Minister of Finance, and all administrative costs, and that there remained afterwards a surplus of $693,484.

We have had some delay in getting this legislation before Parliament and in the meantime, of that amount of $693,484 surplus in the enterprise, $690,000 was put on deposit with the Receiver General of Canada and the Crown corporation which is now being dissolved has really only assets very little in excess of about $3,000 at the moment, and these, too, will upon dissolution be transferred to the Receiver General.

I think this was in contemplation when the Crown company was set up. The agreement with Trans-Canada Pipe Lines provided for a 25-year lease agreement, but under the terms of this lease agreement entered into at the beginning of construction on part of the Crown of the "western portion" of the pipe line, terms were set into the agreement which made it very attractive to the private Trans-Canada Pipe Line Company to exercise its option of purchase at the earliest possible date. Otherwise, interest charges increased, and they did so in 1963.

I think these facts indicate that the Crown company which has been inactive for some time has come out of this project with a surplus of $693,000 transferred now to the Receiver General. All the officers of the company have been public servants, and are discharged from liability.

There are no other liabilities, I am informed, that any officer of the Crown company is aware of that have not been under a thoroughgoing indemnity clause of sale taken over by the purchasing company, Trans-Canada Pipe Lines Limited. I believe that when the sale was made in 1963 there were pending a few possible items of liability for the Crown company, but these were specifically assumed by the purchasing private company in 1963, and the private company, as indicated in the bill before us, has undertaken liability for all present and future liabilities that might have arisen by reason of the setting up of this Crown company known as the Northern Ontario Pipe Lines Company.

Hon. Jacques Flynn: Honourable senators, I am satisfied that the sponsor of the bill has given us all the required information as to the purpose of this bill, that we need no further debate and that this bill can be given second reading at this time.

Hon. Arthur W. Roebuck: Honourable senators, that must be on the understanding that it be referred to a committee, because, while this explanation has been very complete, clear and easily understood, there is a great deal in a transaction of this kind that should be considered by solicitors and by auditors and the like so that we know that all the detail is not only right but is nailed down in writing.

I hope, therefore, that the sponsor of the bill proposes to have it sent to a committee before we finally dispose of it.

Hon. Mr. Flynn: I suggest that, one way or the other, the purpose of the bill is to put an end to the corporation.

Hon. Mr. Roebuck: The purpose is all right.

Hon. Mr. Flynn: I have no objection to the bill being referred to committee.

Hon. Mr. Benidickson: Honourable senators, I take it that if I rise now I conclude the debate on second reading.

I have no objection to committee consideration, and I am sure the Leader of the Government has no objection to the suggestion of Senator Roebuck that this bill be referred to a committee of the Senate. I think the appropriate one would be the Standing Committee on Transport and Communications. As Senator Croll said yesterday, we send too many measures to the Standing Committee on Banking and Commerce.

In conclusion I want to say, honourable senators, that despite the political controversies related to this matter many years ago—and I was a member of the other place at that time—I think in reflection it can be recognized that the Northern Ontario section which the Crown took responsibility for involved the construction of 675 miles of pipeline across Ontario from the Manitoba border eastward to the vicinity of Kapuskasing, and that this involved job employment and materials amounting to $129 million. The project became stalled and could not have been proceeded with had it not been for this Crown enteprise.

Perhaps I could be permitted to pay a little tribute for imagination to my next-door political neighbour so far as representing constituencies is concerned, the late Right Honourable C. D. Howe, who did push forward this program, which involved the completion of the pipeline from Alberta producers to the markets of eastern Canada. Mr. Howe was a great economic stimulus to our country at that time.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Benidickson, bill referred to Standing Committee on Transport and Communications.

EXCISE ACT

BILL TO AMEND—SECOND READING

Hon. Leopold Langlois moved the second reading of Bill S-30, to amend the Excise Act.

He said: Honourable senators, as you have no doubt noticed, this is a very simple bill indeed, the purpose of which is to repeal subsection (3) of section 149 of the Excise Act.

The aims of this bill are to eliminate the duplication contained in the Food and Drug Regulations with respect to spirits that are subject to excise, and at the same time to eliminate the present advantage afforded to imported vodka over Canadian-made vodka. As honourable senators know, subsection (3) of section 149 of the Excise Act at present requires that all spirits subject to excise duties, other than, of course, spirits specifically exempted in the subsection, be warehoused for two years. The provisions of this subsection were enacted in 1885 by amendment to the Consolidated Inland Revenue

Act. The intention at the time was to restrict distillers in the sale of spirits to the public without proper aging, for the reason that the keeping of whisky unused for a certain period of time improves the whisky and lessens hazards to the health. Since that 1885 amendment to the Consolidated Inland Revenue Act, the Food and Drugs Act, Revised Statutes of Canada 1927, Chapter 76, was enacted to protect the public against health hazards which might be found in the sale of foods and drugs, with the result that the subject matter is now dealt with more logically in the new authority by regulations made under the Food and Drugs Act. However, the two pieces of legislation—the Excise Act and the Food and Drugs Act—create certain inconsistencies, anomalies, and even duplications, and the deletion of subsection (3) of section 149 of the Excise Act will correct the situation.

I referred at the outset of my remarks to vodka. In vodka we have an example of duplication and inconsistency. Vodka under the Food and Drug Regulations does not need to be aged. The reason for this, I am told—and I do not want to advertise vodka; I do not even use it—is that vodka is as pure alcohol as can be obtained and would not be improved through aging. I am told that it could even deteriorate through aging if it is not aged in proper containers, particular containers not made of wood. Vodka that is not distilled in Canada does not come under the Excise Act, and consequently because of subsection (3) of section 149 imported vodka does not have to meet the aging requirement while Canadian-made vodka does. This puts Canadian-made vodka at a disadvantage as compared to imported vodka. This is one of the main reasons for the deletion of this section.

Honourable senators, I commend this bill to your favourable consideration.

Hon. Mr. Flynn: I see in the explanatory note here that this amendment would eliminate the advantage afforded to imported vodka and would also eliminate the duplication contained in the Food and Drug Regulations. Could my honourable friend quote the provision in those regulations that would apply to the other spirits that would be covered by subsection (3) of section 149.

Hon. Mr. Langlois: Honourable senators, I do not have the regulations made under the Food and Drugs Act with me, but I can assure my honourable colleague that these regulations provide for various periods of aging for various brands of spirits. This is why you have a duplication as between the provisions of the present section 149 of the Excise Act and these regulations made under the Food and Drugs Act.

Hon. Mr. Prowse: Can the honourable sponsor give us any idea what will be the difference in price per fifth?

Hon. Mr. Langlois: I am sorry, I do not have that information.

Hon. Mr. Flynn: Am I right in understanding that this amendment would delete a section of the Excise Act which is superfluous?

Hon. Mr. Langlois: Yes, that is the purpose.

Hon Mr. Connolly (Ottawa West): It also helps Canadian vodka manufacturers.

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.

CYPRUS

PRESENT SITUATION AND ITS EFFECT ON CANADIAN TROOPS—FURTHER ANSWER TO INQUIRY

Leave having been given to revert to presentation of petitions:

Hon. John J. Connolly: Honourable senators will recall that yesterday at the closing of the sitting honourable Senator White at page 476 of *Hansard* asked me if there were documents or agreements signed by Canada, Ireland, Sweden or any other countries participating with the Cyprus forces, setting out their instructions and authority. I regret that I was not able to have this information available at the commencement of the sitting this afternoon, but I should like at this time to answer it for Senator White and for the record. If he requires further information I shall certainly be happy to give it to him.

The United Nations Force in Cyprus was established by a Resolution of the Security Council dated March 4, 1964. Paragraph 4 of this Resolution recommended the creation, with the consent of the Government of the Republic of Cyprus, of a United Nations Peacekeeping Force. By a letter of the same date, the Minister for Foreign Affairs of Cyprus informed the Secretary General of the

consent of the Government of the Republic of Cyprus. The force could only be withdrawn after consultation in the Security Council. If the question of the withdrawal of the United Nations Force in Cyprus arose, it would be necessary that this question be considered in the Security Council.

The honourable senator inquired about documents governing the force. The basic document concerning the status of the United Nations Force in Cyprus is (1) an exchange of letter constituting an agreement between the United Nations and the Government of Cyprus. There is also (2) an exchange of notes between Canada and the United Nations relating to Canadian participation in the United Nations Peacekeeping Force in Cyprus. Also relevant is (3) a report issued by the Secretary General on March 31, 1964, on the Organization and Operation of the United Nations Peacekeeping Force in Cyprus, and (4) the "Regulations for the United Nations Force in Cyprus" issued on April 25, 1964, by the Secretary General.

All this information is contained in rather bulky documents published by the United Nations. If the honourable senator wishes, I could obtain copies for him.

The Senate adjourned until Tuesday, December 5, at 8 p.m.

THE SENATE

Tuesday, December 5, 1967

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

Prayers.

THE LATE HON. A. B. BAIRD

TRIBUTES

Hon. John J. Connolly: Honourable senators, shortly after the Senate adjourned on November 23 last, with great suddenness Colonel the Honourable Alexander Baird died here in Ottawa. He was in the Senate that day until we rose and he appeared not only in good health but in excellent spirits. I remember going over to speak to Senator McCutcheon that day and spoke to Senator Baird at the same time. But the inexorable summons of death came to him shortly after we rose and he answered instantly.

Sandy Baird was appointed to the Senate in 1949. He was the last survivor of the original Newfoundlanders who were summoned to the Senate in the year of the confederation of that province with the rest of Canada.

Senator Baird was educated in Newfoundland and in England. To say that he was pro-British was to say very little on how keenly he felt about Britain and British institutions. In a sense, Sandy was perhaps one of the last "outposts of Empire."

He was a soldier in the First War, 1914-18. He served with the Royal Newfoundland Regiment, and he was in some of the bitter fighting on the Somme and at Gallipoli. During his years here he had the bearing and the manner of a soldier. After his discharge from active service he was Private Secretary for a number of years to the Governor General of Newfoundland. He was married to Margaret, granddaughter of Sir Frederick Carter, who was said to have been one of the original Fathers of Confederation, one hundred years ago. Mrs. Baird predeceased her husband by several years. All honourable senators who were in the Senate at that time will remember her great charm. From that time on Sandy Baird was a very lonely man. He lived in Ottawa, and on the Hill he was a figure as familiar as the monuments that decorate it.

He was not an orator. He disliked speaking and seldom took part in the debates. It was an effort for him to speak. But, there have been few senators who were more faithful in their attendance at the sittings of the Senate and its committees. He had many friends in all parts of Canada. Quiet men have.

We shall miss Sandy Baird at the sittings of the Senate, and we who are in Ottawa during the recesses will miss him more because he was a constant figure on the Hill. He was a good man. He was a patriot and a loyal citizen.

To his relatives, to his sister and brother particularly, we extend our deep sympathy.

Hon. Malcolm Hollett: Honourable senators, I rise to associate myself with the words spoken so well by the honourable Leader of the Government (Hon. Mr. Connolly, Ottawa West). He has said all the things I meant to say about our departed fellow senator.

I strongly suspect that I knew Sandy Baird as well as, if not better than, any other honourable member of this house. I knew him in the First Great War. We fought side by side in the trenches. He visited me when I was in hospital at Wandsworth. I have known him very familiarly since I became a senator, and I agree with the honourable Leader of the Government that Senator Baird was strong, sturdy, and afraid of no one. He was a man of many parts.

During the past three or four years, after he lost his wife, he has been a lonely man, but I have seen him every day since I have been a member of this house. I spoke to him on the day he died, and Sandy, to me, was a pillar of strength. While in the army, as the poet says, he was "Dreaded in battle but loved in Hall." He was a handsome man, a sturdy man, and above all he was a gentleman.

I wish to associate myself with the honourable Leader of the Government in extending our sympathy to those loved ones Senator Baird has left behind.

Hon. Arthur W. Roebuck: Honourable senators, I rise to pay a well deserved tribute to our departed fellow member of this chamber. Senator Baird was a member of the Senate Standing Committee on Divorce for many years. Our leader has just said that Senator Baird was appointed to the Senate in 1949, and it was shortly afterwards that I asked him to join us on the Standing Committee on Divorce, to undertake with us that somewhat thankless task, and certainly arduous task, and he agreed. During all the years

that have followed he was one of the most generous helpers in that work. I could always count on him to be there, to be kind, good-natured and happy, with a degree of fellowship that was charming. If honourable senators looked at the mass of reports now on the Clerk's table they would find Senator Baird's initials on a large number of them, signifying that he had read them, approved them and passed them, and upon his signature the committee had acted in referring them to the Senate for passage here.

Not only was he a member of the Standing Committee on Divorce but he was also a member of the Special Joint Committee of both houses whose duty it was to study the whole question of divorce, and who later on, as you so well know, presented a monumental report. He deserves his share of credit for the bill that was introduced in the House of Commons last night—the most notable advance in social legislation, other than the paternal type of legislation, that has taken place in Canada in the last hundred years.

We of both those committees will miss Senator Baird, as we will miss him as a member of this body. We were shocked at the news of his sudden death. I extend my sympathy, as you all do, to those who survive him. We will long regret his passing.

Hon. Chesley W. Carter: Honourable senators, I also would like to join in the personal tributes that have been paid to our late colleague, Colonel the Honourable Alexander Baird. I had known Senator Baird casually for many years, but it was not until 1949 that I got to know him well. As a matter of fact, we had several things in common. We both served in the Royal Newfoundland Regiment in the First World War, from which he was discharged with the rank of major. After the war we were both members of the Great War Veterans' Association in which he played a very active part and in time became elected to the office of President of Dominion Command of that organization. From 1920 to 1923 he served as private secretary to Sir Charles Harris, Governor General of Newfoundland, and during that time he was promoted to the rank of colonel.

Sandy Baird, as he was affectionately known to his friends, was very active in the business life of Newfoundland and had many business associations. In fact, he was one of the first businessmen of any prominence to support the union of Newfoundland with Canada. His contribution in that respect was of great importance, at a time when confederation with Canada was highly unpopular with the business community of Newfoundland, and at that time the going was extremely rough.

Honourable senators, it so happened that we arrived here in Ottawa together for the opening of the Twenty-first Parliament, after the election in 1949—he as one of the first appointments from Newfoundland to this chamber, and I as one of the first elected representatives of the province. As a matter of fact, as the years went by and attrition took its toll, there came a time when he and I were the only ones left here of that original band of Newfoundland parliamentarians who came to Ottawa following the union with Canada. With his passing, I am now the only survivor left in Parliament.

Senator Baird was a man of integrity and a soldier, with a soldier's sense of duty. He held strong opinions and expressed them fearlessly. He had no use for beating about the bush. Everyone knew exactly where he stood on matters of vital importance. He served his country well both in time of war and time of peace; and Newfoundland and Canada are the poorer for his passing.

Honourable senators, I should like to take this opportunity to extend my sincere sympathy to his bereaved relatives.

HON. M. GRATTAN O'LEARY

FELICITATIONS ON ELECTION AS RECTOR OF QUEEN'S UNIVERSITY

Hon. John J. Connolly: Honourable senators, since we last met, one of our distinguished members has been honoured by one of the great universities of this country, the university that was originally a stronghold of Scottish Presbyterianism and is now a non-sectarian university located in the city of Kingston. The name of the university is Queen's.

An election was held by their student body last week, and by acclamation Senator Grattan O'Leary became Rector.

Hon. Senators: Hear, hear.

Hon. Mr. Connolly (Ottawa West): This means that he will be the students' voice on the governing body of the university. It is a personal honour to him and an honour to the Senate that he should be chosen, and that he should follow in the footsteps of another distinguished Canadian, a friend of us all, Mr. Leonard W. Brockington.

I am sure, to quote the words of an old Queen's song, that "Captain Curtis and the conquerors of Yale" would have approved the senator's election.

When Maxwell Anderson wrote *Mary of Scotland* he had John Knox say some pretty hard things to Mary. I think the shade of John Knox would treat with benevolence the fact that the Principal designate of Queen's University in Kingston is Dr. John J. Deutsch, and that the Rector and representative of the students on the governing body is the Honourable Grattan O'Leary.

It will not be the first time, honourable senators, for Scots to welcome the ministrations of their brother Celts, the Irish. St. Columba and his monks went to Iona centuries ago to bring to the pagan Scots the light of Christianity. Senator O'Leary will now bring to the Scots at Queen's his lofty love of language and his sense of history, and they might well say to him with Burns:

> Gie me ae spark o'Nature's fire,
> That's a' the learning I desire.

I am sure that Senator O'Leary, and indeed Dr. Deutsch, just as fervently as the most exuberant and loyal student of Queen's, on the appropriate occasion will say and sing:

> Oil-Thigh na Ban-rig-hinn 'a Ban-rig-hinn gu brath!
>
> Cha gheil! Cha gheil! Cha gheil!

We wish him well in his new post and we are more than delighted at the honour that has come to him.

Hon. Jacques Flynn: Honourable senators, of course for us on this side of the house Senator Grattan O'Leary is one of whom we are especially proud. How pleased we are that the students of Queen's University share our admiration for our colleague.

The Leader of the Government has underlined the fact that an Irish Catholic is becoming Rector of a Protestant university. It is a good thing that ecumenism is not a one-way street.

As a descendant of Gaspesians, I am of course prejudiced in my praise of Senator O'Leary, but I think I am justified in this.

Hon. Leopold Langlois: Honourable senators, I would like to join with the Leader of the Government and the Leader of the Opposition in congratulating Senator O'Leary (Carleton) on his recent election as Rector of Queen's University and I do so as a Gaspesian, saying, as we do in French, *Bon sang ne peut mentir*; as a true Gaspesian he could have done nothing else but attain the height he has now attained. I congratulate him and offer him our best wishes.

Hon. M. Grattan O'Leary: Honourable senators, Dr. Johnson in one of his choleric moments said that the Irish were a very truthful race, and that they never spoke well about another. Having read him extensively, it occurs to me to wonder whether Dr. Johnson—wherever he is tonight—if he had heard Senator Connolly, Senator Flynn, and my friend from Granville, Senator Langlois, would consider that he had made the right remark.

Senator Connolly has on more than one occasion been all too kind to me, and I thank him very heartily for that, but I must say that I do take deep pride in this honour conferred upon me by the students of Queen's University—and not only by the students but by the faculty and the board of trustees as well, because I have had many charming letters from them. When they proposed that I should accept this post I wrote to them and, in my innocence, said, "Well, now, I hope you know what you are doing. First of all, I am a Roman Catholic and Queen's University is in the Christian tradition, the strong Presbyterian Christian tradition." One of the gentlemen concerned wrote back to me rather a humorous letter in which he said "Well, we have looked up your background and your career, and we find that for all the religion you have it doesn't seem to matter much."

Nevertheless, I do value it. I value this honour very, very greatly. Queen's University is well renowned and has a very creditable place in the history of education, and even of religion in this country.

I remembered, when I received this fine appointment, the words used by John Morley in his final chapter of his recollections—very, very moving words. He looked back upon his own life and upon his own years and he said that the best man's life on this earth was a hard campaign with some lost battles. I have had my own lost battles. I remember back to that little hamlet of Irishtown Road in the Gaspé which I am sure honourable Senator Flynn knows very well indeed, because I remember as a boy of eight years old being taken to hear his grandfather speak at the old Flynn homestead of Percé. I remember back to those years, my years as a boy, a barefoot boy, going to school along the Irishtown road and I remember the journey over those years to the editorship and presidency

of a very famous newspaper in this country, to a seat in this Senate which I think is one of the greatest honours that can come to a Canadian, and from that to the position which I now hold with Queen's University, and I find there are some intervals of pride for myself and for my family. And even though one looks back to the mistakes one has made over the years and to the wasted years of wistful regret, one realizes that it is still some consolation to have one of the great universities of Canada extend this honour. But most of all, and I speak sincerely, I accept the pleasure that this has brought to the Senate of Canada, which I think is one of the great institutions in this country and which I hope in years to come before I die will be made still greater.

Thank you, Senator Connolly. Thank you, Senator Flynn. Thank you all.

NATIONAL MUSEUMS BILL

COMMONS AMENDMENTS

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons returning Bill S-2, to establish a corporation for the administration of the National Museums of Canada, and acquainting the Senate that they have passed this bill with the following amendments, to which they desire the concurrence of the Senate:

1. Pages 2 and 3, Lines 41 and 1 respectively. Re-letter paragraphs (f) and (g) as (g) and (h) respectively and insert in line 41, after paragraph (e) the following:

"(f) establish adequate liaison with museums and universities with a view to securing maximum collaboration of all activities in this field, and for such purpose, to establish a committee or committees pursuant to section 13."

2. Page 5, Line 36. Delete all the words after word "paid" and add the following words:
"pursuant to section 12; and".

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

Hon. Douglas D. Everett: I move that these amendments be taken into consideration at the next sitting.

Motion agreed to.

PRIVATE BILL

CO-OPERATIVE TRUST COMPANY LIMITED—
COMMONS AMENDMENTS

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons returning Bill S-20, respecting Co-operative Trust Company Limited, and acquainting the Senate that they have passed this bill with the following amendments, to which they desire the concurrence of the Senate:

1. Page 2, Line 1. Renumber present clause 3 as 3 subclause (1) and add the following:

"(2) Any individual who is a member of an organization that is a shareholder is eligible to be elected as a director and if any director ceases to be eligible for election he thereupon ceases to be a director.

(3) Notwithstanding section 18 of the Trust Companies Act an individual need not be a shareholder to be eligible for election as, or to be a director."

2. Page 2, Line 19. Delete the letter (a).

3. Page 2, Line 24. Delete the comma after the word "associations" and add a period; delete the word "and".

4. Page 2, Line 25. Delete paragraph (b).

5. Page 2, Line 44. Add the following after the word "made"—
"and any such purchase of shares shall be at the par value thereof."

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

Hon. David A. Croll: I move that these amendments be taken into consideration at the next sitting.

Motion agreed to.

DEPARTMENT OF CONSUMER AND CORPORATE AFFAIRS BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-161, to establish a Department of Consumer and Corporate Affairs.

Bill read first time.

Hon. John J. Connolly 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.

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-185, to amend the Judges Act.

Bill read first time.

Hon. John J. Connolly 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.

CRIMINAL CODE

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-168, to amend the Criminal Code.

Bill read first time.

Hon. John J. Connolly moved that the bill be placed on the Orders of the Day for second reading on Thursday next.

Motion agreed to.

INDUSTRIAL DEVELOPMENT BANK 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-164, to amend the Industrial Development Bank Act.

Bill read first time.

Hon. John J. Connolly 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.

GOVERNMENT EMPLOYEES COMPENSATION 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-184, to amend the Government Employees Compensation Act.

Bill read first time.

Hon. John J. Connolly moved that the bill be placed on the Orders of the Day for second reading on Thursday next.

Motion agreed to.

EMERGENCY GOLD MINING ASSISTANCE 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-155, to amend the Emergency Gold Mining Assistance Act.

Bill read first time.

Hon. John J. Connolly 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. John J. Connolly tabled:

Report on the Administration of the Canada Pension Plan for the fiscal year ended March 31, 1967, pursuant to section 118, chapter 51, Statutes of Canada, 1964-65. (English and French texts).

Report of the Fisheries Research Board of Canada for the year ended December 31, 1966. (English and French texts).

Report of the Department of Trade and Commerce for the year ended December 31, 1966, pursuant to section 7 of the Department of Trade and Commerce Act, chapter 78, R.S.C., 1952. (English and French texts).

Copies of 70 contracts between the Government of Canada and Municipalities in the Provinces of Alberta, 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).

Expressions of congratulations and good wishes on the occasion of Canada's Centenary from the following:—

The Legislature of the State of Alaska

The Commonwealth of Massachusetts

The Senate of the State of Texas

The Legislature of the State of Washington

The State of Illinois

The Legislative Assembly of the State of North Dakota.

Copies of Volume I of the Final Report of the Royal Commission on Bilingualism and Biculturalism, dated October 8, 1967, (Joint Chairmen—Messrs. A. Davidson Dunton and Andre Laurendeau) entitled: "Book I — General Introduction — The Official Languages". (English and French texts).

Hon. Mr. McCutcheon: May we have a copy of the last report that has been tabled?

Hon. Mr. Connolly (Ottawa West): Yes, I think copies have been distributed to all honourable senators.

Hon. Mr. Croll: You can get extra copies too.

DIVORCE

REPORTS OF COMMITTEE PRESENTED

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, presented the committee's reports Nos. 373 to 447, inclusive, and moved that the said reports be taken into consideration at the next sitting.

Motion agreed to.

CENTENARY OF CONFEDERATION

FURTHER CONGRATULATORY MESSAGES TO CANADA ON HER ONE HUNDREDTH ANNIVERSARY OF CONFEDERATION PRINTED AS APPENDIX

Hon. John J. Connolly: Honourable senators, with leave of the Senate, and seconded by the honourable Senator Flynn, the Leader of the Opposition, I move:

> That the expressions of congratulation and good wishes on the occasion of Canada's Centenary tabled 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; and
>
> That the Honourable the Speaker be authorized to send copies of the *Debates of the Senate* of this day to the Legislatures concerned as a token of the deep appreciation of the Senate of Canada for their kind and thoughtful messages in Canada's Centennial Year.

Honourable senators, I think a few words might be said about this motion. These messages have come from the States of Alaska, Massachusetts, Texas, Washington, Illinois, and North Dakota. They are official documents, and we welcome them, first of all, as emanating from fellow legislators on the North American continent.

I am sure that all honourable senators have many friends in all of these states, and it is heartwarming indeed to know that they should remember Canada's Centennial, and that they should mark it by having their legislatures pass messages that are so laudatory of Canada and all Canadians. We are all most gratified by, and grateful for, what has been done.

Motion agreed to.

For text of messages of congratulation see Appendix, pp. 511-15.

COMMONWEALTH PARLIAMENTARY ASSOCIATION

CONFERENCE AT KAMPALA, UGANDA— DEBATE ADJOURNED

Hon. T. D'Arcy Leonard rose pursuant to notice:

> That he will call the attention of the Senate to the 13th General Conference of the Commonwealth Parliamentary Association, held at Kampala, in Uganda, from 17th October to 2nd November, 1967, and the participation therein of the delegation from Canada.

He said: Honourable senators, I had the privilege of being a delegate to the 13th Annual Conference of the Commonwealth Parliamentary Association held in Kampala, Uganda from October 17 to November 2, and for that privilege it now falls to my lot to report to you upon the proceedings of the Conference.

Nearly all honourable senators are members of the Canadian branch of the Canadian Parliamentary Association, and at the outset I ask for your indulgence in calling to your attention some things that you already know. However, I think it would be as well to remind you of them in order to provide a setting for the proceedings of the conference itself.

First, I remind you that the Commonwealth Parliamentary Association is one of the strongest links in that delicate chain that holds together the members of the Commonwealth itself. Second, I remind you that the Association is not an association of governments of the Commonwealth countries, nor of the prime ministers or their representatives. It is, in fact as well as in name, an association of the parliaments of the Commonwealth. So, membership in the Commonwealth Parliamentary Association is not

identical with membership in the Commonwealth, for a member of the Commonwealth, unless it has a parliament, is not eligible to be a member of the Commonwealth Parliamentary Association. This was strikingly demonstrated this year at the conference, because Nigeria and Ghana were not represented, parliamentary government in those two countries having been suspended.

It follows, further, that we as delegates go as members of Parliament, free to speak our own minds, and we do not necessarily represent the viewpoints of our governments nor of the parties to which we belong.

In the result, the conference makes for a free interchange of opinion that graphically illustrates the kaleidoscopic character of the Commonwealth.

The Canadian federal delegation consisted of seven members, Senator Haig and myself from the Senate, and a group of five members of the House of Commons including Liberals and Conservatives, and a member of the NDP. The leader of the delegation was James E. Walker, Member of Parliament for York Center and parliamentary secretary to the Minister of National Revenue. So much for the background of the conference itself.

The agenda was a meaty one. It comprised four main subjects:

1. International Affairs,
2. Aid to Developing Countries,
3. Parliamentary Institutions, and
4. The Commonwealth and the European Economic Community.

These four main subjects were, in turn, broken down into appropriate subheadings. It would take too long to do more than give you the highlights of the discussions that took place, but I can say that in general the debates were of a high quality, serious, thoughtful, and informative, and even when charged with strong emotions and conflicting viewpoints they conformed to the best standards of British parliamentary practice.

The subject of International Affairs was divided into two parts, the first being Africa in World Affairs. This debate was opened by His Excellency, the President of Uganda, Mr. A. M. Obote. Traditionally, the opening speech from the head of the host country is not too strongly controversial, but Mr. Obote took the opportunity to launch an attack on the Rhodesian problem, and particularly upon the position of the United Kingdom. He said that sanctions have failed, and that his fear now was that the Africans in Rhodesia were being precipitated to a stage at which, sooner than we think, they will seek independence on the principle of "one man, one gun" instead of "one man one vote."

This speech captured the headlines. The headline in the daily paper the following day was: "Unless Britain acts quickly, says Dr. Obote, it will be one man, one gun."

This speech was followed by others indicting Britain in the strongest terms for refusing to use force against the illegal Smith regime. It was said that Britain had never hesitated to use force against rebellious colonies in the past. Refusal to use force now, therefore, must be on racial grounds. This brought into question the sincerity of Britain's support for racial equality. Failure to resolve the Rhodesian problem by firm action, it was said, would bring a holocaust of racial warfare upon the world.

The Conference does not accept resolutions on such matters, but I must admit there were times when I wondered whether an attempt might be made to have the Conference register a majority opinion in favour of the use of force against Rhodesia.

The leading spokesman for the British delegation was the Right Honourable George Thomson, the Minister for Commonwealth Affairs. Of course, when he spoke, he did express government policy. He met the attacks with reasoned arguments put forward with courtesy, moderation, good sense, and good temper. Force, rather than a peaceful pursuit of settlement, he said, would endanger the survival of the multi-racial Commonwealth, and threaten Africa and the world with an escalating racial struggle. Further, it was impossible for Britain logistically, economically, and politically to mount an invasion against Rhodesia. Mr. Thomson reasserted, however, that Britain remained firmly committed to unimpeded progress to majority rule in Rhodesia.

In his stand he was supported by other members of the British delegation, even by his political opponents and perhaps, I might say, even by his own back benchers. They proved to me beyond a doubt that the use of force by Britain in Rhodesia was utterly impractical and impossible, and the events of the past two weeks have surely made clear Britain's economic inability to mount such an attack.

On the subject of world peace, the leader of the Canadian delegation, Mr. James Walker, was given the honour of opening the debate. This he did extremely well. I sat beside him as he spoke, and I noted the close

attention that his remarks received from all representatives. He gave the story of Canada's participation in the work of settling disputes and helping to maintain peace. As we all know, the story is a good one, and it was very well received.

The debates on parliamentary institutions were extremely interesting and informative. It fell to my lot to act as chairman of one of the sessions, and in that capacity I had the pleasure of listening to Senator Haig present a carefully prepared paper dealing with the situation in Canada on the topic of the erosion of parliamentary authority by the executive and subordinate legislation. He covered the subject adequately and well, mentioning particularly the increasing use of the committee system in Canada. Many delegates felt that the use of subordinate legislation—that is to say, the making of regulations or rules under the authority of a statute—is a grave threat to the authority of Parliament, and various suggestions were made for the purpose of supervising such subordinate legislation, such as, for example, a joint committee of Parliament to carefully scrutinize all regulations.

There was considerable discussion about the breakdown of parliamentary institutions in parts of the Commonwealth, with particular reference to what has happened in Nigeria and in Ghana in the last 18 months. All speakers were concerned to analyze the causes of such breakdowns so as to avoid similar developments in other countries. One-party systems were criticized by some, and defended by others. Ghana had a one-party government, Tanzania has one now, and other countries have a close approximation to a one-party government. I myself believe that a one-party system is bad, but nevertheless we must recognize the strength of the arguments put forward by Tanzania and others that in certain circumstances, particularly in those countries in the early stages of independence, there is the same kind of emergency situation that caused parties in old established democracies to sink their differences in times of war, and even in some instances to form a national or union government because the single goal of winning a war united all groups.

The third topic of the committee dealing with parliamentary institutions concerned the press in a parliamentary democracy. I think all speakers subscribed, in theory at any rate, to the principle of the freedom of the press, but—and the "buts" covered a wide range of reservations as to the extent of the exercise of press freedom and as to the responsibility of the press itself, and whether or not there should be some kind of limitation on its freedom that would be justified in the public interest. For example, a cabinet minister in one African government said that the leading newspaper of his country was controlled in South Africa, and therefore, in effect, it was in the hands of the enemies of his country. This raised for him the question of whether they should require that the press be owned by nationals, or alternatively that the government itself should nationalize all information media.

The important and topical nature of this subject was illustrated by the new development in Britain in the establishment of a Press Council, and there was a general feeling that a press council comprising representatives of the government and the private sector could prove helpful in providing a forum to which the general public and journalists could turn for protection.

Because of my duties as a deputy chairman of the other committee I was not able to be present at the proceedings of the committee dealing with aid to developing countries. Perhaps Senator Haig may be able to tell you more of that when he speaks.

The final subject for debate was the Commonwealth and the European Economic Community. In the division of labour among our Canadian delegates this subject was allotted to me. The Right Honourable George Thomson opened the discussion and brought us up to date on the progress, or perhaps I should say lack of progress, of Britain's application to join the Common Market. Here again, as in the case of Rhodesia, there were strong and sometimes bitter remarks directed against the United Kingdom by some of the delegates.

Once again I would say that the British delegation, both Labour and Conservative, met the attacks well and ably. There was sympathy on their part for the difficulties that would be caused to other members of the Commonwealth. There was reasoned justification for the course the government was pursuing, and there was assurance that every effort was being made, and would continue to be made, to protect essential Commonwealth interests.

In the case of New Zealand, whose whole economy is in jeopardy, one British Labour member went so far as to say he thought

that the United Kingdom would make New Zealand an absolute sticking point, and that unless the necessary accommodation was made to take care of New Zealand by the other members of the Common Market, Britain would not enter the Common Market.

In the course of the debate it was evident that some of the Commonwealth countries were liable to suffer so much more than Canada, and the leader of the Canadian delegation, Mr. Walker, said that Canada should take the broad view and not be concerned merely with its own welfare, and that, in particular, Canada should be thinking in terms of cushioning the impact on certain Commonwealth countries, particularly those in the Caribbean. Many Canadians, he said, felt that we would be willing to share some of the burden of protecting the essential Commonwealth interests.

This suggestion on his part was received extremely well, and added even more to the respect and regard in which Canada was obviously held at this conference. I am not prone to indulge in self-pride as a Canadian, but it would not be a complete and honest reporting of this conference if I did not tell you one could be proud to be a Canadian at this gathering.

Hon. Senators: Hear, hear.

Hon. Mr. Leonard: One was always conscious of the high standing that Canada and Canadians have in this Commonwealth of Nations. Like the gentle rain from heaven this has a double blessing. In the first place it enables us to be more helpful to the other members, and, in the second place, it enhances Canada's standing and influence in international affairs generally. I found that the name "Canada" was a password that opened doors of friendship and good will, not only in the conference itself, but also among the people generally, be they Africans, Asians or others. This is a priceless boon that we should cherish and maintain by zealously seeking to deserve it.

There is one last matter of the business of the conference to which I wish to refer. You will recall that at the 1966 meeting held in Ottawa a working party was set up to study the constitution and the future of the Association. The Leader of the Government in the Senate, Senator John J. Connolly, was a member of that working party, which met last May in Malta. Their report was submitted to the conference in Kampala, and was adopted. One of the changes brought about by this report was the establishment of an executive committee with important responsibilities as to the policies, finances, and activities of the Association in the future. I am happy to report to you that Senator Connolly (Ottawa West) was elected a member of that executive committee. There were many expressions of regret that he was unable to attend the Kampala conference, and from all sides we received inquiries as to his health and messages of good will to him.

Hon. Senators: Hear, hear.

Hon. Mr. Leonard: For my part I was glad to assure his many inquiring friends that he was in good health, and as far as I could see the only thing from which he continued to suffer seemed to be incurable, and that was an addiction to hard work.

Hon. Senators: Hear, hear.

Hon. Mr. Leonard: I must pay my tribute to other members of the Canadian delegation. Mr. Walker, known to everybody as "Jimmy", was probably the most popular person at the conference. Over and above that he was indefatigable, very conscientious, and had the complete support of all the other members of the federal delegation. They in turn were very congenial, and everyone did his share in taking part in the proceedings.

You may have heard that one of our delegates, Mr. Arnold Peters, the member for Timiskaming, was taken ill and had to undergo an operation in Kampala. His illness was due to causes from which he had suffered in Canada and had nothing to do with conditions in Uganda, but he received the best of medical and surgical attention in a fine hospital, which had been built with British aid. All the members of the Canadian delegation rallied round him, and Mr. Walker stayed long enough to be able to accompany him back home to Canada.

We staged a Canadian night, to which we invited all the delegates. We had two National Film Board pictures of Canada, and we served non-alcoholic refreshments. Believe it or not, I must record my own opinion that the non-alcoholic refreshments were better than the films. One was entitled "Helicopter Canada" and the other "Impressions of Expo 67" and I personally was disappointed in both of them and felt that they did not do justice to either Canada or Expo.

Our High Commissioner to Kenya and to Uganda is Miss Margaret Meagher, an

experienced, able, and very personable diplomatic representative of Canada. Her permanent office and residence is in Nairobi but she came to Kampala for the Conference, attended the meetings as a spectator, and was extremely helpful to the Canadian delegation with information, advice, and hospitality.

I know of no other Canadian High Commissioner throughout the world to whom a delegation, such as ours, could pay the tribute that we did when, in saying farewell, we sang "Let me Call You Sweetheart".

So much for the Conference. I know you might expect me to say something about Uganda and Kenya, and their people. It would take as long as I have already spoken to give you my impressions, and still I would not do justice to the subject. Let me make a few brief comments. First, the hospitality extended to us, in both Uganda and Kenya, was overwhelming in its kindness, and generous in its quality. Second, both countries are blessed in climate and in natural resources. They are both astride the equator, but due to their altitude the temperatures are favourable throughout the year. As a vacation resort I can recommend both countries.

Politically, they are in the early stages of independence. Uganda became independent in 1962, Kenya in 1963. Until 1962 Uganda was a British protectorate, and in that year Britain granted it independence under a constitution then agreed upon between Britain and the representatives of Uganda. It was an amicable and peaceful evolution, but since 1962 Uganda has had its birth pangs. The Constitution has been amended several times and the present Constitution came into effect only in September of this year. There was an insurrection among Western tribes in 1963, put down by force. There was a mutiny among Uganda troops in 1964 and British troops came in by request to restore order.

In February 1966 Mr. Obote announced that he had assumed all the powers of the Government, and he disposed of his principal political foes in a very simple manner. When the Cabinet was assembled, the door burst open and a dozen or so police rushed in. They grabbed five Ministers, hauled them struggling and shouting outside, bundled them into Land Rovers, and lodged them in Gulu, 300 miles to the north. As far as I know they are still under arrest.

Then Buganda, the most populous and the most important tribal kingdom in Uganda, the region in which Kampala, the capital, is situated, and where our Conference was held, attempted to secede. Thereupon Mr. Obote indicted the King of Buganda, who is called the Kabaka of Uganda and who had succeeded Queen Elizabeth as the Head of State of Uganda, on charges of high treason. Government troops in a barrage of heavy artillery fire seized the palace of the Kabaka. The Kabaka escaped, made his way out of Uganda, on foot, it is said, and is now in London, England. Rumour has it that over 5,000 people were killed in the fighting at that time, although the government says these figures are an exaggeration.

All this was only eighteen months ago, and its telling makes it sound as if we were meeting in a very unsettled and disturbed city. Actually, for us it was a very peaceful city, with no indication at all of trouble or disaffection. One could walk the streets of Kampala day or night without fear or worry. There were no abnormal signs of police or military. Business was as usual. Mr. Obote has emerged as the strong man of Uganda, and seems at the present time to have the support of the people generally.

Turning from the political to the economic aspect, Uganda's potential for good and sustained progress is excellent. It is a fertile country. Its people are good workers, and they are making progress in education and developing their skills. The mission schools have been extremely helpful in the field of education, and they will be needed for many years yet at the primary and secondary levels, and in the training of teachers. Makerere University in Kampala is beautifully located, with fine buildings, and there I met Canadian professors, supported by Canadian aid, enthusiastic about their work and about the opportunities for this developing country. And here I should mention also that I heard favourable comments about the work of C.U.S.O.—the Canadian University Service Overseas—representatives in both Uganda and Kenya.

Both these countries, in my view, merit an increasing amount of aid from Canada. The economic potentials are so good that we will be repaid by the satisfaction we will get from seeing a steadily improving standard of living of the people, and an increasing friendship for Canada.

Honourable senators, I venture three further comments. First, that there may be a tendency for the administrations, in their

eagerness, to run too fast for their legs. They may have to wait for some things that they would like to have now.

My second point follows from the first, and that is that they will need the best of advice and help in selecting and determining the priorities to be given to the development of the various sections of their economy.

Third, the very natural and strongly emotional desire expressed in the slogan "Africa for the Africans" can have adverse effects in the same way that too nationalistic and too protective policies have had in other countries.

I conclude with an expression of my own faith in the value and the worthwhileness of the Commonwealth itself. I know that over the years people have talked about the break-up of the Commonwealth, but it still survives and, indeed, to me, it seems stronger today than it was a few years ago. Many of you have taken part in the proceedings of the United Nations and are aware that the very universality of that organization has produced groupings—the Soviet bloc, the Latin-American bloc, the African bloc, and so on—and these groups at times make difficult or impossible the taking of effective action by the United Nations itself. In the Commonwealth there are many things in common that cut across the differences in geography and race. There is a common background of British influence, common beliefs in democratic principles, in the principle of racial equality, in parliamentary institutions, in the systems of justice, and, to a large extent, there is a common language and a common culture. If, with all these things in common, the Commonwealth cannot continue to survive as a force for good in world affairs, then how much more difficult it is going to be to maintain the much larger and much more diversified United Nations as the strong force for world peace and world prosperity that we all wish it to be.

A major influence in maintaining the Commonwealth is the Commonwealth Parliamentary Association. After this 13th Conference was over, Mr. Obote, who had opened it with his "One man, One gun" speech, said that the Conference had generated more understanding between the old Commonwealth and the younger members than any of the Prime Ministers' meetings. Delegates had found it easier to appreciate each others' problems than would have been possible at a conference of heads of states.

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I conclude this report on that note, and by expressing my thanks to the Leader of the Senate for giving me the privilege of having a part in this very useful and, for me, very memorable conference.

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

DEFENCE PRODUCTION ACT

BILL TO AMEND—SECOND READING

The Senate resumed from Thursday, November 23, the adjourned debate on the motion of Hon. Mr. Lang for the second reading of Bill S-28, to amend the Defence Production Act.

Hon. Jacques Flynn: Honourable senators, when I adjourned the debate last November 23 I indicated that my main intention was to give the Government some time to think over an amendment to paragraph (e) contained in section 1 of this bill. Senator McCutcheon, when discussing this bill, proved beyond doubt, in my opinion, that the discretion given to the minister by this paragraph (e) is really not justified, or at least has not been justified by any argument brought forward up to now.

This is a provision which might be justified in time of war but certainly not in time of peace or even relative peace, because it gives the minister the power to pass a contract without calling tenders or without any control at all, if in his opinion the contract must be entered into immediately in the interest of defence.

Well, of course, when the decision has been taken he can try to justify himself. But suppose he does not; what control has Parliament got? I cannot see why the provisions that exist presently under paragraph (e) of section 17 of the act as it stands have not been transposed in paragraph (e). We are changing the provisions of the letting out of contracts to meet the recommendations of the Glassco Commission in saying that a contract should be entered into by the minister in accordance with such regulations under the Financial Administration Act as apply, but I do not see why in other cases where these regulations could or should be dispensed with the minister should not have some controls as are provided in the present section 17; that is, where the contract has to be under $25,000 or where competitive tenders have been obtained and the lowest tender,

involving an estimated expenditure not exceeding $50,000 is accepted, and where it is provided that the minister shall make a report to the Governor in Council in respect of any contract involving an estimated expenditure, loan or guarantee exceeding $10,000.

It seems to me that this bill may be seeking to improve the legislation in principle, but in practice it is destroying all its effect by opening such a wide door that the minister may do anything that he pleases under given circumstances. And for these reasons, and unless we are given assurance that an amendment which would maintain the controls that are presently provided in section 17, paragraph (e), will be passed, we will have to oppose this bill and vote against it.

Hon. John J. Connolly: Honourable senators, let me say that I am pleased to have had the views put before this house as expressed by the honourable Leader of the Opposition, Senator Flynn, and by the honourable Senator McCutcheon. May I also thank Senator Lang for his crystal-clear explanation of the terms of the bill. I should like to inform the house now that since the last sitting I have had a number of discussions with the minister, Mr. Drury, about the provisions of the bill as they now stand. He has been frank enough to say to me, and I am going to be frank enough to say to the Senate, that he feels personally that the second paragraph, paragraph (e), is one that he would prefer not to have in the bill.

However, it was felt and it will be remembered that this bill was first introduced in the Senate simply for this purpose—that there should be an opportunity for a free and frank exchange of views as to the wisdom of using this paragraph. In view of the few occasions upon which the minister has used it, what I would like to suggest to honourable senators is that the bill to amend the Defence Production Act be approved in principle, and that the administration in so far as these clauses are concerned should be reviewed by the members of the committee with the minister in a full, frank exchange of views as to whether this clause at all or this clause in some modified form should be a part of the measure.

Honourable senators will agree, I think, that a discussion of this kind can be fruitful as well as an excellent example of the Senate's taking a careful look at legislation.

Hon. Mr. Aseltine: With mental reservations?

Hon. Mr. Connolly (Ottawa West): No. I am not asking for any reservations of any kind, and I am not saying what I do with any reservations of any kind. There would be a good, free, frank exchange of views about the proposal in paragraph (e). I feel that a discussion of this kind with the minister would have beneficial results. I would therefore commend this course to the Senate, and I do so as a member of the Government.

Hon. Mr. McCutcheon: May I ask the Leader of the Government one question? If the minister would be happier without this section, who put it in?

Hon. Mr. Connolly (Ottawa West): The section was drafted and put into the bill. As a matter of fact, there was a mistake made in the draftsmanship, because the clause that Senator McCutcheon and I personally discussed, and which Senator Lang understood to have been part of the section, was omitted. It escaped the notice not only of the draftsman in the Department of Justice but of the officials in the Department of Defence Production. That is the clause which requires reporting to the Governor in Council.

Hon. Mr. McCutcheon: Had that clause been so put in, of course the presumed expansion of authority would have been simply negatived.

Hon. Mr. Connolly (Ottawa West): No, not necessarily. It would not have been negatived at all. It would have required a report. What I say to the honourable senator is that he would feel better in his own mind, as I am sure all honourable senators would so feel, if it were known how this particular clause was to be used and what the circumstances were each time it was invoked.

I think if honourable senators would look at it in the light of the use that has been made of the clause by the present minister and his two immediate predecessors they may feel that the clause should be struck completely or that it should be modified. I do not think I can be much more broadminded in my approach to the clause than that.

Hon. Mr. McCutcheon: I know this whole discussion is completely out of order since we are not in committee.

Hon. Mr. Croll: Continue anyway.

Hon. Mr. McCutcheon: I intend to. I was hoping that by this time Senator Lang could at least have given us the four examples in which the "out" clause was used by the minister during the last fiscal year.

Hon. Mr. Connolly (Ottawa West): Honourable senators realize that once Senator Lang speaks he closes the debate and it is for that reason that I intervened.

Hon. Mr. Croll: Honourable senators, I was interested in the question just put by Senator McCutcheon. It is all very well for Senator Lang to give the information, but he is not subject to cross-examination here, and there is a great deal of information which I am sure Senator Lang does not have and the only place we can get it is in committee. If the minister has indicated he would just as soon not have the clause in there, I am sure we will accommodate him. I think it would be better to let this matter go to committee and get this information there.

Hon. Daniel A. Lang: Honourable senators—

The Hon. the Speaker: I must inform the Senate that if the honourable Senator Lang speaks now it will have the effect of closing the debate.

Hon. Mr. Lang: Honourable senators, I was rather expecting that, in view of the remarks of the Leader of the Government this evening, my colleagues on the other side of this chamber might very well rest assured that any reservations they may have expressed about my interpretation of this legislation or any questions they may have raised were in fact academic, and they could be very well left until the committee hearings were held. Perhaps I can leave that suggestion with them. I would not like honourable senators opposite to feel that I had not or could not or would not have available to me the information requested by them relating to the specific contracts. I have been very fully apprised by the departmental officials and by the minister of the specific occasions when this power was used, and I would like to remind honourable senators that in the instances where it was used it was under the $10,000 and $25,000 ceiling which now pertains in the wording of the act in its present form.

I think honourable senators would be interested if I gave some specific examples from the departmental files which would point up the type of circumstances arising and when ministerial discretion was invoked under this power. I have chosen several examples at random from a long list of examples and I hope they will be sufficiently representative to give a picture of the use of this power in the ordinary day-to-day practice in the department.

In the fiscal year 1964-65 a contract was entered into by the department covering the supply of 14 wireless stations, with remote control including first and second line spares required by the Department of National Defence at a cost of $60,000. This was a very urgent requirement for Specialized Communications Equipment to be used at the Canadian Brigade Headquarters in Cyprus, and consisted of a Transmitter-Receiver operating at High Frequency Range of 2-16 megacycles, complete with all ancillary items for mobile installation in "Rover" Mark 7 Vehicles.

The requisition for this equipment was received from the Department of National Defence on April 27, 1964, and it was determined that the equipment was immediately available from the United Kingdom Government. In view of the extreme urgency attending this procurement the contract was authorized on Tuesday, April 28, and it was considered impracticable to delay contract action pending consideration by Treasury Board on Wednesday or Thursday of that week.

Hon. Mr. McCutcheon: Where was Treasury Board on the 28th?

Hon. Mr. Lang: It may very well have been rather late in the day.

Hon. Mr. Croll: It was awfully quick action.

Hon. Mr. McCutcheon: We always give it.

Hon. Mr. Lang: Another example which occurred in the past fiscal year, that is 1966-67, involved an amendment to the contract for the supply and maintenance of an emergency reserve of some 620,000 gallons of aviation gasoline in Crown-owned bulk storage facilities at Fort Pepperrell, Newfoundland. The amendment provided for the removal of some 552,000 gallons at $0.0959 per gallon, and for the purchase from the contractor of any residual gasoline—estimated at 68,000 gallons—at a price of $0.2817 per gallon.

The existing contract provided that should it be discontinued at any time or should it

not be renewed, the Crown would purchase the reserve volume at the said price of $0.2817 per gallon. The contract was not to be renewed and as an alternative to the above condition, the contractor offered to remove as much of the reserve as possible at the removal charge of $0.0959 per gallon provided he received immediate authorization so that the gas could be loaded on his ocean tanker which would be at Fort Pepperrell on May 12, 1966. The Deputy Minister of National Defence by letter dated May 10, 1966, requested that the Department of Defence Production take whatever action was necessary to permit acceptance of this offer.

As there was insufficient time to process this case to Treasury Board, amendment action was authorized on Wednesday, May 11, 1966, with a resulting saving to the Crown of some $92,000.

The specifics of other instances of the use of that power could be put to the minister in committee, and I think that honourable senators will realize that in its use the public has been the beneficiary. However, at the same time I think honourable senators will want to weigh the general principle involved in extending this authority where the ceiling will be increased in all likelihood from $10,000 and $25,000 to $250,000 and which would pertain under the subsection immediately preceding.

Hon. Mr. McCutcheon: We are willing to extend the ceiling, but we are not going to take the ceiling completely off. Surely that is the whole purpose of the discussion.

Motion agreed to and bill read second time, on division.

REFERRED TO COMMITTEE

The Hon. the Speaker: When shall this bill be read the third time?

Hon. Mr. Lang: I move that this bill be referred to the Standing Committee on Banking and Commerce.

Hon. Mr. Connolly (Ottawa West): In connection with the referral of this bill to the Standing Committee on Banking and Commerce, I am informed that it would suit the minister's schedule if this bill were studied by committee on Thursday rather than tomorrow. I hope this will meet with the convenience of the members of the committee as well.

Motion agreed to.

CANADA MANPOWER AND IMMIGRATION COUNCIL BILL

SECOND READING

The Senate resumed from Thursday, November 23, the adjourned debate on the motion of Hon. Mr. Hastings for the second reading of Bill C-150, to establish a Canada Manpower and Immigration Council.

Hon. Arthur M. Pearson: Honourable senators, I have a few thoughts on Bill C-150 which I wish to place before you. The honourable Senator Hastings, who sponsored this bill, gave a good review of its contents. The honourable Senator Grosart delivered an exposé of his thoughts on some of the errors made in the departments, as he saw them. I wish to congratulate both these honourable senators on their clear and precise arguments.

I want to criticize the contents of the bill itself and to pose the questions: What does the Government hope to gain from the enactment of this bill? What are the needs of this developing country?

Firstly, I would say that this country needs people; secondly, that these people must be trained or experienced labourers; and, thirdly, that useful employment must be available for them.

Honourable senators must recognize that there are two distinct divisions in this department, namely, Manpower and Immigration. Each of these is under the direction of an assistant deputy minister. In this bill the minister asks for: firstly, the appointment of a Manpower and Immigration Council; secondly, four or five advisory boards; and, thirdly, regional and local manpower committees. This, honourable senators, is the substance of the bill.

My criticism of the bill is that the creation of these additions of the department tends to remove the minister from direct touch with his department or the scene of action. Who will be the men and women who are appointed to the council, which will meet only once or twice a year to advise? From where will they get their information so that they may properly advise the minister? Let me suggest they will get most of their information from the manpower centres across Canada. The minister already has all the counsel necessary in his department, if the departmental men are onto their job. We have an assistant to the minister. I have been working with him on the Committee on Immigration and Labour, and I think he is one

of the best and most sincere and hard-working ministerial assistants we have. We have a deputy minister and three assistant deputy ministers and their staffs. My experience with the departmental people is that they have most of the answers and should be able to carry out any program requested by the minister, and in most cases their advice is sound.

Honourable senators, what are to be the duties of this council? I ask you to turn to page 3 of the bill where half way down it reads:

Duties of Council

11. It is the function of the Council to advise the Minister on all matters to which the duties, powers and functions of the Minister extend, and in particular it shall be the duty of the Council

I believe I can agree with the first subdivision, which reads:

(a) to advise the Minister on all matters pertaining to the effective utilization and development of manpower resources in Canada, including immigrants to Canada and their adjustment to Canadian life;

But then it continues:

(b) to refer those matters that the Minister requests or that the Council deems appropriate, to the appropriate board for a report;

(c) to advise the Minister with respect to any report received by the Council from a board;

(d) to advise the Minister on the establishment of local and regional manpower committees pursuant to Part III; and

(e) to advise the Minister on such other matters as the Minister may refer to the Council for its consideration.

Why do we have to have a Manpower Council to do such clerical tasks as these? I cannot see why it is necessary.

When I studied the 1966 report of the department, I noticed there are various branches corresponding to the projected advisory boards already in the Department of Manpower and Immigration. There is no doubt that the chief of each of these branches makes a report or reports. These eventually reach the deputy minister or his assistant deputies and, eventually, the minister himself.

In my opinion, some of the problems of the minister have been the taking over of parts of certain other departments and tying them into a new department which is now known as Manpower and Immigration, and the dropping of the Citizenship branch. The whole department has been uprooted, and now it is being put together again. As a result, the minister has become disturbed due to all the change and shuffling of the old Department of Citizenship and Immigration. In spite of his undoubted ability and flexibility, the minister finds the department so involved and crowded with new and changing directives that he now has to call on a body of men outside the service to help straighten out the problems and to advise on new directives. So, honourable senators, we have this Bill C-150 before us which is meant to try to save a very loose and cumbersome department, apparently so cumbersome that the minister and his assistants feel they may not be able to handle it with any degree of competency.

I would suggest that by the introduction of this bill the minister and, through him, the Government, admit that if they are to handle the Department of Manpower and Immigration to the best advantage for the country, they must have advice from outside the department. The council, advisory boards and local manpower committees are going to add considerably to the burden of the taxpayer.

I noticed in the Winnipeg *Tribune* of November 28 that the chairman of the Unemployment Insurance Advisory Committee receives $1,000 per annum as an honorarium to cover meetings of that committee, and that the committee met only once during the year. This figure rather startles me, when one considers there is no provision in this bill to report costs or expenses to Parliament. How can the Government keep expenses under control if every committee or council is to be a law unto itself? Unless the Government starts looking after the small outlays it will never make any real start on cutting out the large spending of Government.

Honourable senators, in summing up I feel, firstly, that the Government is just going through the motions of doing something. All this bill does is add to the department a certain amount of slowdown. In another way it adds to the burden of the taxpayer, without any real compensating results. Secondly, will this bill assist labour and management in any way in solving more readily

their respective problems? I say it will not. It sets a very active and excellent minister too far from the scene of action in his department. Thirdly, I think a council of this sort would do more good if it were established overseas to co-ordinate the search for qualified immigrants. As I said in the beginning, we need people and not more staff.

Hon. Earl A. Hastings: Honourable senators—

The Hon. the Speaker: Honourable senators realize that if Senator Hastings speaks at this time it will have the effect of closing the debate.

Hon. Mr. Hastings: Honourable senators, may I simply take a few moments in closing this debate to express my satisfaction at the reception this bill has received from honourable Senators Grosart and Pearson. I would appreciate a moment or two to answer the suggestions made by the two honourable gentlemen.

I believe it was Senator Grosart who asked me in closing if I would make a comparison between the Adult Occupational Training Program and the old Technical Vocational Training Program which expired on March 31, 1967. This year the Occupational Training of Adults Program will be training more adults for longer periods of time than did the technical and vocational training program in 1966. Last year, 1966-67, the federal Government spent $103 million on training adults and youths combined. This current year, 1967-68, in addition to sharing half the cost of post-secondary education for youths, the federal Government expects to spend in excess of $170 million on the Occupational Training of Adults Program. Between April 1 and October 31 of this year more than 130,000 adults were enrolled in training. This was an increase of 10,000 over the 120,000 in training in the same period of the previous year.

What seems to have confused people is that the increase in training education has been accompanied by a shift from training in the summer to training in the winter when unemployment is highest. Thus in the fiscal year 1967-68 the training volume is composed of 70,000 who continued in training after April 1, 1967, plus some 60,000 new enrolments during this past summer and early fall, making a total of 130,000. The 1966 figure was made up of 40,000 brought forward from the previous year and enrolments of 80,000 during the first six months.

The decrease in new people put on courses during the summer months is in large part the result of a policy decision to shift some training activity to the winter months, and for potential trainees to continue work during the summer when employment is high. This shift was somewhat greater than had been planned because of delays in signing two of the federal-provincial agreements and the starting of new courses, but I understand they have all now been signed and completed and the courses are under way in all provinces. These delays are over and the number of new enrolments is now rising much more sharply than last year.

The number of new trainees in October, 1967, was higher than the number enrolled during October, 1966. This upward trend will continue and accelerate as employment rises so that the adult retraining program certainly is not being phased out or restricted, as has been suggested. On the contrary, honourable senators, we are doing a lot more for adults who have become unemployed. This year 135,000 of them will be in schools. They will take eight million training days or 48 million man hours. In addition to the 135,000 we shall have in the schools, we are reimbursing provinces for the expenditures incurred in training people who began training before April 1, 1967. This involves an additional 82,000, so that at the end of this year we shall have a total of over 217,000 in the schools under the occupational training program.

As I have said, we have perhaps shifted the emphasis to adults. Surely that is where the greatest need exists—the mature worker whose economic responsibilities to his dependents are great, and who is displaced by the fast-moving innovations of our industrial life.

It is envisaged that eventually we will have five per cent of our labour force, or 350,000 Canadians annually, matched to new jobs. We are increasing the program; we are making it more effective. You have before you one of the measures which will make it more effective. We shall continue to do so in the future.

I will end with a brief reference to the suggestion by Senator Grosart that we give consideration to an amendment which would make the council report directly to Parliament. Surely this would completely defeat the purpose of the bill, because the bill seeks

to create a Manpower and Immigration Council which is to advise the minister. The minister's responsibility is to Parliament. It is an advisory body which will work in co-operation with officials of the department in reviewing the work of the department. The purpose of creating this council is not that it shall act as a critic on the operation of the department or as an auditor.

The honourable Senator Pearson referred to additions to the department. When I introduced the bill I explained that we were simply reorganizing and co-ordinating three existing boards in the department under the old National Employment Service, that we were not creating additions to the department, that the number of people involved in the boards set out in the bill will in fact be perhaps two or three fewer than existed in the three previous boards.

With respect to the suggestion that the minister is abdicating responsibility, I would say that the minister is responsible to Parliament, accepting his advice from his department and the additional advice that he shall receive through the organization of this council.

Senator Pearson also mentioned the cost. The cost of the three existing boards was $75,000 in the last fiscal year. It is estimated that the cost of the new set-up will run into $120,000 per year. That is a $45,000 increase. I am not disturbed by a $45,000 increase to give the Minister of Manpower and Immigration the best possible advice, not only from his department, but from industry, labour, management, unions, clergy, and interested individuals.

There are others just as interested in this very important problem of manpower and the utilization of manpower, as well as changes in manpower patterns. That is the purpose of the bill, that they shall have a vehicle through which they can advise the minister. I do not think there is any attempt by the minister to abdicate responsibility to Parliament, but there is an attempt to ensure that in the operation of his department he shall have the best possible advice we can provide him.

The purpose of the bill, again, is to replace the three existing boards which the department inherited from the former National Selective Service, to co-ordinate them under the council and the four advisory boards, reporting to the council and advising the minister.

27059—40

It is another step by the minister in updating, upgrading, and co-ordinating the operation of his department.

We have had new regulations under the Immigration Act, which were the result of a report of a joint committee of the Senate and the other house on the Government's White Paper on Immigration. We can expect in the not too distant future a new Immigration Act which will remove the last vestige of any discrimination that might ever have existed.

On the manpower side, the minister has undertaken the adult retraining program under which 217,000 Canadians will be in school this year. We now have the present bill before us, to create the manpower and immigration council, an advisory council to the minister in the operation of his department.

Hon. Mr. McCutcheon: May I ask the honourable senator a question? It is apparent from the figures that he gave us that this re-arrangement or re-adjustment of the advisory councils is going to cost considerably more than the 4½ per cent which the Minister of Finance indicated was the area within which he was going to hold spending during the next fiscal year. Obviously, he cannot apply the 4½ per cent across the board but, where it is so substantially greater, as the honourable senator has told us, can I ask the honourable senator whether these advisory councils will make their recommendations public so that the people may have an opportunity to judge the recommendations and to judge the minister's actions?

Hon. Mr. Hastings: An advisory council, honourable senator, reports to and advises the minister who, in turn, reports. Then the people judge, or Parliament judges, his performance. He accepts or, I presume, rejects the advice of an advisory council at his own peril.

Hon. Mr. McCutcheon: We pay for the advisory council in public, and the opinions are given to him in the back room in secret?

Hon. Mr. Prowse: That is the way legal opinion goes.

Hon. Mr. McCutcheon: Oh, no. Ask Senator Croll.

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?

On motion of Hon. Mr. Hastings, bill referred to the Standing Committee on Immigration and Labour.

The Senate adjourned until tomorrow at 3 p.m.

APPENDIX

(see p. 498.)

CENTENARY OF CONFEDERATION

FURTHER CONGRATULATORY MESSAGES TO CANADA ON HER ONE HUNDREDTH ANNIVERSARY OF CONFEDERATION

IN THE SENATE

BY ALL MEMBERS OF THE SENATE
SENATE RESOLUTION No. 11

IN THE LEGISLATURE OF THE STATE OF ALASKA
FIFTH LEGISLATURE—FIRST SESSION

Extending Congratulations to Canada on the occasion of celebrating its centennial year.

BE IT RESOLVED BY THE SENATE:

WHEREAS Canada has had a colorful history of growth and development similar in many respects to that which has transpired in Alaska and the United States; and

WHEREAS Alaska and Canada have always been drawn together by close ties and have worked with great cooperation in many fields of endeavor; and

WHEREAS Canada's future, like her past, will always be closely linked with Alaska socially and economically; and

WHEREAS Canada, like Alaska, has just recently begun to tap her vast storehouse of natural resources and develop her other great potentials; and

WHEREAS 1967 commemorates the 100 year anniversary of Canada as well as of Alaska;

BE IT RESOLVED that the Alaska Senate extends to Canada its heartiest congratulations on celebrating in 1967 a hundred years of existence as a nation and expresses its best wishes for continued prosperity and accomplishments.

Chapter 361.

THE COMMONWEALTH OF MASSACHUSETTS
IN THE YEAR ONE THOUSAND NINE HUNDRED AND SIXTY-SEVEN

AN ACT designating the first day of July in the current year as Canada Centennial Day and providing that public offices shall be closed on said day.

WHEREAS, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the designation of the first day of July in the current year as Canada Centennial Day and the closing of public offices on said day therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

The first day of July in the current year is hereby designated as Canada Centennial Day, in honor of the one hundredth anniversary of the formation of the Dominion of Canada. The public offices shall be closed on said day.

House of Representatives, June 6, 1967. Preamble adopted, Robert H. Quinn, Acting Speaker.

House of Representatives, June 6, 1967. Preamble adopted, Robert H. Quinn, Acting Speaker.

In Senate, June 7, 1967. Preamble adopted, Maurice A. Donahue, President.

House of Representatives, June 7, 1967. Bill passed to be enacted, Robert H. Quinn, Acting Speaker.

In Senate, June 8, 1967. Bill passed to be enacted, Maurice A. Donahue, President.

June 13, 1967.

THE SENATE OF
THE STATE OF TEXAS
AUSTIN

SENATE RESOLUTION No. 438

WHEREAS, On July 1, 1867—a date ever since observed as a public holiday—Canada became the first federal union in the British Empire, and the year 1967 is being celebrated as the Centenary of the Confederation of Canada; and

WHEREAS, The recorded history of this great Union—which sprang from necessity—began with the expedition led by Leif Ericson about 1000 A.D. from Greenland to the shores of Canada. However, it was not until near the close of the fifteenth century that Europeans

led by John Cabot visited the area, after which fishermen from Europe began to visit the Newfoundland Banks and the coasts of the mainland of America; and

WHEREAS, In 1534 a French expedition under Jacques Cartier entered the Gulf of St. Lawrence and sailed up the river as far as the Lachine Rapids to the present site of Montreal. Fishing and fur-trading gained attention, but no colonization was effected until the beginning of the seventeenth century under the leadership of Samuel de Champlain. He sailed up the St. Lawrence in 1603 in the service of Henry IV of France and worked unceasingly until his death in 1635 to develop and colonize Canada, to promote the fur trade and explore the interior; and

WHEREAS, With the Thirty Years War (1618-1648) raging in Europe, during which England was sometimes fighting France, development suffered and Champlain was forced to surrender in 1629 to an English fleet. In 1632 Canada was restored to France by the Treaty of St. Germain-en-Laye, followed by the formation of the Company of New France—or the One Hundred Associates—by Cardinal Richelieu, which was granted the whole St. Lawrence Valley and received the guarantee that its products could enter France duty free for 15 years from the year 1629 in return for colonization; and

WHEREAS, During this period Canada became the favorite mission of the Roman Catholic Church, in which the order of the Society of Jesus—the Jesuits—gained chief attention because of their zeal, as well as by reason of the tragic fate of some of their missionaries at the hands of the Iroquois, who were also engaged in relentless war against the Huron Indians. The Hurons were almost completely destroyed by the Iroquois in 1649. The company planned by Richelieu was a failure, doing little to colonize New France, and commercial life languished; and

WHEREAS, In 1659 French explorers had reached the prairies of the Far West. In 1666 a French mission was established on the shores of Lake Superior. This was followed by explorations of the Upper Mississippi by Jolliet and Marquette. In 1678 Robert Cavelier, Sieur de La Salle, moving westward from Quebec, discovered the true character of the Mississippi. He descended it to the sea in 1682 and named the entire valley Louisiana, in honor of Louis XIV of France. The importance of the Mississippi River was recognized by the French, and they determined to occupy the valley by closing in from the rear on the English on the Atlantic Seaboard and seizing their colonists, even though they were considerably outnumbered by the English. Continuous fighting between England and France in Europe eventually led to France's defeat in America; and

WHEREAS, With colonization on the Atlantic Coast and war in Europe a continual drain on the government, it was inevitable that France should suffer defeat. A young Virginia officer, George Washington, was sent to drive the French from Ft. Duquesne in 1754. While he was unsuccessful—as was General Braddock the following year—it was nevertheless the training which Colonel Washington received here that enabled him to lead the Revolutionary Army of 1775 to victory over the British, culminating in the surrender of Cornwallis at Yorkton in 1781. Following the defeat of General Montcalm on the Heights of Abraham and the capture of Quebec by General James Wolfe—who minimized this victory with the statement he would rather be the author of the great poem Grey's Elegy than take Quebec—French power was broken and Canada was ceded to Great Britain by the Peace of Paris in 1763; and

WHEREAS, Shortly thereafter, the American Revolution was begun and exerted profound influence on the life of Canada: it became the refuge of American loyalists, who held allegiance to Great Britain and were consequently rewarded by large grants of land and cash. The French influence in Lower Canada and that of the British in Upper Canada resulted in the passage of the Constitutional Act of 1791 separating the two areas, each with its own government. The War of 1812 between the United States and Great Britain, which resulted chiefly from Napoleon's continental policy, seemed to provide a renewed opportunity for the annexation of Canada to the American Union, and Canada became the main theatre of conflict. The United States invasion failed, however, and by the Treaty of Ghent in 1814, the previous position was left unchanged; and

WHEREAS, Following the war of 1812, efforts were made to unite Lower and Upper Canada, and Lord Durham was sent to govern Canada. In 1840 an Act of Union was passed by the British Government, and by 1849 Canada's right of self-control was recognized

when the Earl of Elgin served as governor. In 1854 Lord Elgin negotiated reciprocal trade agreements with the United States, and the War Between the States, beginning in 1861, increased the demand for Canadian products which continued until 1865. In that year, the United States cancelled the treaty, and it was never renewed; and

WHEREAS, Starting with its membership as the first federal union within the British Empire, Canada began a new era of development which paralleled the opening of the American West and has continued to this day: the histories of the Canadian Pacific Railroad and the Canadian National Railways, which were pushed across the broad continent despite difficulties of geography, politics, and financial resources, provide reading more colorful than fiction, and these railroads today offer transportation nonpareil; and

WHEREAS, The wheat fields of Manitoba and Saskatchewan provide bread throughout the world; the vast forests of the Canadian Rockies in the West and the Laurentians and other mountain ranges of the East are the source of vast lumbering and paper mill industries; the precious metals—gold, silver and uranium—and minerals more utilitarian —such as iron and coal—have been the foundation of industrial growth so that the smokestacks and machines of Canadian cities make them rivals of such American cities as Detroit, Pittsburgh and Chicago; Canada's leadership in the arts and culture as the result of both Gallic and British backgrounds, and enriched more recently by immigration from central European countries and Scandinavia, is recognized throughout the world; and

WHEREAS, The development of Canadian petroleum resources in Alberta and British Columbia has brought ever closer the ties of friendship which exist between this great nation and our own State of Texas—with Rainbow Lake, Aitken Creek, and Calgary reminiscent of earlier Texas discoveries and booms at Spindletop, Burkburnett, and East Texas; and

WHEREAS, This sister nation of the United States is celebrating her centennial with a spectacular exposition—Expo '67—on a beautiful island site in the St. Lawrence River off Montreal, and the State of Texas wishes to recognize the people of Canada for their great achievements during a century of growth and development; now, therefore, be it

RESOLVED, That the Senate of the 60th Legislature of the State of Texas does hereby extend good wishes for this celebration of the Centenary of the Confederation of Canada; and, be it further

RESOLVED, That we congratulate Canada as a nation counted among the most esteemed countries of the earth—for her way of life, her geographic situation and advantages, her history of nonaggression, and, above all, her record of accomplishment; and, be it further

RESOLVED, That copies of this Resolution be prepared under the seal of the Senate of the State of Texas to be sent, as a token of our highest regard for the people and government of this great and friendly neighbor to our north, to the Honourable Lester Pearson, Prime Minister of Canada; to the Honourable Hugues Lapointe, P.C., Lieutenant Governor of Quebec, host Province for Expo '67; and to the Honourable Jean Drapeau, Mayor of Montreal, host city; and to The Royal Bank of Canada in Montreal from whose renowned Monthly Letters much information herein has been obtained.

Preston Smith
Lieutenant Governor
President of the Senate

I hereby certify that the above Resolution was adopted by the Senate on April 19, 1967.

Charles Schnabel
Secretary of the Senate

IN THE LEGISLATURE OF THE
STATE OF WASHINGTON
HOUSE OF REPRESENTATIVES

Resolution No. 67-84 by Representatives Gorton and McCormick

WHEREAS, The year 1967 marks the centennial of the confederation of Canada; and

WHEREAS, Relations between Canada and the United States, symbolized by the Peace Arch at Blaine, continue to provide the world with an unsurpassed example of international cooperation and amity; and

WHEREAS, Washington State and the Province of British Columbia, which share a common border, have always been especially friendly; and

WHEREAS, Canada's contribution to the Seattle World's Fair of 1962 was particularly impressive and appreciated; and

WHEREAS, Washingtonians should find this centennial year offers them a particularly good chance to see Canada, not only to enjoy Expo 67 at Montreal, but to visit the famous national parks of Alberta, the mountains, islands and inland seas of British Columbia, the historic towns of the Caribou and the Yukon, and the many other sights and natural wonders of our great neighbor to the north.

NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives, that congratulations be extended to Canada on this, the occasion of her centennial as a nation, and that best wishes be expressed for her continued growth and prosperity.

BE IT FURTHER RESOLVED, That the Secretary of State shall mail copies of this Resolution, suitably inscribed to the Parliament of Canada at Ottawa, to the Parliament of British Columbia at Victoria, and to the Canadian Consulate General at Seattle.

ADOPTED April 15, 1967.
I hereby certify this to be
a true and correct copy of
Resolution adopted by the
House of Representatives
April 15, 1967.
Malcolm McBeath, Chief Clerk
House of Representatives

State of Illinois
Executive Department
Proclamation

WHEREAS, The State of Illinois and the Dominion of Canada have been tied together historically since the seventeenth century when the first white men to set foot in Illinois were French Canadian explorers, and

WHEREAS, Illinois today has close commercial and financial ties with Canada and is intimately linked to it by the St. Lawrence waterways system, and

WHEREAS, The relationship between the people of this state and the Canadian people has always been one of warmth, friendship and mutual high esteem, and

WHEREAS, This year marks the One Hundredth Anniversary of Confederation of the provinces of Canada,

NOW, THEREFORE, I, Otto Kerner, Governor of the State of Illinois, do hereby extend greetings and congratulations to the people and Government of Canada and urge that proper note be taken of this Anniversary by the residents of Illinois.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Illinois to be affixed. Done at the Capitol, in the City of Springfield, this twenty-fifth day of May, in the Year of Our Lord one thousand nine hundred and sixty-seven, and of the State of Illinois the one hundred and forty-ninth.

Otto Kerner,
Governor.

Fortieth Legislative Assembly, State of North Dakota begun and held at the Capitol in the City of Bismarck, on Tuesday, the third day of January, one thousand nine hundred and sixty-seven.

House Concurrent Resolution "T"
(Freeman, Streibel, Link)

A concurrent resolution commending the great nation of Canada for her one hundred years of progress in this her Centennial Year 1967.

WHEREAS, on July 1, 1867, the new nation of Canada was formed; and

WHEREAS, Canada and the United States share the longest undefended border in the world, a border marked not by armaments but by a beautiful Peace Garden which is located between the two countries and lies in Manitoba, one of the provinces of Canada, and North Dakota, one of the States of the United States; and

WHEREAS, this border is also shared by the Canadian province of Saskatchewan and the state of North Dakota; and

WHEREAS, the citizens of North Dakota take much pride in friendly association with the citizens of these two great border provinces and the great nation of which they are a part; and

WHEREAS, Canada in 1967 celebrates her Centennial Year with an International Exhibition—EXPO '67—in her historic city of Montreal and with many other important events throughout her nation;

Now, therefore, be it resolved by the House of Representatives of the state of North Dakota, the Senate concurring therein:

That Canada, as a nation, and her citizens, as a people, be commended for their great progress in all fields of human endeavor and for the high honor, respect, and esteem in which they are held by their neighbors, the citizens of the state of North Dakota;

BE IT FURTHER RESOLVED, that this resolution be printed in the journal and that a properly enrolled copy be sent by the Secretary of State to:

The Honorable Lester B. Pearson, Prime Minister of Canada;

The Honorable Dufferin Roblin, Premier of the province of Manitoba;

The Honorable W. R. Thatcher, Premier of the province of Saskatchewan;

The Legislative Assembly, province of Manitoba;

The Legislative Assembly, province of Saskatchewan.

Gordon Aamoth
Speaker of the House

G. R. Gilbreath
Chief Clerk of the House

Charles Tighe
President of the Senate

Leo Leidholm
Secretary of the Senate

THE SENATE

Wednesday, December 6, 1967

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

Prayers.

CANADIAN NATIONAL RAILWAYS FINANCING AND GUARANTEE BILL, 1967

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-151, 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, 1967 to the 30th day of June, 1968, and to authorize the guarantee by Her Majesty of certain securities to be issued by the Canadian National Railway Company.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. John J. Connolly: Honourable senators, I move that the bill be placed on the Orders of the Day for second reading on Friday next.

I do not want honourable senators to infer that what I have just said is an announcement.

FOOD AND DRUGS ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Salter A. Hayden, Chairman of the Standing Committee on Banking and Commerce, reported that the committee had considered Bill S-21, to amend the Food and Drugs Act, and had directed that the bill be reported with the following amendment:

1. Page 4: Strike out line 24 and substitute therefor the following:

"1. Lysergic acid diethylamide or any salt thereof."

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.

Honourable senators, the amendment contained in the report of the committee was approved by the departmental officers. It simply enlarges the description of the drug LSD by adding to the name which appears in Schedule J the words "or any salt thereof." That is the purpose of this amendment.

Report adopted.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. John J. Connolly moved that the bill be placed on the Orders of the Day for third reading at the next sitting.

Motion agreed to.

CURRENCY, MINT AND EXCHANGE FUND ACT

BILL TO AMEND—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 the Bill S-23, intituled: "An Act to amend the Currency, Mint and Exchange Fund Act and the Criminal Code", has in obedience to the order of reference of November 22, 1967, 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.

Report adopted.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. John J. Connolly moved that the bill be placed on the Orders of the Day for third reading at the next sitting.

Motion agreed to.

CANADA DEPOSIT INSURANCE CORPORATION ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Salter A. Hayden, Chairman of the Standing Committee on Banking and Commerce, reported that the committee had considered Bill S-24, to amend the Canada Deposit Insurance Corporation, and had directed that the bill be reported with the following amendments:

1. Renumber clauses 1 and 2 of the Bill as clauses 2 and 3 respectively.

2. *Page 1:* Immediately after line 3, insert the following as new clause 1:

"1. Section 13 of the *Canada Deposit Insurance Corporation Act* is amended by adding thereto, immediately after subsection (1) thereof, the following subsections:

'(1*a*) Where a person has deposits with two or more member institutions that amalgamate and continue in operation as one member institution (in this section called the 'amalgamated institution'), a deposit of that person with an amalgamating institution on the day the amalgamated institution is formed, less any withdrawals from such deposit, shall, for the purpose of deposit insurance with the Corporation, be deemed to be and continue to be separate from any deposit of such person on that day with the other amalgamating institution or institutions that become part of the amalgamated institution, but a deposit made by such person with the amalgamated institution after the day that the amalgamated institution is formed shall be insured by the Corporation only to the extent that the aggregate of that person's deposits with the amalgamated institution, exclusive of the deposit in respect of which the calculation is made, is less than $20,000.

(1*b*) For the purpose of deposit insurance with the Corporation, where a member institution, pursuant to a plan or arrangement acquires the undertakings and assets of another member institution, those member institutions shall be deemed to be amalgamating institutions and subsection (1*a*) shall apply where a person has deposits with both such institutions.' "

3. *Page 1:* Strike out lines 4, 5 and 6 and substitute therefor the following:

"(1) Section 19 of the said Act is repealed and the following substituted therefor:"

4. *Page 4:* Strike out lines 12 to 21, both inclusive, and substitute therefor the following:

"(3) For the purpose of enabling the Corporation to carry out an insuring arrangement referred to in subsection (1) or provided for in an agreement under subsection (2), the Governor in Council may, by regulation, make provision for any matter or thing arising from such insuring arrangement or agreement."

5. *Page 5:* Immediately after line 25, add the following as new clause 4:

"4. The power of the Board of Directors of the Corporation to define the expression "deposit", as set out in paragraph (g) of subsection (1) of section 12, terminates on the expiration of one year from the day on which this Act comes into force, but such termination does not affect any by-law made before the expiration of such year."

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 the report be taken into consideration now.

Honourable senators, the amendments sounded very complicated as they were read. I think I can simplify them.

The first amendment was proposed by the department. The other two amendments originated in the committee, and by members of the committee.

The situation which is covered by the first amendment arises in this fashion. Recently there was an amalgamation, which became effective on December 1, of the Eastern and Chartered Trust Company and the Canada Permanent Trust Company. Both of these are deposit-receiving institutions. So here was a situation where there might be depositors who are depositors in relation to each of the two trust companies which went into the amalgamation. The question is: what is the status of those deposits for the purposes of the Deposit Insurance Act.

This amendment states the position to be that if a person has a deposit in the Eastern and Chartered Trust Company at the moment

of amalgamation, that deposit continues to be insured as such up to the limit of $20,000, notwithstanding the amalgamation and the carrying on of all operations by the amalgamated company. If there is a deposit by the same person also in the Canada Permanent Trust Company, the same thing applies, so that these deposits maintain their identity and maintain their right to insurance under the Deposit Insurance Act.

If, subsequent to the date on which the amalgamated company comes into operation, the same individual or individuals make deposits with the amalgamated institution, they are regarded as being new and different, and would themselves attract and make necessary deposit insurance. It is one way, as I commented in committee this morning, of making sure of retaining the revenues from the Canada Deposit Insurance Corporation.

The two amendments originated by the committee were these. In the part of the bill dealing with arrangements with provinces where a province is proposing to have its own deposit insurance plan, there was a provision for regulations arising as a result of agreements that may be entered into in relation to the fields respectively to be occupied by the federal authority and by the particular provincial authority in relation to deposit insurance. But the authority in connection with the right to make elections was so broad that it was really providing for legislation by regulation, because the power to regulate extended to such things as are not provided for by this act.

Now, that is sheer legislation by regulation. So all we did was to strike out that part of the particular section occurring on page 4, being subsection (3) of section 2 of the bill. This amendment was acceptable to the departmental officers who were present, having been reviewed by their legal advisers.

Then there is the last amendment, the one which was discussed in the Senate on second reading. You will recall that Senator Grosart had some comment to make on that, as I also did in reply. In the original act there is no definition of "deposit", although there is a provision there under which the Governor in Council may define deposit by regulation.

Subsequent to the enactment of the original act, there was an order in council defining "deposit," and the position here on second reading was that, if they can define "deposit" by regulation, possibly the time has come to put it in the legislation itself.

When we were in committee the Superintendent of Insurance, who is the liaison, I understand, with the Department of Finance in connection with the administration of this Deposit Insurance Corporation and their work, said that they still needed for a time some flexibility in the definition of "deposit" until at least the time when they have been able to complete at least once, and preferably twice, audits of all companies subject to this particular act. We asked him to fix a time when he thought they might have reached the end of that situation and he said, "In about a year." So what we have arrived at by this amendment, then, in lieu of having the deposit defined in the statute, is to say that the authority under the statute to enact a definition of "deposit" by regulation terminates one year from the date on which this bill receives Royal Assent. Of course, the definition whatever it may be in the regulation at that time, is frozen and can only be changed by Act of Parliament.

Hon. Jacques Flynn: Honourable senators, I think the comments made by the chairman of the committee indicates that eventually we will have some further amendments to this bill. I was just wondering, when he spoke of the rules that had been provided in the amendment for cases of amalgamation of institutions, if this is going to apply indefinitely to deposits which were made in two institutions before amalgamation, because it would, it seems to me, put such depositors on the amalgamated institution in a preferred position. Just by the mere fact of amalgamation one could have two insured deposits in the new or amalgamated institution. It seems to me that a time limit should have been provided for increased protection. Possibly we may leave the solution of this problem to the other place, but that is the way I react to this amendment.

With respect to the definition of "deposit", as was said, the definition which may be given by regulation within one year, or the last definition that may be given in the course of one year, will be frozen. Is it not a curious way of legislating? It seems to me we should, on the expiration of one year, bring back this definition to Parliament and have it ratified or modified by Parliament at that time.

Hon. Mr. Hayden: In answer to the points my friend has raised, may I deal first of all with the question of deposits where there is an amalgamation of two deposit-receiving institutions. It is true that if a depositor has

deposited, say, with the Canada Permanent Trust Company and then an amalgamation takes place, for the purpose of deposit insurance that deposit remains and must be insured, at whatever level it may be, up to a limit of $20,000. If it goes down, of course, the coverage of insurance would be reduced. It is not an account on which you can draw because every time you draw on it the amound is reduced. A person who goes into the amalgamated institution and makes a deposit must be a man of some means. That is my first observation; but certainly there could be no question about such a deposit in the amalgamated institution being the proper subject of insurance coverage.

The only question that remains concerns those cases where deposits in the amalgamated institutions are carried forward. That is logical and reasonable, and my friend's suggestion only occurs in the case where the same person may also establish a deposit in the amalgamated institution. Then the situation would arise where he might on the coverage of those two amounts have a coverage on all funds greater than $20,000. This matter was considered by the department at the time, and while no admission was made, there was no contradiction of the statement which I made in committee that this is one way of maintaining a higher figure of premiums from deposit insurance. As against that I do not think it is a situation which is likely to occur very often. Furthermore, when you are operating in a new field, I think the tendency is to be a little broader in your approach than if this had come after three, four or five years of administration under the act, and then an amalgamation and then this situation. This is as far as they felt they could go, and when they make a representation that they feel this is the way it should be dealt with initially, I think we have to go along with it.

Coming to the second amendment which we made in relation to deposit, I agree with my friend that it is an unusual way of dealing with the definition of "deposit", but we felt that when we terminated the authority to define "deposit" by regulation we should leave some definition of "deposit" until such time as Parliament decides whether it wants to have some variation of this definition. That is the reason for taking this form which is, I agree, an unusual way of dealing with it.

Hon. Allister Grosart: Honourable senators, I should like to make two comments. First of all, I compliment the committee and particularly the chairman, Senator Hayden, on this unusual device which has been adopted by which we say to the department "We will give you a year to do what you have said you would like to do." I think we are all aware that there have been situations in the past where departments, ministers, and officials have come before committees and said, "This is just a temporary thing and we will tidy it up later. Don't worry about it," and it is never tidied up, and very often it is forgotten and nobody worries about it.

The chairman of the committee—and I have reason to believe he is the author of this device—is to be complimented on introducing a new method of control of executive and departmental responsibility, and I hope this is a method which will be used on many occasions in the future, by this and other committees in order to make sure that the will of Parliament is carried out by those who have responsibility to Parliament.

Secondly, I would like to ask Senator Hayden a more or less technical question on the other amendment respecting merger situations. I am aware that a majority of deposits in trust companies are covered by term instruments—generally speaking, by what are known as G.I.C.'s, or Guaranteed Investment Certificates—which run from one to five years. I am wondering if this continuation of the insurance coverage will extend to the money deposited, or will it be limited to the particular instrument? In other words, if I have a deposit covered by a G.I.C. running for five years, and at the end of the five years I decide to do something different with that money, such as depositing it in a chequing account or a savings account, will it still be covered by the Deposit Insurance Corporation insurance? In other words, does the continuation refer to the original contract, or to any contract that may be subsequently entered into between the depositor and the deposit-taking institution with respect to that money?

Hon. Mr. Hayden: I would say that the only thing provided for in this amendment is the deposit, up to an amount of $20,000, which is in one of the amalgamating institutions. Insurance in respect of that carries forward and remains in force, notwithstanding the fact that you have a resultant amalgamated institution, or one member instead of two. Anything that would happen to change the character of that, or reduce the amount, would affect the amount of insurance. I cannot conceive that the changes my

friend has suggested would continue to attract the benefit of deposit insurance.

Report adopted.

Hon. John J. Connolly moved that the bill be placed on the Orders of the Day for third reading at the next sitting.

Motion agreed to.

NORTHERN ONTARIO PIPE LINE CROWN CORPORATION DISSOLUTION BILL

REPORT OF COMMITTEE

Hon. T. D'Arcy Leonard, 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-29, intituled: "An Act to provide for the dissolution of Northern Ontario Pipe Line Crown Corporation", has in obedience to the order of reference of November 23, 1967, 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. Leonard: 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. John J. Connolly moved that the bill be placed on the Orders of the Day for third reading at the next sitting.

Motion agreed to.

KENNEDY ROUND NEGOTIATIONS

FINANCE COMMITTEE EMPOWERED TO EXAMINE AND REPORT UPON CANADA TARIFF CONCESSIONS

Hon. John J. Connolly moved, with leave of the Senate:

> That the Standing Committee on Finance be authorized to examine and report upon the Canada Tariff Concessions agreed in the Kennedy Round Negotiations under the General Agreement on Tariffs and Trade, tabled in the Senate on 31st October, 1967; and
>
> That the committee be empowered to send for persons, papers and records, to print its proceedings upon the said Canada Tariff Concessions and to sit during sittings and adjournments of the Senate.

He said: Honourable senators, I think the Senate is due a word of explanation of the proposal contained in this motion.

In time the other place will be considering a bill embodying the tariff concessions agreed to in the Kennedy Round of Negotiations under the GATT on behalf of Canada. When that bill reaches us it is likely to contain some 200 pages of detailed tariff changes and, normally, the Senate cannot consider such a bill until it is before it for consideration.

However, it so happens that we have before us a document which contains those tariff changes, and it seemed to me that it would be convenient and helpful to honourable senators who are interested in the subject to be informed as to the extent and meaning of those tariff changes. Therefore, I thought this an appropriate procedure through which to study them before the bill reaches the committee stage, if it is sent to a committee when it comes before us from the other place. It will give the Senate an opportunity to do this work without being under pressure, which is particularly important when dealing with a problem that is bound to be complicated. Generally speaking I believe the proposal will commend itself to the members of the Senate.

Hon. Jacques Flynn: Honourable senators, The Leader of the Government (Hon. Mr. Connolly, Ottawa West) has been kind enough to discuss this matter with me before putting this motion. I agree fully that this move will be useful. Even if the bill does not reach us for months, a discussion in committee, especially in the Standing Committee on Finance, will be very useful to the members of this house, and the public in general.

Hon. Mr. Connolly (Ottawa West): I might add, honourable senators, that even if we conduct this study, and the bill does not reach us before the end of the present session, the study will have been made and the committee report will be available, so it is not going to be wasted time.

Motion agreed to.

IMMIGRATION AND LABOUR

INQUIRY

On the orders of the day:

Hon. Jean-François Pouliot: Honourable senators. yesterday the Canada Manpower and Immigration Council bill was referred to the Standing Committee on Immigration and Labour. I would like to know when the committee will sit to consider that bill, bearing in mind the fact that it has no chairman.

Hon. Mr. Croll: A notice has been circulated to the effect that the committee will sit at 10.30 tomorrow morning to consider that bill.

Hon. Mr. Connolly (Ottawa West): I can answer the honourable senator by telling him that the Immigration and Labour Committee has been scheduled to sit on Thursday, December 7 at 10.30 a.m., for the purpose of considering Bill C-150, to establish a Canada Manpower and Immigration Council.

The honourable senator is quite right. The chairman who was elected at the beginning of this session is no longer with us, but it will be the first function of the committee when it meets to select a chairman from among its members.

Hon. Mr. Pouliot: Thank you. I did not get a notice because I am not a member of the committee.

ROYAL COMMISSION ON BILINGUALISM AND BICULTURALISM

DISTRIBUTION OF REPORT

Hon. Jean-François Pouliot: Honourable senators, there is another matter that I should like to submit to the attention of the honourable leader of the Government (Hon. Mr. Connolly, Ottawa West).

Each one of us has received just one copy, in either English or French, of the Report of the Royal Commission on Bilingualism and Biculturalism, otherwise known as the Laurendeau-Dunton Commission, which has cost over $7 million. I am wondering if it would be a practical move to distribute that report very widely in the country, and even to publish a paperback edition, in order that the taxpayers will know what are the matters dealt with by the Commission.

At the present time I have only one copy, as has each honourable senator, but we are entitled by order in council to receive two copies, one in English and one in French, of every publication of the Queen's Printer. I find this most unusual, and I am wondering what will be the decision of the Government in that regard.

Hon. Mr. Connolly (Ottawa West): Honourable senators, I shall certainly be happy to take up this matter with the appropriate authorities.

NATIONAL MUSEUMS BILL

COMMONS AMENDMENTS CONCURRED IN

The Senate proceeded to consideration of the amendments made by the House of Commons to Bill S-2, to establish a corporation for the administration of the National Museums of Canada.

Hon. Douglas D. Everett moved that the amendments be concurred in.

He said: Honourable senators, Bill S-2, to establish a corporation for the administration of the National Museums of Canada, which was passed by the Senate on May 10 last, has now been returned from the other place with two minor amendments.

The first amendment concerns the purpose and the powers of the corporation which are to be found in clause 5 on page 2 of the bill. Clause 5 (2)(f) permits the corporation to provide services to museums and cultural organizations that are similar in purpose to the museums and organizations found in the capital city. This would, by inference, include museums and universities. However, they are not specifically mentioned in clause 5 (2)(f), and the first amendment, therefore, underscores the inclusion of museums and universities by specifically mentioning them.

The second amendment concerns the remuneration provisions to be found in clauses 12 and 13 on page 5. Clause 12 sets out the remuneration of board members and of members of the consultative committees. It states that a board member may be paid a per diem rate plus travelling and living expenses, while a consultative committee member may be paid only travelling and living expenses.

Clause 13 permits the corporation to pass a by-law to pay this remuneration, but if you read clause 13 you will find that it also mentions the type of remuneration in such a way that members of the consultative committees might be entitled to a per diem rate. This, of course, would conflict with the provisions of clause 12. All that this second amendment does is to refer the by-law back to clause 12 so that there is no conflict between clause 13(d) and clause 12.

Honourable senators, the amendments are entirely innocuous. They do not change the import of the bill, and I respectfully recommend their acceptance.

Amendments concurred in.

PRIVATE BILL

CO-OPERATIVE TRUST COMPANY LIMITED—COMMONS AMENDMENTS CONCURRED IN

The Senate proceeded to consideration of the amendments made by the House of Commons to Bill S-20, respecting Co-operative Trust Company Limited.

Hon. David A. Croll moved that the amendments be concurred in.

He said: Honourable senators, if my face is not red, then it ought to be. I apologize for this amendment coming before the house. The last thing I was taught when I graduated from Osgoode Hall was that I should not elect a person a director unless he is a shareholder, but I forgot that when I presented this bill to you. However, I should like you to hear what I have to say in mitigation.

This corporation is a co-operative, and its shareholders are co-operatives and credit unions, and by this bill it is converted from a provincial company to a federal company. This is a new practice; it is the first time it has been done.

One of the very outstanding accountants in this country, who is a member of the other place, caught the point because he had been concerned with a similar matter in Quebec. He brought it to the attention of the committee, and it is because of that that I have to speak again in this house to indicate to you that it is necessary to insert in the bill an exemption from the provisions of the Trust Companies Act which provides that for a person to be eligible to be elected a director he must be a shareholder.

The other amendment provides that where there is a purchase of shares they must be purchased at the par value.

The corporation is quite satisfied with these amendments, and I ask the Senate to endorse them.

Amendments concurred in.

DEPARTMENT OF CONSUMER AND CORPORATE AFFAIRS BILL

SECOND READING—DEBATE ADJOURNED

Hon. David A. Croll moved the second reading of Bill C-161, to establish a Department of Consumer and Corporate Affairs.

He said: Honourable senators, this is really an historic occasion because we are creating by this bill a new department with a new concept. We are breaking new ground.

You may well ask: Where did the model come from? Well, there was no model. Usually, we look to either Great Britain or the United States. Great Britain has had, for some time, a voluntary consumers' committee, and anyone who has made any study of it will know that it has been ineffective.

Hon. Mr. McCutcheon: Just as this department will be.

Hon. Mr. Croll: I hope not, and I think the honourable senator's friends will not think it is ineffective when it sets out to accomplish what is intended.

On the other hand, there is in Britain the Board of Trade, which is a department of Government and which has some powers in this direction, but they have been devoted generally to dealing with the matter of the advertising of cigarettes and appliances.

The Special Joint Committee on Consumer Credit and Cost of Living looked into the matter of excessive costs of advertising during the course of its hearings, and it came up with the Scottish verdict of: Not proven.

There is nothing in the United States that we could regard as a model. In 1961 Senator Douglas of Illinois took an interest in the matter of consumer protection and he introduced what was called the "Truth in Lending" bill, which was subsequently endorsed by President Kennedy and then by President Johnson, who asked Congress to pass it. However, up to the present time, it has been cooped up in one of the many committees, and the special interests and lobbyists have made sure that nothing has come of it to date.

The bill before us at the present time came from two sources, as the minister has said and reiterated time and again. He said it came from the Special Joint Committee of the Senate and House of Commons and the Economic Council of Canada. We ask ourselves: Where did the Special Joint Committee of the Senate and House of Commons come from? We must, in all modesty, say that it began in this chamber.

In his presentation to the other place the minister was lavish in his praise of the work of the joint committee, almost every recommendation of which is embodied in the bill

or is contemplated by the bill. The minister in charge is young, vigorous, and able, and I do believe he will serve the interests of consumers in Canada much better than they have been served before.

Because of our association with this bill, and because I think it is about time we let the country know what kind of work the Senate is undertaking—we cannot repeat it too often—I am going to take up a little time by completing the record.

Hon. Mr. Choquette: I did not get the name of the energetic new minister. He is not appointed yet, is he? You hope that he will be of that type.

Hon. Mr. Croll: Yes. I assume that the minister who presented it in the house will be the minister. You are quite correct.

I was saying that I am going to take some time in order to complete the record, and so present fairly what the Senate is doing.

In its interim report dated December 20, 1966, the Special Joint Committee on Consumer Credit and Cost of Living stated its belief that the matter of consumer protection was of such urgency and importance as to require the establishment of a department of consumer affairs. The Government has responded to this initiative by introducing the present bill, under which, if it is passed, the primary responsibility for consumer protection at the federal level will be concentrated in the Department of Consumer and Corporate Affairs.

The report of the Special Joint Committee on Consumer Credit and Cost of Living contains a considerable number of recommendations. The committee sat on 42 occasions from September 28 to December 13, 1966, and produced an interim report which, as I have indicated, was tabled in this house on December 20, 1966. It resumed its sittings on January 17, 1967, and continued until February 16 in Ottawa. Then two sub-committees held a series of meetings in most of the large cities of the country, after which the whole committee conducted further hearings in Ottawa, and then prepared and submitted its final report which was tabled in this house on May 8, 1967.

There were 12 members from this house, representing both sides, on the committee. They were present when they were needed, and they made an effective contribution. I think the Senate should know that 20 of the sittings of this committee were held when the Senate was not in session, and those members came to Ottawa at their own expense.

Just what did the committee do? The Senate will forgive me if I call the truth as my witness. In the report of May 8, 1967, at page 1935, the recommendation was this:

> (a) That a Department of Consumer Affairs be established to undertake the discharge of federal responsibility for consumer standards, consumer protection and consumer information;
>
> (b) That simplified and standardized methods of designating grade standards be established for the widest practical range of consumer commodities;
>
> (c) That packaging and weights and measures be designed to inform the consumer as fully as possible;
>
> (d) That the stamp "Canada Approved" on certain products be replaced by a less ambiguous designation;
>
> (e) That the Department of Consumer Affairs undertakes studies of advertising practices with a view to eliminating abuses in advertising by appropriate legal or administrative action.
>
> (f) That a consumer information program be centralized in the Department of Consumer Affairs.
>
> (g) That more attention be devoted to television as a means of informing the consumer;
>
> (h) That a commission or board under the aegis of the Department of Consumer Affairs be established and empowered to hear public testimony and to enjoin persons from conducting business in a way that unfairly or adversely affects the welfare of consumers.

Those of you who have followed the proceedings and debates will know that the minister who introduced this bill accepted this recommendation as a matter of principle almost wholly, and time and again he referred to it.

Listen now to another recommendation. On page 1930 of the same report the committee had this to say:

> On numerous occasions, expert witnesses before your Committee stressed the importance of timing in any actions taken by the government to counteract either inflationary or deflationary trends. However, changes in fiscal policy are usually tied to federal budgets whose timing is strongly influenced by administrative considerations. Correspondence between short-run economic fluctuations and the presentation of a budget may be

erratic and this raises the question whether it would be practical to introduce some additional flexibility in fiscal policy.

And the recommendation was:

That consideration be given to the feasibility of providing the government with greater discretionary fiscal authority.

I might even remind honourable senators that as recently as last Thursday the Minister of Finance decided that there was some need for further fiscal action, and he introduced what they are now talking about in the other place, another budget, often called the mini-budget.

Hon. Mr. McCutcheon: Is the honourable senator suggesting that the minister did not have that authority, or had never exercised such authority?

Hon. Mr. Croll: That authority had been exercised once before. What we were saying was that he should exercise it freely and more frequently, and whenever he found those conditions to exist, rather than be hesitant and bring down the budget annually. We felt that such a recommendation would be helpful, and it was.

We had a quick look at housing. We did not have much time for that, but we did make the following recommendation:

That there should be an annual federal-provincial conference on housing to assess the housing requirements of each province in the short-term future.

Honourable senators, you get a considerable amount of paper on your desk, but you will easily recall a document that you have on your desks at the present time entitled "Federal-Provincial Conference on Housing and Urban Development, Agenda", dated November 23, 1967.

Hon. Mr. McCutcheon: That is a Canadian Welfare Council publication?

Hon. Mr. Croll: This came from the Government.

Hon. Mr. McCutcheon: Are you sure?

Hon. Mr. Croll: That document is from a department of Government. You must look on your desk one of these days. If you do you will find this one.

Hon. Mr. McCutcheon: I have it.

Hon. Mr. Choquette: Not here.

Hon. Mr. Croll: Furthermore, in connection with that, one of the recommendations made by the committee was that the department of consumer affairs should undertake studies of tariffs on certain classes of food items which may be unduly burdensome to the consumer. There was a debate on that problem, and I think the house is well aware that the Honourable Mr. Sharp, in the budget, invoked the tariff. As a matter of fact, he did reduce import duties on drugs from 20 per cent to 15 per cent, and he also reduced the scope of the anti-dumping regulations.

Hon. Mr. McCutcheon: Has that bill been brought in yet?

Hon. Mr. Croll: I think it is before the other place now.

Hon. Mr. McCutcheon: I know nothing about what goes on over there.

Hon. Mr. Croll: You should certainly learn what goes on there. If the rumours are correct, I think you had better.

In any event, this announcement of Canadian fiscal policy was made by the Minister of Finance.

One of the other recommendations was that a standing joint committee of the Senate and the House of Commons be appointed, preferably for the life of a Parliament, to concern itself with the problems of consumer welfare. The minister agreed to that and he is preparing the terms of reference.

These were well thought-out recommendations made by a very hard working committee composed of members of the Senate and of the House of Commons. It gives us some comfort to know that the work that we put into the report was picked up by the minister who had authority, who had occasion to judge it, and who felt that the recommendations had a great deal of merit.

Underlying all these recommendations, of course, is the view that the Government involvement is necessary to the solution of social problems.

Honourable senators, I said earlier that the first committee on consumer protection was created by the Senate. It was on March 23, 1966, that the Special Joint Committee on Consumer Credit was created. On September 13, 1966, the same committee was given new terms of reference, and was called the Special Joint Committee on Consumer Credit and Cost of Living. It made an interim and a final report.

Hon. Mr. Grosart: Will the honourable senator permit a question at this point? I am afraid that sometimes I lose him. He has spoken of recommendations with respect to the power to make certain periodical fiscal adjustments, to hold a housing conference, and to make tariff changes. Does the bill before us provide that these powers be given to the new department?

Hon. Mr. Croll: I did not say that. The powers in respect to the tariff have already been exercised by the Minister of Finance in his actions in the other place. The powers of the new department are evidenced in the bill.

Hon. Mr. Grosart: I agree with that, but has the minister any powers in this bill?

Hon. Mr. Croll: Of course he has powers. I will go through the bill, but at the moment I am talking about the Senate.

Hon. Mr. McCutcheon: I admit it. I admit it.

Hon. Mr. Croll: You admit the Senate is here?

Hon. Mr. McCutcheon: We admit the Senate is here.

Hon. Mr. Croll: From all reports, we are going to be in the Senate longer than you and we want to make sure it has a high prestige and continues in business, and that is what I want to talk about now.

Hon. Mr. McCutcheon: You are not convincing me.

Hon. Mr. Croll: What I am saying is that few people know what is going on and what is being done by the Senate. This bill is evidence in itself of the continuing effectiveness of the Senate, and particularly in its activities in the joint committee. It is unfortunate that the Senate does not get an opportunity to do a great deal more than it is doing, because it can do investigatory work at far less than some of the figures of cost that have been tossed about recently, and it can do it deliberately and well.

Hon. Mr. Flynn: You do not want to be specific about that?

Hon. Mr. Choquette: Did the lawyer follow your jaunts all over Canada when your committee travelled? Will you tell me that?

Hon. Mr. Croll: What?

Hon. Mr. Choquette: The lawyer who had been appointed.

Hon. Mr. Croll: No.

Hon. Mr. Choquette: He did not go with you?

Hon. Mr. Croll: No.

Hon. Mr. Choquette: Was he paid, notwithstanding?

Hon. Mr. Croll: He could not be paid for not going.

Hon. Mr. Choquette: He was to get so much an hour while he was working in his office on issues coming before the committee.

Hon. Mr. Croll: Yes, and the amount that we paid him was far less than he was worth, as you know.

Hon. Mr. Flynn: Like all lawyers.

Hon. Mr. McDonald: No lawyer will admit that.

Hon. Mr. Croll: I might mention another matter at this juncture. The divorce bill has now been introduced in the other place, and it is receiving great public acclaim. Well, so it should, but when it comes before the Senate I think it should be pointed out to the people of Canada that it was the Senate that, for years and years, kept a light in the window for those people who were caught in that antiquated device that we call the divorce act, which has been with us for so many years. Senators Roebuck, Aseltine, Gershaw, Kinley, Burchill, and Fergusson, and the late Senator Baird carried the load for years and years. I hope the people now who realize that the report was a very useful one will give them some of the credit due to them.

The federal Government has recognized, and assumed by this bill, the major responsibility for keeping our economic system competitive, stable and productive. From time to time, in the light of change, it has to create instruments of government more responsible in dealing with economic conditions.

Honourable senators will recall that, in implementation of the Glassco Report, the Government Organization Act was passed by Parliament in 1966, whereby the existing agencies concerned with corporations, combines, mergers, monopolies in restraint of trade, bankruptcy and insolvency, patents, and copyright and trademarks, were grouped together to form the Department of the Registrar General, which has growing responsibility for most of the whole field of business

activity at the federal level. If this bill passes, corresponding responsibility for consumer affairs will be added so that a single ministerial responsibility and authority will be established by Parliament in the interest of consumers.

Labour, agriculture, industry, and fisheries have special interests reflected at the Cabinet level. The consumer also requires this. His interests are very wide and range over the whole field of business activity.

Consumers are faced with a multitude of goods and services, and they need guidance and information. Eighty-five per cent of our purchasing power is exercised by women. Although business caters to the whims of consumers, and placates whenever they complain, consumers say that the manufacturers of the products offered overwhelm them with conflicting, and sometimes misleading, claims; sometimes with excessive advertising, and sometimes with unsatisfactory warranties. This is a very technical field and it involves the need and use of specialists, so there is a great advantage in assembling under one agency the expertise necessary to deal with the wide range of consumer matters.

The committee recommended that the department should have three principal functions—consumer standards, consumer protection, and consumer information. It recommended against price control, under whatever guise or whatever name, as being unworkable and unrealistic. Moreover, the federal Government does not have constitutional responsibility in that field.

Honourable senators, whatever views we may have, we are all consumers. Annual personal expenditure on consumer goods and services in this country now amounts to about $37 billion, representing about 66⅔ per cent of the gross national expenditure.

In the long run the ground rules for business activity cannot be fully tested except in relation to their effect on the consumer. It is therefore entirely logical that consumer and corporate affairs should be grouped together in a single department.

The great change, of course, consists in the joining of consumer affairs and corporate affairs. It is true that under the Canadian Constitution no single level of government has exclusive jurisdiction over matters of concern to consumers, but this is no reason why a department of Government should not look after those aspects of consumer affairs that are primarily of federal interest, and at the same time insure that there is maximum co-ordination among the activities of the several levels of government. The need for such co-operation is manifest. It was recommended by the Joint Committee and by the Economic Council, and it is provided for in this legislation.

Honourable senators, there has recently been an increased interest in consumer affairs as such throughout the Western World, accompanied by a widespread adoption of vigorous programs for the promotion and protection of consumer interests. Canada must not lag behind. In fact, it is away out in front.

New consumer protection legislation has been enacted I believe in every province of Canada dealing with every conceivable aspect, all of which has come about in the last three years since we in the Senate began the study of consumer problems respecting truth in lending, consumer disclosure, and consumer prices. We showed the way, and others followed quickly.

In contrast with the situation not so many years ago, the relationship between the vendor and purchaser has become much more sophisticated, impersonal and remote. The market is more involved. We are faced with an enormous range of goods and services, often complex in character, the quality of which is hard to assess. The whole process has been complicated by a developing technology and an increasingly sophisticated advertising technique, and it has been obscured by plastic and cardboard cartons.

New hazards arise daily. It has become impossible to rely on such doctrines of the Adam Smith era as *caveat emptor*—let the purchaser beware!

We must do whatever we can, either alone or in association with others, and on a continuing, organized basis to see that the consumer is fully protected from anything that may be fraudulent, misleading, or injurious to health, or which may restrict his real freedom of choice in purchasing.

Hon. Mr. Aseltine: Does the bill do that?

Hon. Mr. Croll: Oh, yes, it will do that. It will do that and more.

Hon. Mr. McCutcheon: This is what you call an "omnibus" bill. It will do everything.

Hon. Mr. Croll: I have read the debate. I know what is intended, and I know what the bill will do.

The bill also contemplates the establishment of an advisory council on consumer

affairs, which will be non-governmental and broadly representative of many points of view. Its members, I understand, will not be representatives of special interests or pressure groups. What is needed is a council composed of public-spirited citizens informed on consumer affairs, whose views will express their individual convictions. This council will supersede the Advisory Council to the Food and Drug Directorate.

Also contemplated by the Government, although not in the bill, is the use of the Special Joint Committee on Consumer Credit and Cost of Living as a continuing forum for the discussion—

Hon. Mr. McCutcheon: May I interrupt? Did I understand the honourable senator to say that this consumer advisory council which may be appointed will supersede some other council?

Hon. Mr. Croll: Yes.

Hon. Mr. McCutcheon: Where does it say that in the act?

Hon. Mr. Croll: I got that from the statements of the minister who introduced the bill. I think that is quite right.

Hon. Mr. McCutcheon: You should not read speeches made in that house.

Hon. Mr. Croll: I have to read *Hansard* in order to keep up with public affairs.

As I said, also contemplated by the Government, though not in the act, is the continuation of the Special Joint Committee on Consumer Credit and Cost of Living as a continuing forum for the discussion by parliamentarians of matters affecting consumers.

Without discussing all the details or the specific clauses of the measure—these can be gone into in committee—I merely say we should welcome its principal purposes, which I might summarize as follows: To ensure, first, that the Canadian as a consumer is afforded the fullest possible measure of protection against any unfair trade practices; second, that he is offered the maximum standards of quality, safety, and protection in respect of the goods and services he purchases; third, that he is given strong representation in the councils of Government; fourth, that he or his representatives become involved in debate and discussion affecting his vital consumer interests; fifth, that he is provided with full and accurate information on which to base his purchases; and sixth, that he is able to make optimum use of the storehouse of riches available in the Canadian market.

To the foregoing ends the enlarged department proposes to analyse and co-ordinate federal activity in the field; to ensure effective enforcement of existing federal legislation and, where necessary, the initiation of new legislation; to undertake research into the complex problems of the market; to distribute the best and latest information available in matters of consumer concern; to respond to consumer inquiries and complaints, and pass them along to the appropriate federal department or agency, or channel them to the appropriate provincial jurisdiction; and to act within the Government to influence the enactment of legislation favourable to the interests of the consumer.

Also included within the ambit of the present bill are corporate securities. The operations of the capital market in Canada are a significant factor in relation to its economic growth. Consequently, the efficiency and reputation of Canadian security markets are of major interest. Any program entered into in this field would have to be largely co-operative. The present structure of securities regulations in Canada will have to be studied, and the possibility of some new federal legislation considered. I am informed, for instance, that the Government has under study a proposition put forward by Mr. Langford, Chairman of the Ontario Securities Commission, for a joint federal-provincial regulatory agency in the field of securities legislation.

I came across an item, which I think indicates the need for something like this, in the *Globe and Mail* of December 5, in which it is indicated that a $15,000 fine has been imposed by the Toronto Stock Exchange on a member of the exchange. He had put through a transaction in which he was the buyer, and also the seller. However, we are not here to deal with that matter. What is important is what was said about it:

> J. R. Kimber, exchange president, said the TSE refrains from giving the names of stocks involved in put-throughs because it might be considered a reflection on the companies involved.
>
> Mr. Kimber said he could not answer whether clients had suffered. The exchange was not considering whether clients had or had not suffered, but rather was concerned about the company breaking exchange rules.

Well, the time has come when the exchange had better be put in a position where it gives consideration to whether the man on the street is being taken for a ride or not, and it should be made to realize that it is about time it did something about it. That is one of the benefits of having some uniform laws in that regard.

The present Registrar General when speaking to a federal-provincial conference on security matters in April 1966 envisaged initiative in four areas, (1) uniformity of legislation across the country; (2) establishment of a central depository of information on securities matters; (3) establishment by the R.C.M.P. of "fraud investigation squad", whose services would be at the disposal of all provincial securities commissions; and (4) establishment in some form of a federal presence in relation to international and interprovincial trading in securities matters. All such projects would fall within the field of activity of the new department.

Now the powers are set forth in sections 5, 6 and 7. Let me deal with those for a moment. The first one is in paragraph (a) of section 5, and it relates to consumer affairs. I have already dealt with that, and indicated that that recommendation came from the joint committee's report as well as that of the Economic Council of Canada. Then we come to (b), corporations and corporate securities.

Hon. Mr. McCutcheon: Did the Economic Council not recommend an interdepartmental committee?

Hon. Mr. Croll: No, they did not. They recommended an administrative body, and this is an administrative body.

Hon. Mr. McCutcheon: That would be an executive body.

Hon. Mr. Croll: An administrative body, and this is what this is.

Returning for a moment to corporations and corporate securities, I would point out for the record that the joint committee has done a little penetrating into these matters itself and, as a matter of fact, lifted the corporate veil from quite an enterprise called the Weston empire, and disclosed information which was very interesting to the people who had been investing in it. It was one of the things that came out in the course of our study.

So far as (c) is concerned, dealing with combines, mergers, monopolies and restraint of trade, that is now under study by the Economic Council of Canada, and I think it is evident that they are going to strengthen that part of the act—at least I hope so—by looking into the powers necessary to deal with such things as mergers, monopolies, combines and restraint of trade.

Then we come to (d), bankruptcy and insolvency. Much is being done about that at the present time. The department has been and is dealing with unnecessary and fraudulent bankruptcies. The department has been enlarged and modified, and supervision has been increased and interrogation quickened. There is now an Exchange Investigation Branch in Montreal, Toronto and Vancouver, and last week they conducted a prosecution in Toronto and sent a man to jail for six months for fraudulent bankruptcy.

Hon. Mr. Flynn: Are you suggesting that this bill is giving additional strength in this matter?

Hon. Mr. Croll: No, no.

Hon. Mr. McCutcheon: He is summarizing the minister's speech.

Hon. Mr. Croll: I am simply saying that when this bill is passed there will be added to the minister's duties that of dealing with matters of bankruptcy and insolvency. At the moment I am just bringing you up to date on what has happened in the department. I have spoken to the minister about this.

Hon. Mr. Flynn: But surely this is outside the scope of the bill itself.

Hon. Mr. Croll: No, it is part of the bill.

Hon. Mr. Flynn: But there is already a minister in charge of this matter, and there is no provision contained in this bill concerning insolvency and bankruptcy. Surely the minister can do whatever he wants, whether this bill is passed or not.

Hon. Mr. Croll: He can, but once this bill is passed, and he becomes the minister of this department, these matters come under his control.

So far as paragraph (e), dealing with patents, copyrights and trademarks, is concerned, this matter is now before the Economic Council and they are dealing with the rights of inventors and authors.

Section 6 (a) implements the recommendations of the joint committee and the Economic Council; paragraph (b) implements the recommendation of the special joint committee and the Economic Council; paragraph (c)

implements the recommendation of the Economic Council; and paragraph (d) implements the recommendation of the Economic Council.

So far as the consumer advisory council mentioned in section 7 is concerned, I have already indicated that it is broadly representative of the Canadian scene.

Hon. Mr. Walker: Will the honourable senator permit a question? Is there in this day of deficit financing and inflation any recommendation that a whole new department with a minister, etcetera, should be set up?

Hon. Mr. Croll: A recommendation by whom?

Hon. Mr. Walker: You spoke of the Economic Council as having recommended various things.

Hon. Mr. Croll: Most of these powers were recommended by the committee and the Economic Council. It was recommended that an administrative body should be established.

Hon. Mr. Walker: But the setting up of a brand new department is an idea of the Government, unsupported by any recommendation?

Hon. Mr. Croll: It was recommended by the joint committee and the Economic Council. It is the responsibility of government, as I understand it, to take this action.

I am rather proud of this. I thought, in fact, I was being boastful about it. I am very proud of the fact that for the first time the consumer is to be given the kind of treatment he has not had in Britain, the United States, or any other civilized country in the world. I have been trying to say that out loud so that even Senator McCutcheon could hear me. That is the general idea.

Hon. Mr. Choquette: I wonder if I should wait until we are through to make a suggestion. This is a suggestion to the Government. Of course, the Government never acts on my suggestions, but I think that the honourable senator is the best man for the job and I do not see why we could not have a second minister appointed from the Senate.

Hon. Mr. Walker: He doesn't deny it.

Hon. Mr. Croll: As I was saying, the consumer is conscious that greater production should have made a greater volume of goods available at lower prices. It does not appear to work out that way, and he wants to know why. I cannot give any answers on this; perhaps somebody else can.

Honourable senators, the enactment of this legislation will make it possible to carry out many laudable objectives. I have no doubt that under the dynamic leadership of the Honourable John Turner a department will be constructed that will accomplish what is desired, and that the country will get the best value for the dollars spent.

This bill, in effect, can well become a "consumers' bill of rights". It now provides the right to safety, the right to be heard, the right to know, and the right to choose. It can well take note of the special needs and problems of the low income group, the elderly, the rural residents, and the teenagers, who have special needs and wants.

I am very enthusiastic about this bill and its possibilities, maybe because I was exposed, as were other honourable senators, during the course of many months last year to what people had to say, and to what was on their minds, and I strongly recommend the passage of this bill to the Senate.

Hon. Mr. Flynn: May I put a question to the honourable senator? Would he indicate, with specific reference to the bill, what is the additional power Parliament will be giving to the Government by this bill, outside of the general platitudes of clause 5(a), which we see relates to "consumer affairs", and clause 6, where we see that the Minister shall

> (a) initiate, recommend or undertake programs designed to promote the interests of the Canadian consumer.

These are things that I think the Government can do very well without this bill.

Hon. Mr. Croll: When the honourable senator asks about additional powers, I would ask: When someone is charged with a responsibility for consumer affairs, how much wider can the scope be? In our economy $37 billion is spent in a year by those involved. It seems to me that it covers the waterfront.

Hon. Mr. Flynn: But it is already covered.

Hon. Mr. Grosart: I would repeat my question to the honourable senator, because he did say that later on he would tell us what powers the minister is given. I refer him particularly to the fact there is a grant of powers in this bill, which appears on page 3,

in clause 8(4). In the margin, it says: "Powers." These are the powers:

> A Deputy Registrar General may sign and certify the registration of—

certain things. As far as I can see, from my reading of the bill, that is all the power that is given.

Hon. Mr. Croll: Surely the honourable senator knows that under these various acts that are specified—the Bankruptcy Act, the Patent Act, the Combines Investigation Act, the Corporations Act—these are powers that can be exercised at any time at all; and that, surely, under the department of consumer and corporate affairs act, as time goes along, the minister will, by regulation, give himself powers, as he is entitled to, and will from time to time extend those regulations, as required.

Hon. Mr. McCutcheon: Is there any provision in the bill for regulations?

Hon. Mr. Croll: I am not sure of that.

Hon. Mr. McCutcheon: If you look at it, I think you will find that there is not.

Hon. Mr. Grosart: If these powers already exist, and if they have already been granted to some minister, why is the honourable senator so enthusiastic about this being a bill of rights for the consumer? Is he speaking only of powers already existing, which have apparently been collected together?

Hon. Mr. Croll: If you want the truth, I might as well give it to you.

Hon. Mr. McCutcheon: Careful now!

Hon. Mr. Croll: I said I started out by telling the truth. There are powers in ten different departments—a little bit here, a little bit there—concerning consumers, none of which have been exercised. There was no no-ordination, no collaboration, and no communication between them. It is now time all these were collected together, and given to one minister. That is one of the purposes.

Hon. Mr. Flynn: It is a pretty serious admission.

Hon. Mr. Cameron: Could I ask the honourable senator, with regard to clauses 8, 10 and 11, where there is reference made to leases and contracts, if, in his opinion, these would cover leases and contracts in national parks?

Hon. Mr. McCutcheon: They are not consumers.

Hon. Mr. Croll: To which clauses are you referring?

Hon. Mr. Cameron: Clauses 8, 10 and 11.

Hon. Mr. Croll: That would be furthest from their minds, and furthest from mine.

Hon. Mr. Cameron: Reference is made to leases in three different places, and I am just wondering how exclusive the leases are.

Hon. Mr. Croll: Clause 8 states:

> (1) There shall continue to be a Registrar General of Canada who shall register all instruments...

All he is doing is registering them, is he not?

Hon. Mr. Cameron: I do not know.

Hon. Mr. Croll: I think that is all he is doing.

Hon. Mr. McCutcheon: That will protect the consumer?

Hon. Chesley W. Carter: Honourable senators, as Senator Croll has already pointed out in his excellent presentation today, Bill C-161, intituled "An Act to establish a Department of Consumer and Corporate Affairs," can, I think, be regarded as another "first" for Canada. While somewhat similar legislation has been placed on the statute books of individual states of our neighbour to the south and of countries like Sweden which have a unitary system of government, I believe this is the very first time that legislation to protect the consumer has been introduced by a federal government in a country where jurisdiction is divided between a central government and a number of provincial ones. Canadians, generally, can be proud that Canada has taken a lead in this matter. As a Government supporter, I am pleased that this measure is being introduced by a Liberal Government.

And, as a member of this honourable chamber, I too am extremely proud of the part played by the Senate, not only in urging the Government to take this action, but also in providing the evidence of the need, the dimensions of the problem and the wealth of background information and recommendations on which this legislation is based.

Few Canadians are well informed about the Senate and its functions, or how it contributes to the advancement of the best interests of individual Canadians and to the solution of national problems. In particular, our colleague Senator Croll deserves tremendous credit for the way he has constantly championed the cause of the consumer down through the years.

Hon. Senators: Hear, hear.

Hon. Mr. Carter: A great humanitarian and a great reformer in the best Liberal tradition, his heart is always with the little man and his problems. Year after year he has sponsored bills in this chamber to protect the little man from loan sharks, by compelling the lender to state the true cost of borrowing, whether by way of interest charges, service fees, instalment payments or some other. Eventually his persistence led to the setting up of a Joint Senate and Commons Committee on Consumer Credit. As a result, several provinces have now enacted "truth in lending" laws to protect consumers.

I think it is fair to say that the work of the joint committee and its findings and recommendations, as set forth in the committee's report of February 1967 has inspired changes in the Small Loans Act, the Bank Act, and possibly other legislation, which will benefit the consumer.

In September 1966 this same committee was given the task of inquiring into and reporting upon "The trends in the cost of living in Canada and the factors which may have contributed to changes in the cost of living in recent months." These terms of reference are set forth in the *Votes and Proceedings* of the House of Commons of September 9, 1966.

I was privileged to be a member of that Joint Committee on Consumer Credit and Cost of Living, and attended all its sittings. I want to pay my personal tribute to the Joint Chairmen, Senator Croll and Ron Basford, M.P. for Vancouver Quadra, for the effective and efficient manner in which they conducted the committee's hearings. Every problem was investigated from the consumer's viewpoint, and the joint chairmen, on many occasions, proved adept at cutting through the mass of excess verbiage to expose clearly the essential point at issue and the relative facts to be considered, both for and against it. In addition, they also took pains to unravel the complex and complicated relationships between one corporation and another; and it was due solely to this committee that, for the first time, the ramifications of the Weston empire were exposed to public gaze.

In its interim report dated December 16, 1966, at page 2183, the committee stated as follows:

> Your committee, however, feels that the function of consumer protection is of such urgency as to require the establishment of a Department of Consumer Affairs.

On page 2184 the committee recommended:

> That a Department of Consumer Affairs headed by a minister be established.

Again on page 3454 of the progress report, dated April 24, 1967, the committee once more recommended, among other things:

> That a Department of Consumer Affairs be established to undertake the discharge of federal responsibility for consumer standards, consumer protection and consumer information.

I will not repeat the recommendations in the final report because these have already been referred to extensively by Senator Croll.

The Senate is therefore entitled to a measure of credit for the role it has played through this committee in getting this legislation before us, which when passed will bring into existence a federal Department of Consumer Affairs. The committee made no recommendation as to how this department should be organized, for that specific task had already been given to the Economic Council of Canada on July 22, 1966, the terms of reference being as follows:

> In the light of the Government's long-term economic objectives, to study and advise regarding: (a) the interests of the consumer, particularly as they relate to the functions of the Department of the Registrar General; (b) combines, mergers, monopolies and restraint of trade (c) patents, trademarks, copyrights and registered industrial designs.

When the estimates of the Registrar General were being discussed in the other place the Honourable John Turner explained this reference as follows—and I quote from the House of Commons *Hansard* page 1601:

Hon. Mr. Choquette: You cannot do that.

Hon. Mr. Carter: He said:

> That means, Mr. Chairman, that the consumer interest, the area of combines

and mergers and the area of patents and copyrights, have been referred for depth study by the Economic Council of Canada.

Further on the minister said:

> In the consumer field, in relation to a consumer division in the new department, I am hopeful that the Economic Council will report very shortly.

The council did report on July 17, 1967, and stated that in approaching its task:

> The Council had concentrated on how to achieve more effective application and more efficient co-ordination of existing policies within the federal field of jurisdiction as set forth in the British North America Act.

The Council then made a point that technical and social changes during the last century had made it more difficult for consumers to make intelligent choices.

The report then went on to list five considerations which in their opinion should influence Government policy, and on which their recommendations had in fact been based. These considerations were as follows:

> (1) The greatest possible freedom of choice should be reserved for consumers.
>
> (2) Consumer choice should be the ultimate arbiter of which goods and services are produced.
>
> (3) Government regulations of production and exchange should take place only when alternative methods are not available or not effective—except in matters affecting health, safety or economic fraud.
>
> (4) The growth of Government bureaucracy must be kept to a mimimum consistent with efficient and effective administration of legislation.
>
> (5) There is a mutual interest between consumers and producers in assuring consumer satisfaction and also communication between consumers and producers.

The Economic Council of Canada found that federal responsibility towards consumers as set forth in the B.N.A. Act falls into four divisions, as follows: specific assignments of responsibility under the B.N.A. Act, as for example with regard to weights and measures; responsibility for criminal law; responsibility for regulating interprovincial and international trade; and responsibility concurrent with provincial responsibility for agriculture.

Within the framework of this responsibility the federal Government developed a set of programs and policies whose current objectives were described by the Economic Council as follows:

> 1. Protection against fraud and deception;
>
> 2. Protection against hazards to health and safety;
>
> 3. Promoting the development of suitable quality standards and grades;
>
> 4. Providing information of assistance to consumers.

To attain these objectives the federal Government has passed a number of pieces of legislation, but the responsibility for administering this legislation is scattered among various federal departments. For example, for protection against fraud and deception we have food and drug legislation administered by the Department of National Health and Welfare; the Combines Investigation Act, section 33(c) currently administered by the Registrar General; the R.C.M.P. which deals with counterfeit money; the Post Office Department which deals with the use of mail for criminal purposes; the Standards Branch of the Department of Trade and Commerce which is responsible for the accuracy of weights and measures; the Broadcasting Act which deals with the character of radio and television advertising; the Department of Agriculture and the Department of Fisheries which are responsible for protecting consumers from deceptive quality descriptions of agriculture and fishery products respectively.

When this bill was discussed in the other place the main criticism levelled at it was that it had no teeth. In this connection, honourable senators, it must be remembered that this is an enabling bill. The teeth already exist in the legislation I have just referred to as being administered by the various departments.

In referring to these various pieces of legislation the Economic Council of Canada states that there seem to be some areas in which enforcement is virtually non-existent. If we regard each piece of legislation as a tooth, and each department as a mouth, we could say that at present there are eight or nine mouths with one or two teeth each. This bill enables the minister to enforce present legislation as though all the teeth were in one mouth. In addition it enables the minister to co-ordinate the efforts of the various departments mentioned and to develop new consumer programs and bring forth new consumer legislation as need arises.

Similarly, legislation to protect the health and safety of consumers is distributed among four separate departments as follows: the Department of National Health and Welfare which administers the Food and Drug Directorate, the Department of Agriculture, the Department of Fisheries, and the Department of Transport which is responsible for the safety of air, rail and marine transportation.

In its report, the Economic Council notes that the protection of health and safety is a highly complex field requiring technical competence. The Council reports that there is overlapping of duties in some areas while there are significant gaps elsewhere such as in the inspection of meat. It also notes that in some areas there is no federal department with clear authority as for example in the case of automobile safety.

These findings of the Economic Council of Canada are supported by evidence presented to the Joint Committee on Consumer Credit and Cost of living. In fact, the findings of these two bodies are closely parallel but whereas the Economic Council stressed the organization of the new department in accordance with the specific assignment which it had been given, the Joint Committee, on the other hand, emphasized very strongly the functions of the new department.

On page 3452 of its Progress Report dated April 25 1967, the Joint Committee stressed that the principal functions of the new department should be: (a) consumer standards, (b) consumer protection, (c) consumer information, and these three functions are embodied in section 6 of the bill now before us.

Consumer standards and consumer information are, of course, both parts of the wider problem of consumer protection and it is in these areas that the widest gaps in consumer protection are to be found.

Since World War II vast changes have occurred in the character, number and diversity of goods and services available to the consumer. For example, before the war, the typical supermarket carried about fifteen hundred food items—today, the number exceeds six thousand; 90 per cent of all the drugs marketed today were unknown twenty years ago. Before the war, only a minority of Canadian families owned an automobile and electrical appliances such as refrigerators, phonographs and vacuum cleaners. Other products in common use today were unknown altogether. For exemple, synthetic and mixed fibres have largely replaced natural fibres and textiles in the clothing we wear.

These new products and improved old ones—resulting from technological progress —represent substantial improvements in our standard of living but paradoxically every rise in living standards begets innovations in the fields of merchandising and servicing which in turn increase the number and complexity of problems facing the consumer.

Fifty or sixty years ago the consumer was fairly familiar with most of the articles he was likely to buy during a normal life span and could make an intelligent judgment as to their quality. Today this is completely impossible.

Today, shoppers are faced with a bewildering array of complicated appliances and other products whose essential qualities they have no means of judging. For example, how can consumers know at the time of purchase whether the unseen parts of a television set, a washing machine, a vacuum cleaner, etc., are of good quality and will do the job for which they are intended, and for a reasonable length of time?

The failure of many products to perform satisfactorily and the waste of consumer dollars involved, stress the need for more assistance to consumers and especially the need to establish quality standards for consumer products.

The Joint Committee on Consumer Credit and Cost of Living devoted a whole section —section 6—to this problem in its written report of December 16, 1966. The pertinent paragraphs of this section are as follows:

> Product information must be provided. Consumers must be informed about physical properties of products they are buying such as weight, volume, quality and number of units and this information should be immediately available at the time of purchase and should be expressed clearly and unequivocally.

I skip a paragraph and continue:

> Facts should be presented in a prominent place on the package or container, in a form which is legible and free from graphic distortion. Where applicable, the ingredients should be revealed both by name and percentage of composition, and the consumer should also know about the quality of the product.

In particular, the committee made the following recommendations:

(1) The product should be described by its generic name where this is meaningful.

(2) Where products are of a certain type, variety and quality, they should be graded.

(3) packages should be designed in terms of size, shape or dimension, in a way that will not deceive or mislead retail purchasers.

(4) The net quantity of the contents in terms of weight or measure should be expressed as simply as possible and in terms which can be easily interpreted.

(5) The essential information about a packaged product and its physical content should be stated in a prominent place on the label.

These quotations are to be found at the bottom of page 2182 and the top half of 2183.

Again, in the progress Report of April 25, 1967, the committee referred to the problem of consumer standards in these words, and I quote from page 3452:

> Great progress has been made in Canada in the development of grades and standards for consumer goods, particularly for food. Nevertheless, your committee feels that much remains to be done in the extension of the grading system to include a much higher proportion of the items in the family budget. The development of grades often involves technical difficulties and would clearly require the co-operation of industrial or producing groups. However, your committee is strongly of the opinion that the grades that are established should reflect the taste and preferences of well-informed consumers. Your committee also feels that a standard method of designating grade standards would help the consumer. The present system which makes use of numbers, colours, letters and adjectives for different commodities is confusing to the uninitiated and would be more informative if the grade designations were standardized and simplified. Standards should not apply only to specific commodities, but where feasible, packaging and weights and measures should be designed to inform the consumer as fully as possible.
>
> Although your committee is reluctant to become involved in the technical aspects of grade labelling, it did conclude that the consumer would benefit by the establishment of standard grades at the retail level for such foods as beef, bacon and sausages. Your committee noted the use of a stamp 'Canada Approved' on certain products processed in plants inspected by the Department of Agriculture. The wording of this stamp is easily subject to misinterpretation and your committee suggests that a different form of words would be more suitable.

It has been said that the label on the product is a silent salesmen for the retailer and the manufacturer. The same is no less true of the container in which the product is packaged. Certainly the name and address of the manufacturer should appear on all packaged goods. This is particularly desirable with respect to many textile goods and garments which are often labelled by brand only, thus making it almost impossible for the consumer to contact the manufacturer in case of necessity.

The joint committee was presented with a mountain of evidence of the use of fractional ounces in the description of weights on food packages and the use of containers to give misleading impressions as to their capacity or contents. These practices make price comparisons impossible and serve only to confuse the consumer and prevent him from making an intelligent choice. Regulations are required to fix the permissible amount of slack fill, and the use of fractional ounces in the description of weights on food packages should be forbidden. Such fractional weights and slack-filled packages not only make comparative shopping extremely difficult but sometimes are designed to conceal from the consumer the fact that there has been an increase in the price of the commodity. The consumer is similarly deceived also when the same weight is newly packaged in a container somewhat larger than before.

To provide adequate protection to the consumer with respect to standards, two additional steps seem to me to be necessary. These are definite specifications to insure minimum quality standards and some machinery for testing products to insure that such standards are maintained.

There is a need for minimum quality standards for textiles, electric appliances and similar products in every-day use; moreover, the need for minimum safety standards for motor vehicles and their accessories including automobile tires and batteries is becoming more evident each day.

The Canadian Government Specifications Board is now drawing up standards for the safety of automobiles and it is logical to assume that this will apply also to automotive tires. The multiplicity of makes and types of auto tires now on the Canadian

market makes the purchasing of tires confusing and very difficult. The consumer has no reliable means of comparing the quality and performance of the different brands.

Congressional inquiries in the United States have shown that automobiles can be made substantially safer without extravagant extra costs. Therefore, when the Government Specifications Board has completed the specifications for autos and tires, I hope that these specifications will be made compulsory for all new cars sold in Canada. Also, once the minimum standards of quality and safety for auto tires have been established, one must hope that there will be a regulation requiring that all pertinent information regarding quality be stamped on all tires sold in the Canadian market.

The Canadian Government Specifications Board has already drawn up many standards and developed testing methods for use in connection with consumer products purchased by the federal Government. In many cases, these standards are drawn up in co-operation with the manufacturers and it would seem logical to suppose that the work already done by the Canadian Government Specifications Board could be used as a basis for the development of standards for the same products when they are sold on the retail market. Such standards would impose no higher demands on industry than those already demanded by the Government. Products meeting those standards could be distinguished by some special mark or Government label, thus informing and assuring customers of a definite standard of quality. To function efficiently, the new department will have to find some way of expanding the work now being done by the Government Specifications Board and utilizing it for the benefit of consumers.

Hon. Mr. McCutcheon: All the department ever does is to expand work.

Hon. Mr. Carter: There is much work of this nature to be done in the field of textiles and fabrics used in garments and yard goods.

Present legislation concerning the labelling of textiles, known as the Textiles Materials Marking Regulations, covers only the accuracy required in any voluntary labelling or advertising of fibre content. This results in very inadequate labelling. In many cases manufactures do not label the new fabrics which come on the market or give consumers any indication as to how these fabrics should be cared for.

Yard goods coming into Canada from the United States do carry labels as required by law, giving the generic names of the fibres, the basic care information, the trade name and country of origin. This label is permanently affixed to the product and its package or container. As a result, many consumers prefer to buy an imported product rather than the unlabelled domestic fabric.

With regard to the testing of consumer products, apart from that which is done to test Government purchases and which is carried out in Government laboratories, the only testing of products for consumer use has been done by the Consumers Association of Canada. During the past three years this organization has published the results of their tests on a number of products, but in carrying out this work they have encountered tremendous difficulties.

Some of these tests had to be conducted outside Canada because no commercial laboratories in Canada had the necessary equipment, and those provincial and federal laboratories which had the equipment refused to make their services available to the organization on any basis whatsoever. This is all the more difficult to understand in view of the fact that these same laboratories will, on the other hand, carry out tests for industries when commercial testing facilities are not available. Since Government laboratories are financed by public funds, it seems only reasonable that their facilities should be made available to consumer organizations on the same terms as they are made available to industries.

The Design Council maintains an index of well-designed products many of which are consumer products. The Consumers Association of Canada has requested that before products are listed on this index, they be tested to make sure they will do the job for which they are designed. From time to time products are listed which consumers find unsatisfactory to use. The Design Council maintains that testing before listing is not possible because the tests are too expensive. Since the Government has the facilities to test these products, it is suggested that they be made available to the council so that the index will contain only well-designed products whose functional qualities have met adequate tests.

While the setting of minimum standards of quality and safety and the testing of products to make sure that these minimum standards are maintained are not specifically mentioned in this bill, yet the powers and duties of the

minister as outlined in section 6 would appear to be sufficiently broad to include these two most essential activities.

The great danger with this new department as I see it is that the public will expect it to perform miracles overnight—particularly with regard to prices—which of course it cannot do.

The E.C.C. was careful to point out that they interpreted their terms of reference as seeking how to achieve more effective application and more efficient co-ordination of existing policies within the federal field of jurisdiction as set forth in the B.N.A. Act, and one can see that in making that statement, every word was very carefully chosen, particularly the phrase "within the federal jurisdiction."

Section 5 of the bill carefully makes the same point, that the duties and powers of the minister apply only to matters over which the Parliament of Canada has jurisdiction.

When this bill was before the House of Commons suggestions were made that there should be some machinery for direct control of prices such as a Prices Review Board. The joint committee investigated this possibility very thoroughly and rejected it as unworkable and unconstitutional.

Constitutionally, the Parliament of Canada does not have jurisdiction over prices except in time of war when such jurisdiction is obtained through the Emergency War Measures Act. The activities of the new department must therefore be concentrated on seeking out and analysing those groups of factors which are susceptible to federal Government activity as in the case of drugs. In fields under provincial jurisdiction maximum co-operation of provincial governments and their agencies will be necessary if the public interest is to be fully served.

After studying the evidence presented to the joint committee when we were investigating consumer prices, one of the things that struck me most forcibly was that out of all the mass of evidence before us, no distinct pattern or method of pricing goods could be discerned. One got the impression that the price of a given product was determined not by adding a fixed margin of profit to its costs but by what the public could be induced to pay, subject only to fluctuations in the price of a competing product.

When one considers that about 23 per cent of Canadian family expenditures are for food—and for families in low income groups the figure is probably 30 per cent or more—the impact on low income families and the inherent dangers to all consumers, resulting from monopolistic control of large sections of the food processing and distributing industry, become readily apparent.

Both the joint committee and the Economic Council of Canada found that price increases were due to many complex factors largely beyond the control of government, and no individual cause could be singled out as a prime contributor. There was plenty of evidence before the committee, however, to prove that price competition was giving way to promotional competition and that a great deal of unnecessary costs were incurred and passed on to the consumer in promoting and advertising new products or modifications of old ones which were not substantially different from those already on the market and represented no benefit whatsoever to the consumer. It seems to me that the new Department of Consumer Affairs can have a great impact on prices by discouraging such practices and establishing a climate in which price competition will displace promotional competition.

When the Honourable John Turner was discussing the new department in the other place, he referred to it in these words as found on page 1600 of the House of Commons *Hansard* of June 16:

> On one hand we have the task of insuring that our market system is competitive, alive and vital and that public interest is protected in matters relating to combines, mergers, monopolies, restrictive trade practices, etc. On the other hand we are just beginning to formulate the kind of role that within its constitutional jurisdiction the federal government can play in aiding and assisting the consumer to gain the maximum benefit and enjoyment under our economic system. There have been a number of federal agencies workimg in this field already...and our purpose will be to strengthen and co-ordinate their activities and to add whatever new programs are necessary to give the consumer full and equitable participation in the market.

It goes without saying, honourable senators, that in order to achieve those objectives with a minimum of bureaucracy, the utmost co-operation will be required not only from existing federal agencies but from provincial governments, provincial agencies and other bodies, such as the Consumers Association of Canada. There must also be maximum co-operation between the federal Government

and federal agencies on the one hand and the producers and distributors on the other.

Section 7 of this bill provides for an advisory council and other bodies. Presumably the advisory council will have nation-wide representation, including representation of producers and distributors, and of those provincial agencies with whom the closest relations must be worked out if the new department is to succeed. Consumer education is a vital part of this program, and since the Consumers Association of Canada has already done such an excellent job in this direction, particularly in view of its meagre budget, it would appear to be the part of wisdom to utilize the services of this organization to the fullest. Indeed all relevant outside agencies will have to be utilized to achieve minimum cost and minimum government bureaucracy.

Among the other bodies to be set up will doubtless be a committee of high-ranking civil servants representing all federal departments whose activities should be co-ordinated in the interest of the consumer.

In spite of all this apparatus and machinery, it seems to me that there will still be a need for a parliamentary body such as the Joint Committee on Consumer Credit to act as a watchdog for the consumer, to investigate with parliamentary authority urgent consumer problems as they arise and to provide evidence indicating the exact nature of the problem and the kind of remedial action required. It is encouraging to note that in reply to a question in the other place the minister has given assurance that such a parliamentary committee will be set up.

It is a fact, and the evidence is there to prove it, that as soon as the joint committee was set up in September 1966 food prices began to drop and remained stable all through the Christmas season when prices normally tend to rise. The mere existence, therefore, of such a committee, with powers of inquiry, seems to have a healthy influence on prices and consequently is of benefit to the consumer.

The Economic Council of Canada in its first Annual Review, 1964, informs us that consumer expenditures on goods and services is more than twice as large as all the other uses of domestic output combined and has been maintained at about this level since the 1920s. Average consumer expenditures on goods and services for the years 1962 and 1963 accounted for just over 68 per cent of the gross national expenditure. Government expenditures and business investment, including housing, accounted for 16 per cent each.

Since more than two-thirds of our gross national product is purchased by consumers, it follows that decisions made by consumers in the marketplace affect not only economic growth but also the efficient and constructive use of our national resources. At the same time any measure that will contribute to price stability will benefit the low income groups by making their dollars go further and can therefore be regarded as an important step in the war on poverty.

Judged from these two standpoints alone, it is evident that not only is the department envisaged by this bill very necessary, but it is designed to play a role of tremendous importance to the national interest.

In addition it goes a long way towards closing the gap in consumer protection by providing a voice at Government level to press the consumer's case and a focal point in the Government for consumer policy and consumer problems. It will also act as a balance wheel between the consumer and the producer.

Honourable senators, for all these reasons, I am happy to support this bill.

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

JUDGES ACT

BILL TO AMEND—SECOND READING

Hon. Earl W. Urquhart moved the second reading of Bill C-185, to amend the Judges Act.

He said: Honourable senators, the purpose of this bill is to authorize the provision of salaries for six additional Supreme and Superior Court judges in the provinces of Ontario, Quebec, British Columbia and Alberta, and for three additional County and District Court judges for the Province of Ontario.

As honourable senators know, the administration of justice is a matter of provincial jurisdiction. The administration of justice, the set-up of our courts in the provinces and the number of judges to preside over these courts are determined by the provincial governments concerned.

On the other hand, the appointment of judges and the provision for their salaries are the sole responsibility of the Government of Canada. Bill C-185 does not make any provision for a change in the salaries of judges. It simply and clearly provides for salaries at the present rate for additional judges to be appointed in the four provinces already mentioned.

The requests for the appointment of these nine additional judges came from the governments of the provinces concerned, through the attorneys general of the respective provinces.

For example, in the province of Ontario, the Judicature Amendment Act, 1967, passed on March 22 last, made provision for two additional Supreme Court judges for the Province of Ontario. On the same date the County Judges Amendment Act, 1967, made provision for three additional County and District Court judges: two for the County of York and one for the District of Cochrane.

In Quebec, an act to amend the Courts of Justice Act, which received Royal Assent on August 12, 1967, increased the number of judges of the Superior Court of the Province of Quebec from 75 to 76.

The additional judge will be appointed for the district of Montreal, and the legislation to which I refer also provides that cases from the territory of New Quebec may be heard in the judicial district of Quebec and Hauterive.

In British Columbia, the Supreme Court Amendment Act of British Columbia was passed on March 23, 1967, which made provision for two additional judges on the Supreme Court of British Columbia.

In Alberta, the amendment of the Judicature Act, which was passed on March 21, 1967 made provision for one additional judge on the Supreme Court of Alberta.

Thus, honourable senators, it can readily be seen that the request for these additional nine judges came from the provinces concerned, after their legislatures had passed the necessary legislation to increase the size of their Supreme, Superior and County Courts, respectively.

Let me repeat, under our Constitution the provinces decide on the number of judges necessary to administer justice, and under section 96 of the B.N.A. Act the federal Government appoints these judges and provides for their salaries. This bill makes provision for the salaries of the nine additional judges requested by the four provinces concerned, and the salaries that are set forth in the bill are the salaries now paid the judges of the Supreme, Superior and County courts in Canada.

Hon. Jacques Flynn: Honourable senators, as can be seen from the lengthy marginal note to the preamble of the bill, we see this kind of legislation every year. This bill provides for an increase in the number of judges of the Supreme Court of Ontario, the Superior Court of Quebec, the Supreme Court of British Columbia, the Supreme Court of Alberta, and the County and District Courts of Ontario.

As has been indicated by the sponsor, the constitution of the courts and the administration of justice are matters of provincial jurisdiction, but the appointment of judges of the superior courts and the payment of their salaries is a responsibility of the federal Government. Therefore, in these matters the Parliament of Canada has to rely on the advice and opinions of the provincial governments and provincial legislatures, and I am quite sure that the present Government, before introducing this bill, made the necessary inquiries as to the necessity for these appointments. Therefore, I feel that nothing more is necessary than the explanation just given us by the sponsor of this bill.

Hon. Jean-François Pouliot: Honourable senators, I am interested in this bill for several reasons. The salaries of the judges were well increased last year. I wonder if judges received a tip that there would be an increase in taxation this year, and if their salaries were increased in view of that future increase in taxation to be levied on all Canadian taxpayers.

But there is something else. It is that some years ago the senators were ahead of the judges on the Table of Precedence. But the order was changed, and I wondered if the tradition that had existed since Confederation until the middle fifties was to be observed any longer. The order was changed, the judges passed ahead of the senators, and their salaries were considerably increased, as was mentioned in the House of Commons. Senators who are interested in the matter can look at the Table of Precedence in previous years, and they will see that at a certain time there was a turn upside down and, as I say, the judges passed ahead and the senators remained behind. This is quite interesting on account of the increases in salary, and the judges were superior to the senators, though the senators were once ahead of them in the precedence list. Not only that, but the wives of the judges have a much better pension than the wives of the senators. Therefore, the judges receive a special treatment that was not foreseen by the Fathers of Confederation, whose views were far from being always respected. It was my intention to mention those facts to my honourable colleagues before continuing with regard to the appointment of judges.

Judges are appointed by order in council, of the provincial governments for some jurisdictions and of the Government of Canada for other jurisdictions; and their appointment is something secret until it is released to the press or published in the *Canada Gazette* some time later. I wonder why there is such secrecy over the appointment of judges, and who are the people who should be consulted? The Minister of Justice and the provincial attorneys general can consult anyone they wish; that is their own business. It would be a good thing for them to have some advice from the judges and lawyers, and from another class of people who have never studied it but who know the reputation of the lawyers in each district. I mean the commoners, the members of the House of Commons who do not belong to the legal profession.

Why is it such a secret? It has been like that for a very long time, since I have been a member of Parliament. Who is consulted? Sometimes it is the provincial government. I know of judges who have been appointed on the recommendation of a provincial government or members of the provincial administration who wanted to reward them. I see no objection to appointing someone who has been in politics, because being in politics gives a certain experience. A lawyer who is in politics not only knows how to deal with his clients but he meets other people.

In my own experience I have had the good fortune to meet many colleagues, 1,500 members of the House of Commons when I was a member of that house, and a large number of senators. I am now No. 35 on the list of over 100. This means that since my appointment 12 years ago, two-thirds of the Senate has been changed. Sometimes several senators have been appointed. Someone who is in politics has the advantage of meeting many people. Members of the House of Commons who do not belong to the legal fraternity know whether or not a lawyer from their district is qualified for the bench. They know if he is honest; they know his reputation as a lawyer, and they could at least be asked their opinion by the minister.

I find that the present Minister of Justice seems to be open-minded, and he seems to be desirous of getting as much information as he can about judges, but the information given to him and the recommendations made to him are not always good. Let me give an example without naming anyone. There was the appointment of a French Canadian to the bench, and a complimentary write-up on him appeared in the press. I saw the writer and said, "That was a nice article on Mr. Justice so-and-so. Do you know him?" The writer said no. When that judge was appointed he checked the English language papers which did not mention his appointment, and he wrote to my paper saying that it had not been good to French Canadians and it was time to redeem itself by writing a nice article about him. I would find it very dangerous to argue a case before a judge who is vain, and so would you. Judges should be like Cæsar's wife, above cricitism, and in fact most judges are.

It is my earnest and sincere belief that politicians should be appointed to the bench, and I have the proof at hand, which with your permission I will put on *Hansard*. It consists of two articles which I have written to a Montreal daily about the appointment of judges, defending the appointment of politicians to the bench. But if politicians are to be appointed to the bench by Ottawa, they should be members of the House of Commons or the Senate who are interested in a judgeship. However, I do not see why we should reward provincial politicians in preference to others when merit and qualifications are the same.

Forgive me if I express my views openly, although they are subject to contradiction and criticism. I believe that each political party in power should reward those who are qualified and are supporters of the party. If the Liberals are in power the appointees to the bench should be members of the House of Commons who support the Liberals, provided they are qualified. When the Conservatives eventually come to power it should be the same thing *mutatis mutandis*.

Hon. Mr. Flynn: That is not a fair proportion. We are wholly against that. We have not been in power long enough.

Hon. Mr. Pouliot: My knowledge of the bar tells me that there are eligible candidates for the bench in each political party. Naturally some people join their hands in prayer and find it very offensive and too realistic. Well, that is a matter of opinion.

If the Minister of Justice or the attorneys general have to depend on the recommendation of the bar—and when I say the bar I mean the Canadian Bar Association, or the provincial bar, or the local bar, the Benchers of Upper Canada, any legal organization in any province—the supporters of the party who are qualified for the bench are known, and known not only to the bar but to those who are members of the House of Commons.

If the Minister of Justice at Ottawa and the attorneys general asked them who was eligible for such a vacancy they would be able to give a satisfactory answer. The judgments are numerous, and I have no complaint to make except that whereas in a few instances there are judges who do excellent work as the head of commissions or committees, it is the kind of work that could be done easily by the Senate.

Honourable senators, I do not wish to take too much time, so instead of reading the two articles I referred to earlier I will ask that they appear as an appendix to *Hansard*.

Hon. Senators: Agreed.

Hon. Mr. Pouliot: Thank you. These are two articles about the appointment of judges, and they appeared in a Montreal newspaper.

(*For text, see Appendix, pp. 542-3.*)

Honourable senators, as a conclusion, I trust the Minister of Justice to make the best possible appointments he can, but he should not overlook the opinion of his colleagues who support the Government—and the same thing could come on the other side, if ever another party comes to power.

Motion agreed to and bill read second time.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Urquhart: Honourable senators, I move, with leave of the Senate, that this bill be read the third time now.

Motion agreed to and bill read third time and passed.

CRIMINAL CODE (HATE PROPAGANDA)

SPECIAL COMMITTEE—CHANGE IN MEMBERSHIP

Leave having been granted to revert to Motions:

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

> That the name of the Honourable Senator White be substituted for that of the Honourable Senator Méthot on the list of senators serving on the Special Committee on the Criminal Code (Hate Propaganda).

Motion agreed to.

DIVORCE

REPORTS OF COMMITTEE ADOPTED

The Senate proceeded to consideration of Reports of the Standing Committee on Divorce Nos. 373 to 447, inclusive, which were presented yesterday.

On motion of Hon. Mr. Connolly (Ottawa West), for Hon. Mr. Roebuck, Chairman of the Standing Committe on Divorce, reports adopted.

RESOLUTIONS PRESENTED

Leave having been given to revert to Presentation of Petitions:

Hon. Mr. Connolly (Ottawa West), for Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, presented the following resolutions:

Resolution 364, for the relief of Marianthi George Deskes Papagiotopoulos.

Resolution 365, for the relief of Thomas Soucy.

Resolution 366, for the relief of Marie Camille Andree Lise Elie Lamarche.

Resolution 367, for the relief of Marie Marguerite Jeanne (Jeannine) Simard Beland.

Resolution 368, for the relief of Robert Peotti.

Resolution 369, for the relief of Louise Fournier Archambault.

Resolution 370, for the relief of Norman Elwood True.

Resolution 371, for the relief of Bonnie Gale Allan Johnson.

Resolution 372, for the relief of John Sydney Roberts.

Resolution 373, for the relief of Joseph Laureat Rejean Pierre Germain.

Resolution 374, for the relief of Gilles Desnoyers.

Resolution 375, for the relief of Francesco Orefice.

Resolution 376, for the relief of Hyman Lazarus Shenker.

Resolution 377, for the relief of Marilyn Barbara Doreen Mary Watt Simpson.

Resolution 378, for the relief of Louise Dufort Houle.

Resolution 379, for the relief of Guy Bouthillier.

Resolution 380, for the relief of Eva Edna Harper Coates.

Resolution 381, for the relief of Eleanor MacDermid Robertson.

Resolution 382, for the relief of Jacqueline Bordeleau Myatte.

Resolution 383, for the relief of Nicholas Sutton Bradshaw Mack.

Resolution 384, for the relief of Andras Szabo.

Resolution 385, for the relief of Vera Barna Pinsonneault.

Resolution 386, for the relief of Andree Menard Provencher.

Resolution 387, for the relief of Patricia Violet Maxwell Pollington Frenneaux.

Resolution 388, for the relief of Joan Stephanie Jenkins Storey.

Resolution 389, for the relief of Anna Maria Simard Sansregret.

Resolution 390, for the relief of Claude Turcotte.

Resolution 391, for the relief of Clifford Keith Stuber.

Resolution 392, for the relief of Cecile Latendresse Benny.

Resolution 393, for the relief of Irene Apinis Gotshalks.

Resolution 394, for the relief of Rejean Berthiaume.

Resolution 395, for the relief of Joan Mimi Skinner Hanna.

Resolution 396, for the relief of Robert Alfred Pharand.

Resolution 397, for the relief of Alfred Falconio Maurice Cusson.

Resolution 398, for the relief of James Louis Burrows.

Resolution 399, for the relief of Ann Davidson Webster Bryce.

Resolution 400, for the relief of Clara Beatrice Jane Taylor Connor.

Resolution 401, for the relief of Warren Edward Watson.

Resolution 402, for the relief of Louis Pierre Tancrede Geoffrion.

Resolution 403, for the relief of Joyce Reardon Hachey.

Resolution 404, for the relief of Jacqueline Reny Gauthier.

Resolution 405, for the relief of Lucien Dolbec.

Resolution 406, for the relief of Doris Beverly Bronfman Kane.

Resolution 407, for the relief of Stefan Moldovan.

Resolution 408, for the relief of Raymond Albert Thomas Jack.

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Resolution 409, for the relief of Paul Anthony Tarlo.

Resolution 410, for the relief of Brenda Fernyhough Bromage.

Resolution 411, for the relief of Eugenia Samotis Kuzyshyn.

Resolution 412, for the relief of Guy Lorrain.

Resolution 413, for the relief of Tatiana Boichuk Smith.

Resolution 414, for the relief of Mary Jane Ellen Mackie McKellar.

Resolution 415, for the relief of Marcella Carmel Corish Woods.

Resolution 416, for the relief of Eva Margaret Logan McCrimmon.

Resolution 417, for the relief of Helen Armstrong Jamieson.

Resolution 418, for the relief of Marjorie Carolyn Gliddon Schmidt.

Resolution 419, for the relief of Norman George Smith.

Resolution 420, for the relief of Joseph Eugene Yvon Ouimet.

Resolution 421, for the relief of Marie Magella Rejeanne Laplante Leduc.

Resolution 422, for the relief of Joseph Alfred Simard.

Resolution 423, for the relief of Monique Morin Bourdeau.

Resolution 424, for the relief of Judith Emily Coull Lebensold.

Resolution 425, for the relief of Gay Gabrielle Marie Annabella Delporte Laplante.

Resolution 426, for the relief of William Arnold Peak.

Resolution 427, the relief of Doris Yvonne Bourget Melanson.

Resolution 428, for the relief of Roland George Commoy.

Resolution 429, for the relief of Joseph Fernand Jean Paul Mainville.

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

Hon. Mr. Connolly (Ottawa West): Honourable senators, for honourable Senator Roebuck, I move that these resolutions be considered at the next sitting.

Motion agreed to.

The Senate adjourned until tomorrow at 3 p. m.

APPENDIX

(*See p. 540.*)

JUDGES ACT

NEWSPAPER ARTICLES

The Gazette

September 20, 1966.

JUDICIAL APPOINTMENTS

Sir: From time immemorial until lately, nobody had suggested any change in the judicial appointments which are made by order-in-council by the federal and provincial governments, respectively. It was agreed that the Canadian procedure for such appointments was preferable to that of the United States, where a large number of judges are elected by popular vote to their high office.

In fact, is it not easy for federal and provincial governments alike to be well informed about the qualification of the candidates to the Bench by their own party members of both Houses of Parliament, who belong to the legal fraternity and who come from every part of the country?

Since when is it a crime or a shame to belong to any political party? In Canada, nearly everybody does. At election time, the clergy of all religious denominations and the totality of the press do not cease to repeat that it is the duty of each citizen to cast his vote.

Many of the best appointments to the Bench were those of lawyers who had a political background, because the practice of law and their contact with a large number of persons who were not their clients gave them an insight of the problems that were affecting their fellow citizens.

Therefore, my sincere belief is that the judicial appointment of lawyers with a legal standing and political experience is the best that can be made.

There had been no public criticism of the Bench nor any suggestion for a change in the judicial appointments until three or four years ago, when the press started to give bad publicity to the behaviour of two judges.

It did not take long to unduly generalize those two particular cases and to cover the whole Bench with a veil of suspicion. It was most unfair, because all the judges that I have known well, from a few Chief Justices of Canada to some of the last appointees, have generously made the sacrifice of breaking their political ties as soon as they were elevated to the Bench, to start a new career and to safeguard their independence.

To conclude this *mise au point* concerning the judicial appointments, neither *Le Conseil Supérieur de la Magistrature*, nor a National Judiciary Committee, nor the provincial committees nor numerous series of provincial subcommittees of the Canadian Bar Association could improve in any manner the procedure which has been set by the law for the appointment of judges by order-in-council, provided that the governments concerned mind its spirit and take their advice from the right people, the elected representatives of the people of Canada and the members of the Upper Chamber of Parliament, subject to the vigilant watch of Her Majesty's Loyal Opposition.

In your issue of September 13, you published an interesting letter from Professor Jacob S. Ziegel, McGill University. With regard to the National Judiciary Committee of the Canadian Bar Association, he aptly wrote that "only those of its members who practise in the province where the proposed candidate is to hold office would be in a position to judge his qualifications."

Logically, the same argument should apply to appointments below the provincial Supreme Court or appellate level, and to the Supreme Court of Canada and the Exchequer Court as well.

The Senate, Ottawa. Jean-François Pouliot

The Gazette

October 11, 1966.

JUDICIAL APPOINTMENTS: WHO ARE THE BÂTONNIERS?

Sir: In middle ages and at the time of Renaissance, the bâtonnier was the lawyer who held the staff (bâton) of the banner of his corporation and walked at the head of the processions. Nowadays, the lawyers of each judiciary district elect a bâtionnier for a one-year term of office, but the title is for life. That is why the past and present bâtonniers are so numerous. The bâtonniers from

the various districts, sitting quarterly together, form the general council of the Bar, whose meetings are presided over by the bâtonnier général. He is the spokesman for the Bar of the province.

Judges and lawyers belong to the same legal fraternity, which is also called "the learned faculty". The *raison d'être* of their partnership is to enforce the law. In order to successfully fulfil that onerous task, they are entitled to the respect of all and they have to rely on the goodwill of each other to maintain the dignity and follow the ethics of the legal profession.

The TV performance of two bâtonniers:

One of the most pitiful performances ever witnessed over the C.B.C. French TV network, took place several months ago. The panelists were: 1) the then bâtonnier général, who had been a provincial secretary; 2) one of his predecessors, also a bâtonnier général, who had been a secretary of state of Canada; 3) a well known journalist with a legal formation; 4) a bearded freshman-professor of law, who had been admitted to the Bar three or four years before and who took it for granted that everything was wrong with regard to judicial appointments; he did most of the questionning. "Political partisanship," which he did not define, but to which he referred continuously, was his great worry, and he wondered what could be done to remedy such evils.

Owing to the experience which they were supposed to have gained, as brilliant jurists, professors of law and members of a cabinet, in the appointment of provincially or federally remunerated judges, both bâtonniers généraux could not have been more appropriately picked up to answer any such questions. Alas! they both looked aghast, and all they could do was to mumble and repeat some idle and insignificant remarks about the importance of *"Le Conseil Supérieur de la Magistrature"* and *"The National Judiciary Committee"* of the Candian Bar Association, with a great abundance of "perhaps" and plentiful "maybes". They did not seem to have realized that a unique opportunity had been afforded to them to make, once and for all, the necessary distinction between (a) the Canadian laws for the appointment of judges and (b) their application or enforcement, which is an altogether different matter. They have missed it.

It is of common knowledge that, in any discussion, generalities lead nowhere, and that it would make no sense to speak of the Bench and the Bar as if they were anonymous and distant abstractions, because they are not. Both are collectivities of dedicated human beings, who accomplish different tasks with the same purpose im mind.

Why did not the bâtonniers question their fellow-panelists?

In order to be just and fair, nobody should condemn any system of appointments without having previously taken into consideration the qualification, competence and merit of the appointees themselves.

Let us look at any list of the judges of any court in any one of the ten Canadian provinces, then the fault-finders of the actual system should be asked: In what year have you been admitted to the Bar? Did you ever appear before the courts? For how many years? Before what judges did you appear? How many judges do you know personally? In your opinion, are they qualified to sit on the Bench? If not, why? Are they honest and impartial? If not, what do you blame them for?

Then, there should be another series of pertinent questions to be asked about the countless judges who have been appointed to the Bench by orders in council of the federal or provincial governments, mentioning each one by name List No. 1: "Do you have any ground of complaint against Mr. Justice Number One, and, if so, what is it?" The same question should be asked about Mr. Justice Number Two, Mr. Justice Number Three, etc., and so on all along the list. Such a matter of fact proceeding would give to any complainant the chance to prove specifically that his criticism was well-founded. The checking of all lists of the appointees to the Bench might show that some judges should never have been named, but that the unworthy incumbents constitute a small minority.

Therefore, why does the press give its front page headlines to the shortcomings of the few? Is it not another pertinent question, which has not been asked to the representative of the press on that panel?

Therefore again, for their failure to cross-examine their fellow-panelists, the law professor and the journalist, both bâtonniers have deserved to be rewarded with the questionable honour of carrying the banner of the Bar half-staff (*à mi-bâton*), over all the TV networks of the country.

There is another side to the picture. Shall it not be brushed in due course and in vivid colours?

The Senate, Ottawa.

Jean-François Pouliot.

27059—42½

THE SENATE

Thursday, December 7, 1967

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

Prayers.

DOCUMENT TABLED

Hon. John J. Connolly tabled:

Report of the President and Statement of Accounts of the Industrial Development Bank for the fiscal year ended September 30, 1967, pursuant to section 29 (4) of the Industrial Development Bank Act, chapter 151, R.S.C., 1952. (English and French texts).

EXTERNAL AID

AUTHORITY TO PRINT

Hon. Gunnar S. Thorvaldson, Chairman of the Standing Committee on External Relations presented the following report of the committee:

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 report.

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

Hon. Jean-François Pouliot: If I might be permitted, I wish to express my appreciation to the Chairman of the Committee on External Relations (Hon. Mr. Thorvaldson), for the pressure he has always exerted on the Printing Bureau to have the printed proceedings of the last meeting of the committee made available before the next meeting. I would ask him to be as energetic as usual in having today's proceedings made available at least one day before the next sitting, because the explanation given by the witness today was highly technical and full of figures.

Hon. Mr. Thorvaldson: Honourable senators, I can assure my honourable friend that every effort is being made to have the transcript of today's proceedings made available before the next meeting, which will be next Thursday. I hope we shall have it in good time.

Hon. Mr. Pouliot: I can rely on my honourable friend for that.

Hon. Mr. Thorvaldson: I move, with leave of the Senate, that the report be adopted now.

Report adopted.

DEFENCE PRODUCTION ACT

BILL TO AMEND—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-28, to amend the Defence Production 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. T. D'Arcy Leonard: I move, with leave of the Senate, that the report be adopted now.

Report adopted.

REPORT OF COMMITTEE

Hon. T. D'Arcy Leonard, for Hon. Salter A. Hayden, Chairman of the Standing Committee on Banking and Commerce, reported that the committee had considered Bill S-28, to amend the Defence Production Act, and had directed that the bill be reported with the following amendments:

1. Page 1, line 7: Strike out the words "subject to paragraph (e),".

2. Page 1: Strike out lines 11 to 17, both inclusive.

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

Hon. Mr. Leonard: With leave of the Senate, I move that this report be taken into consideration now.

Honourable senators who have listened to the debate on second reading of this bill, or who have read the debates, will understand the effect of these amendments. The result, put simply, is to take away the power which the bill, in the form in which it received second reading, would have given to the

Minister of Defence Production, to enter into contracts for an expenditure of an unlimited amount, without the approval of Treasury Board, where in the opinion of the minister the contract was being entered into immediately in the interest of defence.

As a result of the amendment, the powers of the minister under the Defence Production Act will be controlled by the regulations under the Financial Administration Act which at the present time govern the minister in the procurement of non-military equipment. The minister will have, on contracts up to $250,000, absolute power in his own discretion; he will have, on contracts from $250,000 to $500,000, absolute discretion provided competitive tenders are obtained and the lowest tender is accepted. On contracts that do not fall within those two categories, that is, which include contracts over $500,000, the minister will require the approval of the Treasury Board, whether or not in the opinion of the minister the contract must be entered into immediately in the interests of defence.

In other words, responsibility for determining whether a contract over the prescribed limit is immediately required in the interests of defence is shifted from being the sole responsibility of the minister to being the responsibility of the minister and the Treasury Board.

Report adopted.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. John J. Connolly moved that the bill be placed on the Orders of the Day for third reading at the next sitting.

Motion agreed to.

CANADA MANPOWER AND IMMIGRATION COUNCIL BILL

REPORT OF COMMITTEE

Hon. Earl W. Urquhart, Acting Chairman of the Standing Committee on Immigration and Labour, presented the following report:

> The Standing Committee on Immigration and Labour to which was referred the Bill C-150, intituled: "An Act to establish a Canada Manpower and Immigration Council", has in obedience to the order of reference of December 5, 1967, 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. Urquhart: I move, with leave of the Senate, that the report be adopted now.

Hon. Jean-François Pouliot: Honourable senators, I would like to ask a question of the mover of that motion. We do not know what went on before that committee. I was there for a few minutes this morning, but we are going to be adopting this report blindly. I think that that makes no sense, because there was a motion for the printing of 800 copies in English and 300 copies in French of the proceedings of the committee and those proceedings will come to us after the bill has been adopted, with no one having had the opportunity to know what was done in committee this morning.

Of course, this has happened many times in the past. What is the use of having a transcription of our committee proceeding's when such transcripts are available only after the bills have been adopted, and when we do not have the information given to the committees by the witnesses who have appeared there precisely for the purpose of giving us that information.

As I said, I was there this morning for a few minutes. I am not a member of the committee, but I went there out of curiosity. I listened to all that was going on and there were some very interesting questions being put. Therefore I will ask one question of the sponsor of this motion: Was there any objection to the bill before the committee, and if so, what was it?

Hon. Mr. Urquhart: Honourable senators, if my honourable friend had listened to the report of the committee he would have heard that the committee had adopted the bill without amendment. Furthermore, he will have an opportunity to review the report of the committee and the evidence of the witnesses before third reading of the bill, and if he wishes to speak on third reading he will have ample oportunity to do so.

Hon. Mr. Pouliot: I hope my honourable friend is not going to blame me for not attending a committee of which I am not a

member. I am curious to know what happened at this morning's meeting. Is there anybody here who can tell me? If not, I will have to object to the adoption of the motion to approve the report since I do not know what it is. My honourable friend knows it. He was acting chairman of the committee. I would like to know what happened. It must not be kept a secret. There were enough senators there to know what was going on. As a member of the Senate I am entitled to have the information, and I hope that the matter will stand until we have the printed proceedings. It may take some time, but I do not see how we can consider the bill before knowing what happened before the committee this morning. It would be just as well to study the bill in Committee of the Whole and then every senator would know what was going on, and the next day we would have Senate *Hansard* available to study what had been said. In those circumstances it would be difficult to have witnesses, but there were witnesses before the committee this morning and they seemed to be, as we say in French, *idoines—les temoins idoines*—and by that I mean competent witnesses. I want to be informed. I do not believe in mystery. I will object to the adoption of the report unless I have some explanation of what went on there. Even though the bill was passed unanimously there may have been some objections at the time and, if so, I want to know what were the grounds for those objections.

Hon. Mr. Connolly (Ottawa West): Honourable senators, perhaps I could help my honourable friend in this respect. As all honourable senators know, any member of the Senate is entitled to go to any committee, whether he is a member of that committee or not, and to participate in the deliberations of that committee. I would point out to honourable Senator Pouliot, however, that this motion is to permit the printing of the proceedings of the committee and unless this motion is adopted the proceedings cannot be printed. Now, if the motion is adopted, it is not the intention to move third reading today. Perhaps by the time third reading is moved, the material that the honourable senator desires will be available to him. I hope that that assurance from me will be satisfactory to him and that we can now proceed with the motion made by the acting chairman of the committee.

Hon. Mr. Pouliot: I thank the honourable leader. This is exactly what I wanted.

Report adopted.

The Hon. the Speaker: Honourable senator, when shall this bill be read the third time?

Hon. Earl A. Hastings moved that the bill be placed on the Orders of the Day for third reading at the next sitting.

Motion agreed to.

ADJOURNMENT

Hon. John J. Connolly: Honourable senators, with leave of the Senate, I move that when the Senate adjourns today it do stand adjourned until Monday next, December 11, at 8 o'clock in the evening.

Motion agreed to.

FILMS TELEVISED ON C.B.C. PROGRAM "FESTIVAL"

NOTICES OF INQUIRIES STAND

On the notice of inquiry by Hon. Mr. Fournier (Madawaska-Restigouche):

That he will inquire of the Government:

1. What is the estimated cost and the actual cost of the film entitled "The Ernie Game" shown on television November 8, 1967, on the program "Festival"

(a) as far the Canadian Broadcasting Corporation is concerned,

(b) as far as the National Film Board is concerned,

(c) as far as any other agency of the government is concerned?

2. What is the estimated expected revenue from the showing of the film?

3. What will be the estimated cost to the Canadian taxpayer as a result of the showing and the production of the film?

4. How many persons were involved in the production of the film and what were the functions of each person concerned?

5. How long did it take to produce this film?

On the notice of inquiry by Hon. Mr. Fournier (Madawaska-Restigouche):

That he will inquire of the Government:

1. What is the estimated cost and the actual cost of the film entitled "Waiting

for Caroline" shown on television November 29, 1967, on the program "Festival"

(a) as far as the Canadian Broadcasting Corporation is concerned,

(b) as far as the National Film Board is concerned,

(c) as far as any other agency of the government is concerned?

2. What is the estimated expected revenue from the showing of the film?

3. What will be the estimated cost to the Canadian taxpayer as a result of the showing and the production of the film?

4. How many persons were involved in the production of the film and what were the functions of each person concerned?

5. How long did it take to produce this film?

Hon. John J. Connolly: If the honourable senator is agreeable to having this matter stand until Thursday next, I will try to obtain the information by then. I cannot give a definite undertaking, but I will deal with it as soon as I receive the information.

Inquiries stand.

FOOD AND DRUGS ACT

BILL TO AMEND—THIRD READING

Hon. John J. Connolly moved the third reading of Bill S-21, to amend the Food and Drugs Act.

Motion agreed to and bill read third time and passed.

CURRENCY, MINT AND EXCHANGE FUND ACT

BILL TO AMEND—THIRD READING

Hon. John J. Connolly moved the third reading of Bill S-23, to amend the Currency, Mint and Exchange Fund Act and the Criminal Code.

Motion agreed to and bill read third time and passed.

CANADA DEPOSIT INSURANCE CORPORATION ACT

BILL TO AMEND—THIRD READING

Hon. John J. Connolly moved the third reading of Bill S-24, to amend the Canada Deposit Insurance Corporation Act.

Motion agreed to and bill read third time and passed.

NORTHERN ONTARIO PIPE LINE CROWN CORPORATION DISSOLUTION BILL

THIRD READING

Hon. John J. Connolly, for Hon. W. M. Benidickson, moved the third reading of Bill S-29, to provide for the dissolution of Northern Ontario Pipe Line Crown Corporation.

Motion agreed to and bill read third time and passed.

DEPARTMENT OF CONSUMER AND CORPORATE AFFAIRS BILL

SECOND READING—DEBATE CONTINUED

The Senate resumed from yesterday the adjourned debate on the motion of Hon. Mr. Croll for second reading of Bill C-161, to establish a Department of Consumer and Corporate Affairs.

Hon. M. Wallace McCutcheon: Honourable senators, in rising to speak on this bill I know you will not expect me to achieve the flights of eloquence of Senator Croll and Senator Carter. I am going to deal with it in a humdrum fashion, I shall try to discuss the bill itself, and what it actually contains, rather than spend a considerable time in discussing matters which are not the subject of the bill at all, and which took place elsewhere.

I should say that I gathered from Senator Croll's remarks that he regards this bill as a monument to the good work of the Senate. If it be such a monument then I am afraid, after we have gone through it, we shall find that it is like some of those tombstones that have gradually fallen over, around which the weeds have accumulated, and in respect of which the upkeep has been neglected.

What does this bill do? Section 1 contains the short title. Section 2 defines the minister as the Minister of Consumer and Corporate Affairs. Section 3 provides:

(1) There shall be a department of the Government of Canada called the Department of Consumer and Corporate Affairs over which the Minister of Consumer and Corporate Affairs appointed by Commission under the Great Seal of Canada shall preside.

(2) The Minister holds office during pleasure and has the management and direction of the Department of Consumer and Corporate Affairs.

Section 4 reads:

> The Governor in Council may appoint an officer called the Deputy Minister of Consumer and Corporate Affairs to be the deputy head of the Department of Consumer and Corporate Affairs, and to hold office during pleasure.

Then, section 5 is:

> The duties, powers and functions of the Minister extend to and include all matters over which the Parliament of Canada has jurisdiction, not by law assigned to any other department, branch or agency of the Government of Canada, relating to
>
> (a) consumer affairs;
>
> (b) corporations and corporate securities;
>
> (c) combines, mergers, monopolies and restraint of trade;
>
> (d) bankruptcy and insolvency; and
>
> (e) patents, copyrights and trade marks.

Before dealing with the consumer affairs aspect of the bill I should like to deal with its corporate affairs aspect, and in this respect I proceed to section 8. It will be seen that so far the bill has set up a new department, made provision for a new minister and a new deputy minister, and has given them certain responsibilities that are not otherwise allotted, and with which I shall deal presently.

The first subsection of section 8 provides that there shall continue to be a Registrar General of Canada, and the second subsection provides that the minister shall perform the duties of the Registrar General of Canada. So, the Minister of Consumer and Corporate Affairs is going to perform the duties of the Registrar General of Canada. That, presumably, accounts for the speculation that the present Registrar General of Canada may become the minister of the new department.

The balance of the bill deals entirely with the duties and responsibilities of the Registrar General.

If honourable senators will recall, the Government Organization Act, 1966, was passed at the last session of this Parliament. Section 8 of that act defines the duties, powers and functions of the Registrar General of Canada in the same terms as the duties, powers and functions of the minister are defined in clause 5 of this bill, with the exception that "consumer affairs" is not included, and the other heading is "corporate affairs" rather than "corporations and corporate securities". So, up to this stage, we have nothing new.

Then, there are appropriate transitional provisions. In the bill presently before us it is provided that the minister shall have the responsibility for the items included in Schedule I. That schedule is an exact reproduction of Schedule A of the Government Organization Act, 1966, dealing with the responsibilities of the Registrar General, with one exception. In the Government Organization Act, 1966, the Pension Fund Societies Act is included, whereas in this bill it is excluded from Schedule I because it is unnecessary. However, it is included in Schedule II, which is ancillary legislation necessary to replace the name "Registrar General" in many cases with "Minister of Consumer and Corporate Affairs". The appropriate change in respect of the Pension Fund Societies Act is made, therefore, by including that act in Schedule II. So, there is nothing new about that.

As ancillary legislation also, honourable senators will note that sections 6 to 10 and section 38 of the Government Organization Act, 1966, are repealed. Those are the sections which confer powers and duties upon the Department of the Registrar General. Those powers and duties are now included in this bill in almost identical terms. That deals with the great bulk of the bill.

We have set up a new department, created a new minister, and created a new deputy minister, and it should be noted that the new deputy minister will not necessarily be the deputy registrar general. In fact, there is provision for the appointment of several registrars general in this act.

Hon. Mr. Connolly (Ottawa West): Deputy registrars general.

Hon. Mr. McCutcheon: I am sorry—deputy registrars general.

I think there are three sections to which I have not referred—or, to be accurate, two and one-fifth sections. The duties, powers and functions of the minister are, as I say, substantially identical to those of the Registrar General with one addition, namely, paragraph (a) of clause 5, "consumer affairs".

What are the duties, powers and functions of the minister in respect of consumer affairs? To find the answer to that we have to look at section 6. The minister shall initiate, recommend or undertake programs; he shall co-ordinate programs; he shall promote

and encourage the institution of practices and conduct; and he shall undertake, recommend or assist in programs to assist the Canadian consumer, and so on. He can be an adviser, a consultant, and a co-ordinator, but that he has any real powers or any real responsibilities does not appear in the bill at all. The real powers and the real responsibilities are given to other ministers of the Crown. If we go back to section 5 we see that his duties, powers and functions cover all matters relating to consumer affairs not by law assigned to any other department, branch or agency of the Government of Canada.

Of course, the Food and Drugs Act is a most important piece of legislation, and the powers under it have been assigned by law to another minister of the Crown. The Director of Standards under the Weights and Measures Act, the Design Council, about which we heard quite a bit, the Canadian Government Specification Board, about which we heard something when this matter was being debated earlier—none of those report to the Minister of Consumer and Corporate Affairs, yet they are all very important and they all affect consumers' rights. We gave third reading today to a bill which affects consumers, namely, the bill to amend the Food and Drugs Act. The directorate that administers that act will not report to the new minister.

What has happened, honourable senators, is that the Government has once more decided to throw up a façade in an endeavour to convince the people of Canada that it is interested in certain aspects of their affairs. This is to persuade consumers, overall consumers—most of us are also producers, but we are all consumers—and the Government has set up this façade and said: "Look at us, we are looking after your affairs. True, for many, many years we have been looking after your affairs in food and drugs, weights and measures, standards, and so on, and so on, but now we are going to have a minister who will devote his time to looking after you."

To accomplish that another department is to be set up, a new deputy minister established, and Parkinson's law that work expands to meet the establishment will be set in motion once more. I have no doubt that there will be hundreds of pieces of paper moving about in the department, but the minister has no power to do anything directly for the consumer.

The consumer knows what this Government has been doing for him. The consumer knows the inflation which has taken place in the last year and which is still increasing. The consumer knows that the excesses of this Government in its failure to exercise any restraint upon its own expenditures has placed him in a position where if he wants to build a house he will have to borrow money at anything from 8¼ per cent up—if he can get the money at all. He is living in a dear money, tight money, setting, and he is not very happy about it. And there is nothing in this bill that will do anything for him.

All the principal functions of this minister are already held by the Registrar General, and we have wasted a good deal of printing to spell them all out again. Nothing in this bill will enable the minister to put the brakes on inflation. Nothing will enable him to provide mortgage money at reasonable rates, or even to provide mortgage money at any rate. One would have thought this Government might have concluded that the time had come when it could not erect these façades and feel they will be accepted by the people of this country, but apparently they still feel that you can fool a good many of the people a good deal of the time.

Hon. Senators: Hear, hear.

Hon. Mr. McCutcheon: I am going to say very little more. You can understand, of course, that a bill of this importance would not go through the other place without being studied very carefully and without being amended. Indeed, it was amended. It was amended by a motion from the Government side in committee, and it was a very important amendment. By that time, the bill having had first and second reading and committee discussion being under way, the Government realized that the bill had as little in it for the consumer as I have suggested it has, which is next to nothing. So they said, "We have got to do something about this. We have got to repair this deficiency." Here in my hand is a bill that was given first reading in the House of Commons. It is an act to establish a department of Corporate and Consumer Affairs. "Oh, no," they said, "that won't do". So the bill has been amended, and as passed it is an act to establish a Department of Consumer and Corporate Affairs. Now we know where the Government's heart lies. The consumer is up here and the corporation is down there, but when we read the bill we know how sincere it is.

Hon. Douglas D. Everett: Honourable senators, Senator McCutcheon has disagreed with Senator Croll as to whether or not this bill will be a monument to the Senate. I should like to suggest to him that in time he will find that it is not only a monument to the Senate but is a monument to a renewed and vigorous free enterprise system, in which he believes, and it will also be a monument to the Government that brought it in.

Hon. Mr. Flynn: You will have to do a lot to it.

Hon. Mr. Haig: How much time?

Hon. Mr. Everett: He will find in the operation of this bill that it is not a façade but a real concern by this Government for the consumer and for corporate affairs.

Hon. Mr. McCutcheon: Was not corporate affairs subject to the jurisdiction of the Registrar General prior to this, in identical words?

Hon. Mr. Everett: Yes, that is right, but what this Government has recognized is that both consumer and corporate affairs are part of the same problem, and it is attempting to bring them together in a more effective way.

Hon. Mr. McCutcheon: Then it is too bad that it does not do it a little more explicitly.

Hon. Mr. Everett: Perhaps we should go through this one part of the bill to discover just what this legislation can do for the consumer and for the corporation. It seems to me that the bill covers an extremely massive field, one far beyond my competence to cover. I am not in Senator McCutcheon's class when it comes to ranging over the affairs of big business, so if honourable senators will permit me I should like to confine myself to one little cranny of the act, and one little cranny which I hope will show how effective a separate department of corporate and consumer affairs can be. That is the area of re-sale price maintenance.

If I may, I should like to define for you what re-sale price maintenance is. Re-sale price maintenance is the practice designed to ensure that a particular article shall not be sold by retailers or other distributors at less than the price prescribed by the supplier.

Before we examine re-sale price maintenance and the legislation that exists to preclude it, I should like to look at the philosophy of the Department of Consumer Affairs. I am sure Senator McCutcheon will be extremely interested in that philosophy. The present Registrar General has stated his philosophy in reference to this new department. He says that he does not intend to tell manufacturers what to produce, nor to tell retailers what to sell, nor at what price they should sell it, nor workers where to work, nor consumers what to buy. What he does intend to do is to release competitive forces, ensure fair selling practices and utilize persuasion before regulation.

I can agree with that philosophy. I agree as a consumer because it seems to me that it brings all the benefits that our economic system can produce without any of the regulations. I can agree as a businessman because this seems to me to be a definition of the free enterprise system.

Surely what we are trying to do in the free enterprise system is to release competitive forces, ensure fair selling practices and have a minimum of regulation by government. I think even Senator McCutcheon would agree that this is a fair definition of a fair, free enterprise system.

Hon. Mr. McCutcheon: You should be careful about what you give as my views.

Hon. Mr. Everett: This is the philosophy behind the free enterprise system. If this is what government says they will do, then it seems important to me that business should be anxious to apply the same tests to itself. Business should release competitive forces; business should ensure fair selling practices, and business should indulge in a minimum of regulation. Honourable senators, that is precisely what resale price maintenance legislation does.

Hon. Mr. McCutcheon: That legislation, of course, is on the books now. The Registrar General is responsible for administering it and this bill makes no change in it. Is that right?

Hon. Mr. Everett: That is right, sir. That is quite right. I would like to give honourable senators a brief review of the legislation that is on the books at the present time.

This legislation was recommended by the McQuarrie Commission in 1951. The government of the day amended the Combines Investigation Act to include resale price maintenance legislation, and in this regard they enacted section 34 of the Combines Investigation Act.

That section makes it an offence for a supplier to ensure, by inducement, attempted inducement, or by refusing to supply goods,

that his goods will not be resold at less than the prescribed price. The act makes it an indictable offence, with a fine in the discretion of the court or imprisonment up to two years or both.

That legislation worked admirably until 1960, when it was amended and a defence was created against a prosecution under the resale price maintenance section.

While I may be guilty of excessive partisanship, I want to note that this amendment was brought in by the same party that Senator McCutcheon supports.

This amendment stated that it is a defence against a prosecution under the act if a supplier has reasonable cause to believe and does believe that the articles which would have been sold were to be used as loss leaders or were the subject of misleading advertising or were not properly serviced.

Hon. Mr. McCutcheon: If the honourable senator will allow me, I will challenge the present Government to strike out that amendment, and see what they hear from the retailers and suppliers across this country. They have been afraid to do that.

Hon. Mr. Everett: I would challenge the present Government also, along with you, not to strike out the amendment, but to make it a separate offence instead of a defence. Indeed, we can both be against loss leader selling, and we can be against misleading advertising, and we can be against selling goods without properly servicing them. But what I cannot understand is why your Government did not bring in this legislation as separate legislation, making it an offence to do these things.

They put the manufacturer in a position where if the retailer broke the law the manufacturer could punish him by cutting him off without appeal to any court from that action of the manufacturer.

Hon. Mr. McCutcheon: I think you will find there have been no appeals.

Hon. Mr. Everett: The action of your Government was of no benefit to the consumer and I, like you, would challenge this Government to change that legislation so that it is no longer a defence under the act but rather a separate offence against the retailer.

Has resale price maintenance been successful? My answer is yes. I think there is no question that the consumer has benefited under that legislation. When you consider that up to 50 per cent of the cost of goods, consumer goods, is often found in the mark-up from the manufacturer to the eventual purchaser, and when you look at what has hapenned to prices of goods that were previously maintained in price by the manufacturer, you cannot help but believe that the consumer has benefited.

I recall there were dire forecasts when this legislation was first brought forward, that it would result in chaos in the market place—it did not; that it would result in a reduction in the level of services—it has not done that; and that it would cause a demise of the individual specialty retailer—and it has not done that. All in all, I suggest to you that this legislation has been a great success.

But Senator McCutcheon asks: What can be done by this Government? What can the Registrar General do? What can his department do?

Hon. Mr. McCutcheon: What can he do now that he could not have done before? That is my question.

Hon. Mr. Everett: It is an interesting point. But I am more interested in what he is going to do. In Canada we do not face a monopoly situation but I think we do face what is called a situation of oligopoly. That is, a situation where you have a few firms in an industry and they are so few that they do not have freedom in independent price movement. When you watch the movements of prices in those industries, they tend to move together. This does not necessarily mean anything bad. It could mean that those industries are so competitive that when one raises his price it is because of a cost increase that is also attributable to the other members of that industry. But if without communication, without collusion, industrial oligopolies can move the price level altogether all at once, it may mean that they can tacitly exercise restraint on resale prices without entering into the normal agreements that are precluded by the act. What I am suggesting to you is that in Canada, where there are oligopolies, it is possible to circumvent the spirit of the resale price maintenance legislation.

I would like to mention three situations where it is possible and has been possible.

The first situation is where the action is within the letter of the law and of the section but not within the spirit. I refer to the case where the Shell Oil Company and the North Star Oil Company were involved before the Restrictive Trade Practices Commission. Normally, gasoline is sold to the retailer at a wholesale price. He then, under the resale

price maintenance legislation, is free to set his consumer price at whatever level he chooses, and according to the section no pressure may be brought upon him by the manufacturer. These oil companies developed what they called a consignment arrangement in which they said: "We don't sell you the gasoline; we put the gasoline in your tanks. You pump it through the pumps, but we don't sell it to you at all. We sell it direct to the consumer and we pay you a commission for handling this gasoline, and, therefore, since it is our gasoline we can set the eventual price to the consumer." And by a fiction they were able to circumvent the law.

The Restrictive Trades Practices Commission found and stated that they had circumvented the spirit of the law but that they were within the letter of the law. A reference has been made by the Registrar General to the Economic Council to investigate this to see whether there should be a change in the legislation.

The second situation is where tacit pressures by the oligopoly are exerted on the retailer. In the case I just mentioned, many major oil companies were involved in these consignment agreements that enabled them by the letter of the law to set prices. When the Report of the Restrictive Trades Practices Commission came out, when the Registrar General of this Government referred it to the Economic Council, most if not all of these consignment agreements disappeared. That was the end of them. They were no more; they went back to the old system; they discontinued. And yet, if you go round the city today and look at the price of gasoline, going from station to station to station, how much variation is there? Is there a tacit pressure now? There is an area where it is important for the Registrar General to have a good look to see if the pressures of an oligopoly can be tacit and just as effective as though they broke the law.

The third situation is a refusal to supply. Suppose you are not in the trade, but suppose you have a reputation for running your business efficiently, at a lower cost, and instead of taking that efficiency in profit or entirely in profit you pass a little bit of that profit on to the consumer in the form of lower prices, and suppose that is well known to the manufacturers in an oligopoly. Now, under section 32(3) of the Combines Investigation Act, a combination of these manufacturers to refuse entry to that person would be illegal, but the unilateral act of a manufacturer, if it were not part of a process of inducing resale price maintenance, is not illegal, and yet an oligopoly is quite capable of raising and lowering prices.

As honourable senators are aware, the lights have just gone out in the chamber. Did you turn off the power, Senator McCutcheon?

Hon. Mr. McCutcheon: I was tempted to.

Hon. Mr. Phillips: You are in the dark anyway.

Hon. Mr. Everett: As I say, an oligopoly is quite capable of raising and lowering prices. It is quite capable of doing it and can do it through its power, its tacit power on the retailer.

Hon. Mr. Connolly (Ottawa West): I think perhaps it is appropriate to remark, because the Senate Chamber is actually in darkness, that at least we can pay this tribute to honourable Senator Everett, that he is not reading his speech.

Hon. Mr. Phillips: Let him continue and we will see.

Hon. Mr. Everett: That is fair enough. So I say to you, honourable senators, that the retail price maintenance legislation has been a success, but we are in danger of seeing the spirit of that act contravened, and, if there is no other reason—and I told you at the outset that I would take only a small cranny of the act—to me it is an indication that what is required here in the area of consumer affairs is that it should be the concern of one man, one minister, one department in the Government, to see that these tacit pressures of the oligopoly cannot operate against the consumer.

Honourable senators, I do have certain suggestions for the Registrar General when he brings in his report. I hope that these suggestions will strengthen the operation of the Department of Consumer and Corporate Affairs. The first suggestion is that resale price maintenance legislation is criminal legislation. In order to prove a charge under the legislation you have to employ the normal evidence and burden of proof that is required under a criminal charge. This often makes it very difficult for a small person who has been wronged to adduce enough evidence to support a proper charge. Secondly, a criminal charge is a harsh answer to some of the actions that can be brought in resale price maintenance, and it seems to me that you are forced, then, only to act on the most blatant cases.

It seems to me that section 91 of the British North America Act, which has as a part the trade and commerce powers, could be invoked by the Registrar General. Legislation might be passed so that the present Combines Branch could investigate under the terms of that section. Then, normal evidence would apply and there would not be the burden of proof required by the criminal law and, secondly, it would permit persuasion rather than regulation, and, third, they could issue under this legislation, after investigation, cease-and-desist orders such as are issued by the Federal Trade Commission in the United States.

The second piece of advice that I have for the Registrar General is that he make an inquiry into this business of restricting people from entering a business. It seems to me that where an oligopoly exists in an industry, there should be a form of stricture against individual members of that industry refusing to sell to retailers and others who wish to enter the industry for the first time, especially if refusal to do so might unduly restrict competition.

It seems to me that both my suggestions are within the *dicta* of the Registrar General, and since he does not intend to tell the manufacturer what to produce, the retailer what to sell or at what prices to sell, the worker where to work or the consumer what to buy, but since he intends to release competitive forces, ensure fair selling, employ persuasion before regulation, then I suggest to honourable senators that the Department of Consumer and Corporate Affairs will be an outstanding success.

Hon. Muriel McQ. Fergusson: Honourable senators, first I would like to compliment the honourable senator who introduced this bill on the very excellent résumé which he gave of the events which led to having this bill considered by the Government and proposed as legislation. He gave a very fine explanation of the bill as well. I should also like to congratulate Senator Carter on his illuminating speech, and I think Senator McCutcheon's contribution was most interesting as well, although I cannot bring myself to agree with his arguments.

Hon. Mr. McCutcheon: You break my heart.

Hon. Mrs. Fergusson: I am sure that Senator Everett's suggestions will receive careful consideration by the Registrar General. I would also like to congratulate the Government on bringing forth this legislation which will establish a Department of Consumer and Corporate Affairs.

My best wishes go to the Registrar General who presented the legislation in the House of Commons.

As you all know, Section 8 (2) of the bill states

> The Minister shall perform the duties of the Registrar General of Canada.

And it would seem logical that he should be the first minister of this new department. This seems to me to be very fitting in view of the numerous speeches he has made over the past year to organizations throughout Canada, which show his deep concern and involvement in consumers' problems. His speeches in Parliament have also given evidence of this concern for the plight of the consumers of Canada and his desire to help them. I believe, with him, that the help the proposed department can give consumers will assist greatly in the battle against poverty—really our No. 1 enemy—that we are waging in Canada today. I think he should be given every encouragement in the work he is trying to do.

After I studied the bill, and after I read the speeches that were made about it in the other place and outside of Parliament, and the reports of the Economic Council, I am convinced that combining Consumer and Corporate Affairs in one bill is a reasonable, sensible and logical thing to do. However, I do not intend to enter into any argument about that, and it is only concerning the policies and the sections of the bill which deal with consumers that I wish to speak today.

The portion of the bill which deals with consumers is, as Senator Croll has said, doubtless the outcome of the studies and reports of the Special Joint Committee of the Senate and the House of Commons on Consumer Credit and Cost of Living, of which committee Senator Croll was the efficient joint chairman. Although I was not a member of that committee, I attended a number of the meetings and like the other members of this house, and also like many deeply interested people throughout all of Canada, I followed the activities of the committee by reading the verbatim proceedings and the press reports of its meetings.

I congratulate the joint chairmen, the honourable Senator Croll and Mr. Ron Basford of the House of Commons, for the accomplishments of the committee in bringing to the attention of the Government, and

of the people of Canada, many areas where Canadian consumers need more knowledge and assistance to enable them to protect themselves from frauds and health hazards, and to give them adequate knowledge so that they can spend their money to the best advantage in the maze of choices offered them in the marketplace today.

Every one of us, every one of Canada's over 20 million citizens, is a consumer. We are told that in this country personal expenditure on consumer goods and services is now $37 billion a year, and that it is over 60 per cent of our gross national expenditure. This is big business and deserves the most careful attention of government.

There was a time in this country, as Senator Carter said in his excellent speech, when the choices which consumers had to make to supply their needs for goods or services were limited. Then, if a consumer needed goods or services he could usually go directly to the person who produced the goods or supplied the services—and whom he probably knew personally or by reputation and on whom he could depend to deal fairly with him—and make his purchase.

Now with the tremendous variety in brands of all kinds of goods, with the lack of personal contact between the producer and the consumer, and with the competition for the attention of the consumer created by the advertising media, a purchaser is bewildered, and with his lack of expert knowledge is often unable to assess which of the articles or services offered to him would be best for him, which it would be more economical to buy, and which would really best fill his need.

Consumers, who are the largest group in our population, for they are all of us, have always had to look after themselves and have operated, as Senator Croll said, under the principle of *caveat emptor*—let the buyer beware! They expect to continue to do this but they want to know the best way to budget, to buy a home, to save money, invest in real estate, pick a mutual fund—

Hon. Mr. McCutcheon: This Government cannot tell anybody how to save money.

Hon. Mrs. Fergusson: Well, they can give advice on these things and they could certainly give them choices which they might not otherwise know about as to how to invest their money.

As I was saying, they want to know the best way to establish a life insurance or how best to choose among the many articles offered in a supermarket. Up to now they have received very little guidance from government to reach this aim. On the other hand, Canadian producers, manufacturers and many others have been well represented in government and have received much help financially and otherwise in carrying on their affairs.

It should be possible to develop a program of services for consumers comparable to those administered by the Department of Agriculture to serve farmers, by the Department of Fisheries for fishermen, and by the Department of Forestry for those who make their living from our forest products. Actually there is considerable legislation in our statutes that can benefit consumers, but through lack of a department charged to see that it is co-ordinated and enforced, consumers are not getting full benefit of it.

Professor W. J. Reddin of the University of New Brunswick, in my home city of Fredericton, has written a book entitled *Successful Spending, Saving, and Investing.* In the preface of this book Professor Reddin writes:

> In his book *American Capitalism* J. K. Galbraith introduces the concept of countervailing power. His thesis is that when one side of a market grows too strong, say through the formation of monopolies, another force grows to offset it, such as anti-combine legislation. The same principle applies to big business *vs* big labour and large food producers *vs* large food buyers, such as the supermarket chains.
>
> One purpose of this book is to create a little more countervailing power for consumers so that they can deal better with the enormous and variegated institutions which stand ready to do things with their money. Knowledge is power. This book is designed to equip the average consumer with more knowledge.

The present bill, brought forward because of recommendations and demands of many who have studied the problem, when passed will, I believe, provide countervailing power which will do much to put in balance the positions of the consumers of Canada and those with whom they must deal.

The Joint Committee of the Senate and the House of Commons on Consumer Credit and Cost of Living recommended the establishment of a Department of Consumer Affairs in their interim report of December 16, 1966, and their final report of May 8, 1967, as we

were told by the previous speakers in this debate.

The Economic Council of Canada may not have said this in so many words, but on page 21 of its interim report issued on July 12, 1967, it said:

> It is clear that there will be timely implementation of appropriate policies in the field of consumer affairs only if informed spokesmen for consumers are present to participate in the early stages of the Government's consideration of these matters.

Honourable senators, this can only be possible if there is a department whose responsibility is the protection of the consumer, whose minister can be a spokesman in the cabinet representing and pointing out the interests of consumers and watching proposed government legislation from the consumer's point of view.

Probably because 85 per cent of the purchasing power is exercised in Canada by women, it was women who were responsible for organizing in 1947 the Canadian Association of Consumers, which was called the C.A.C., for the purpose of giving protection and assistance to the consumer. This organization was referred to by Senator Carter.

In 1961 it was incorporated under the name of the Consumers' Association of Canada, still known as C.A.C., and it then opened its membership to men. This organization has done yeoman service for the consumers of Canada through its program of consumer education, and by acting as a channel of communication with governments and industry. This recognition of the need to help consumers was not a phenomenon peculiar to Canada, for in many other countries of the Western world organizations with similar aims were springing up and becoming an accepted way of life. There is now an International Office of Consumers Union, with its head office at The Hague, to which consumers' associations from at least 18 countries belong. Most of these member organizations have for their aims the testing of consumer products and the publication of the results of those tests. So far as I can learn, none are so well organized as our Consumers' Association of Canada, which has branches throughout the entire country and publishes a magazine, the *Canadian Consumer*, through which it does much to educate and enlighten its readers on consumer problems.

In the brief which the Consumers' Association of Canada presented to the Joint Committee on Consumer Credit and Cost of Living, they asked for a federal department of consumer affairs. They had discovered that many problems are far too complex to be handled in the time, much of it voluntary, and by the resources available to their organization. Also they discovered that even where solutions can be found, with legislative relief possible, it is necessary to appeal for action to a number of departments or authorities between whom there may not be any co-ordination and whose primary responsibilities are not the interests of the consumer.

To make it clear why there should be a separate department of consumer affairs in order that existing legislation can be used to the best advantage, I would like to read an item from the Montreal *Gazette* of Wednesday, January 25, 1967, which is a report of evidence given by Mrs. A.F.W. Plumptre, a past-president of the C.A.C., before the Joint Senate and Commons Committee on Consumer Credit and Cost of Living. Part of this report deals with matters that I am not discussing at the moment, but it states, in part:

> Mrs. Plumptre said federal protection given consumers has developed in "a haphazard way" over many years. In some areas it remained inadequate. Split or dual jurisdiction over matters of consumer interest often lessened consumer protection. As an example, she said the C.A.C. found in 1964 that some milk, fruit juice and other drinks were being sold in cartons that overstated the amount of the contents.
>
> In this case, the weights and measures division of the federal trade department, the federal food and drug directorate, the federal agriculture department and the provincial government agency for milk were all involved.
>
> The food and drug directorate told the C.A.C. it had been aware of the inaccurate labels for 10 years, Mrs. Plumptre said, and had been pushing for a correction.
>
> "The Canada Department of Agriculture had not considered this matter of importance and so nothing had been done. . . ."

The article also said:

> The C.A.C. had been pushing for better labelling of pesticides for some time, Mrs. Plumptre added, but this too had

been "bogged down in an interdepartmental morass." Yet poison control centres in 1964 reported 884 accidental poisonings from them.

The report also states that she said:

> With one minister fully responsible in all consumer matters, delays and obstructions could be lessened.

Honourable senators, as a former civil servant I can quite understand this, because each department is dedicated to its own special aims, the things for which it was set up and for which it is responsible, and it never gives priority to other matters. If something has to be neglected, it is not their own immediate aims but perhaps something that does not seem so important to them. I know of this myself, because contrary to the opinion that many people hold, I believe that the time of civil servants is very well occupied carrying out their own duties. I do not feel they have very much extra time and I do not think they should be criticized, even if they do not take up something which may be important but has nothing to do with the work of their own department.

The housewives of Canada who joined together to protest vigorously and successfully the high prices of food some time ago—although I do not remember that they demanded a department of government to protect consumers—certainly will welcome the establishment of such a department.

I am not as familiar with the Consumer Council of Great Britain and the Consumer Advisory Council of the United States as is Senator Croll, and for which he does not seem to have a particularly high regard, but we should remember that neither of these has the status or authority, and could not hope to do as much for consumers as the department which we hope will be set up under this bill when it becomes law.

From what I have read, I understand that these two councils—the Consumer Council of Great Britain and the Consumer Advisory Council of the United States—do serve a valuable advisory function, and I believe that it was after studying the work of these councils that the Economic Council recommended in their interim report of July, 1967, that the Government establish an advisory council at the same time that the Registrar General assumes increased responsibilities for consumer affairs. The Economic Council must have considered that these councils were worthwhile as advisory bodies, or they would not have considered that we should follow that pattern.

I would like to point out that the chairman of the Consumer Council of Britain is Baroness Elliot of Harwood, and in the United States the Executive Secretary of the Consumer Advisory Coumcil is also a woman, Miss Betty Furness. I suggest that when appointments are made to the advisory council which is to be set up under this act, the Government should bear in mind that 85 per cent of the buying in Canada is done by women, and that adequate representation should be given to them on the advisory council.

Honourable senators, you may remember that in 1962 President Kennedy of the United States stated what he considered to be the basic rights of consumers as:

1. The right to safety
2. The right to be informed
3. The right to choose, and
4. The right to be heard.

Canadian consumers should have these rights as well as people in other countries, and the passing of this bill will, I believe, do much to provide these rights to Canadian consumers. I have great pleasure in giving my support to the bill.

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

DIVORCE

RESOLUTIONS ADOPTED

The Senate proceeded to consideration of Resolutions numbered 364 to 429, inclusive, which were presented yesterday.

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, moved the adoption of the following resolutions:

Resolution 364, for the relief of Marianthi George Deskes Papagiotopoulos.

Resolution 365, for the relief of Thomas Soucy.

Resolution 366, for the relief of Marie Camille Andree Lise Elie Lamarche.

Resolution 367, for the relief of Marie Marguerite Jeanne (Jeannine) Simard Beland.

Resolution 368, for the relief of Robert Peotti.

Resolution 369, for the relief of Louise Fournier Archambault.

Resolution 370, for the relief of Norman Elwood True.

Resolution 371, for the relief of Bonnie Gale Allan Johnson.

Resolution 372, for the relief of John Sydney Roberts.

Resolution 373, for the relief of Joseph Laureat Rejean Pierre Germain.

Resolution 374, for the relief of Gilles Desnoyers.

Resolution 375, for the relief of Francesco Orefice.

Resolution 376, for the relief of Hyman Lazarus Shenker.

Resolution 377, for the relief of Marilyn Barbara Doreen Mary Watt Simpson.

Resolution 378, for the relief of Louise Dufort Houle.

Resolution 379, for the relief of Guy Bouthillier.

Resolution 380, for the relief of Eva Edna Harper Coates.

Resolution 381, for the relief of Eleanor MacDermid Robertson.

Resolution 382, for the relief of Jacqueline Bordeleau Myatte.

Resolution 383, for the relief of Nicholas Sutton Bradshaw Mack.

Resolution 384, for the relief of Andras Szabo.

Resolution 385, for the relief of Vera Barna Pinsonneault.

Resolution 386, for the relief of Andree Menard Provencher.

Resolution 387, for the relief of Patricia Violet Maxwell Pollington Frenneaux.

Resolution 388, for the relief of Joan Stephanie Jenkins Storey.

Resolution 389, for the relief of Anna Maria Simard Sansregret.

Resolution 390, for the relief of Claude Turcotte.

Resolution 391, for the relief of Clifford Keith Stuber.

Resolution 392, for the relief of Cecile Latendresse Benny.

Resolution 393, for the relief of Irene Apinis Gotshalks.

Resolution 394, for the relief of Rejean Berthiaume.

Resolution 395, for the relief of Joan Mimi Skinner Hanna.

Resolution 396, for the relief of Robert Alfred Pharand.

Resolution 397, for the relief of Alfred Falconio Maurice Cusson.

Resolution 398, for the relief of James Louis Burrows.

Resolution 399, for the relief of Ann Davidson Webster Bryce.

Resolution 400, for the relief of Clara Beatrice Jane Taylor Connor.

Resolution 401, for the relief of Warren Edward Watson.

Resolution 402, for the relief of Louis Pierre Tancrede Geoffrion.

Resolution 403, for the relief of Joyce Reardon Hachey.

Resolution 404, for the relief of Jacqueline Reny Gauthier.

Resolution 405, for the relief of Lucien Dolbec.

Resolution 406, for the relief of Doris Beverly Bronfman Kane.

Resolution 407, for the relief of Stefan Moldovan.

Resolution 408, for the relief of Raymond Albert Thomas Jack.

Resolution 409, for the relief of Paul Anthony Tarlo.

Resolution 410, for the relief of Brenda Fernyhough Bromage.

Resolution 411, for the relief of Eugenia Samotis Kuzyshyn.

Resolution 412, for the relief of Guy Lorrain.

Resolution 413, for the relief of Tatiana Boichuk Smith.

Resolution 414, for the relief of Mary Jane Ellen Mackie McKellar.

Resolution 415, for the relief of Marcella Carmel Corish Woods.

Resolution 416, for the relief of Eva Margaret Logan McCrimmon.

Resolution 417, for the relief of Helen Armstrong Jamieson.

Resolution 418, for the relief of Marjorie Carolyn Gliddon Schmidt.

Resolution 419, for the relief of Norman George Smith.

Resolution 420, for the relief of Joseph Eugene Yvon Ouimet.

Resolution 421, for the relief of Marie Magella Rejeanne Laplante Leduc.

Resolution 422, for the relief of Joseph Alfred Simard.

Resolution 423, for the relief of Monique Morin Bourdeau.

Resolution 424, for the relief of Judith Emily Coull Lebensold.

Resolution 425, for the relief of Gay Gabrielle Marie Annabella Delporte Laplante.

Resolution 426, for the relief of William Arnold Peak.

Resolution 427, for the relief of Doris Yvonne Bourget Melanson.

Resolution 428, for the relief of Roland George Commoy.

Resolution 429, for the relief of Joseph Fernand Jean Paul Mainville.

Resolutions adopted, on division.

GOVERNMENT EMPLOYEES COMPENSATION ACT

BILL TO AMEND—SECOND READING

Hon. Donald Cameron moved the second reading of Bill C-184, to amend the Government Employees Compensation Act.

He said: Honourable senators, this is a minor amendment and it is a natural outgrowth of the maturation of Canada. When the original statute was passed we did not have provision for people to be given leave of absence in order to take further training to improve their qualifications for employment, nor did we have many employees of the Government of Canada operating in what might be called hazardous climates, that is, in African and Asian countries.

The purpose of this amendment is to provide compensation for people who are undergoing training and re-training while on leave of absence from the Government, or by direction of the Government.

The second purpose of the bill is to extend the provisions of the act to those employees who may suffer disability or death as a result of the environment in which they are living.

Under the existing provisions of the Government Employees Compensation Act, employees of a federal department or agency are entitled to workmen's compensation benefits when they suffer personal injury by accident or industrial disease in the course of their employment. However, persons taking training courses organized by or for the government to fit them for employment in a department or agency of the Government of Canada are not employees within the definition of "employee" under the Government Employees Compensation Act.

Consequently, a trainee injured in the course of such pre-employment training does not qualify for workmen's compensation benefits under the act. Also, some departments have granted employees leave of absence without pay to allow them to engage in some recognized training activity to improve their skill and competence. In the process of this training such persons may be exposed to the risk of work injury associated with that kind of employment.

All provincial workmen's compensation legislation includes "apprentices" in the definition of "workmen," and in recent years coverage has been expanded to include learners. This general category includes persons engaged in diverse plans of training and other pre-employment activity that may expose individuals to the risks of work injuries.

With reference to this aspect, the Government Employees Compensation Act does not meet the standards of coverage contained in the Convention on Benefits in the Case of Employment Injury, adopted in 1964 at the 48th Session of the International Labour Conference. This is the only deficiency in the act in relation to that Convention, and it would seem appropriate that the Government of Canada should bring the provisions of the act into line with those of the I.L.O. Convention.

This is a very important amendment, but it is one that is in keeping with the times. This bill adds two extra subparagraphs to paragraph (c) of subsection (1) of section 2 of the act. The first new subparagraph, which is numbered (iii) reads:

> Any person who, for the purpose of obtaining employment in any department, company, corporation, commission, board or agency established to perform a function or duty on behalf of the Government of Canada, is taking a training course that is approved by the Minister for that person.

The new subparagraph (iv) reads:

> any person employed by any department, company, corporation or commission, board or agency established to perform a function or duty on behalf of the Government of Canada, who is on leave of absence without pay and, for the purpose of increasing his skills used in the performance of his duties, is taking a training course that is approved by the Minister for that purpose.

The second clause of the bill simply repeals section 7 of the act, and the substitution of a new section 7 to make the act applicable to those people who are engaged by the departments of External Affairs,

Trade and Commerce, and Labour. The employees of the Department of External Affairs would be those in the new and developing countries in consular or ambassadorial posts. The employees of the Department of Trade and Commerce would be those in commercial missions, and the act will now cover, because of the manpower legislation, those employees who are stationed in some of these countries in the course of their immigration and manpower duties.

Honourable senators, I commend these amendments to you, and urge you to support this bill.

Hon. John M. Macdonald: Honourable senators, as I am acting this afternoon for the Leader of Her Majesty's Loyal Opposition in this chamber I presume I can stand in his place.

Hon. Senators: Hear, hear.

Hon. Mr. Connolly (Ottawa West): This is not the first time your party has had a leader from Nova Scotia.

Hon. Mr. Macdonald (Cape Breton): No, and it will not be the last, either.

Honourable senators, as the honourable sponsor of this bill (Hon. Mr. Cameron) has pointed out, its purpose is a very worthy one. These amendments are made necessary by changing conditions—conditions that were not thought of at the time the act was placed on the statute books. However, there is one point that I should like to bring to your attention, and that is that the provisions of the bill are not retroactive—at least, as far as I can see. I am wondering if there are any people in these categories who will not be covered by these provisions, because they will come into effect only upon the passage of the bill through Parliament.

It might well be that there are people engaged outside of Canada who were taking these training courses and who should be compensated. If so, there appears to be no provision in this bill to cover them.

Another point about which I should like to ask the honourable sponsor is that section 7 mentions in paragraph (b) "any employee, except an employee engaged locally outside Canada". I was wondering just what that phrase "an employee engaged locally outside Canada" means. Such an employee, apparently, will not be covered by the provisions of the act.

Leaving aside those two points, I believe these amendments are good and I see no reason for sending this bill to committee. Its provisions appear to be very clear.

Hon. Mr. Cameron: Honourable senators, I am not a lawyer, but I would think that there might be a possible retroactive provision in the new section 7, because it provides:

> The Governor in Council may make regulations prescribing the conditions under which compensation is to be payable—

I would think that that would make it possible to take care of such cases as Senator Macdonald (Cape Breton) mentioned, and which, of course, is desirable.

As to the meaning of the phrase, "any employee, except an employee engaged locally outside Canada," my interpretation would be—and I would be subject to more legal expertise—that this would not be a Canadian citizen but rather somebody employed as a labourer or someone who was a native of the country in which the employment takes place.

Hon. Mr. Macdonald (Cape Breton): Would he be covered by the local workmen's compensation act, I wonder?

Hon. Mr. Cameron: The compensation act applies under the I.L.O. Convention. He would seem to be protected under that section.

Hon. Mr. Grosart: If I understood Senator Cameron correctly, I would hope that he may have been misinformed. I should not like to believe that it is possible for the regulations under an act of this Parliament to give the minister the power to make it retroactive.

Hon. Mr. Cameron: I said that I yielded to people who have more knowledge of the law, but there is nothing in the act dealing with retroactive features, unless it comes under the clause that revises section 7.

Hon. Mr. Roebuck: May I ask a very simple question? Does

> Any person who, for the purpose of obtaining employment in any department, company, corporation

apply to any company, or is that only Crown companies?

Hon. Mr. Cameron: Again I would interpret it as a Crown company or one engaged in work for the Government.

Hon. Mr. Roebuck: That may be any company which is engaged in working for the Government.

Hon. Mr. Macdonald (Cape Breton): It applies only to Government employees. It could only be Government corporations, I would think.

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. Cameron: Honourable senators, I move that the bill be placed on the Orders of the Day for third reading at the next sitting.

Hon. Mr. Aseltine: I think the bill should go to a committee. Several important questions have been asked but they have not been answered to my satisfaction. I am not quite sure that this bill is not retroactive in many of its features, and I am not satisfied with the answer to the question as to people who are engaged locally outside of Canada. I would not agree to it being given third reading at the next sitting as suggested.

Hon. Mr. Connolly (Ottawa West): Honourable senators, if the honourable Senator Cameron does not mind my intervening at this point, I think the honourable Senator Aseltine has a very valid point. I think this bill should go to a committee in view of the questions asked by Senator Macdonald (Cape Breton). I was going to suggest that it might be satisfactory to have the information supplied to the house before third reading, but personally I would prefer the matter be referred to a committe, if it would be satisfactory to the sponsor (Hon. Mr. Cameron).

Hon. Mr. Cameron: I would be quite happy to do that, and suggest that it go to the Standing Committee on Civil Service Administration.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Cameron, bill referred to the Standing Committee on Civil Service Administration.

INDUSTRIAL DEVELOPMENT BANK ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Daniel A. Lang moved the second reading of Bill C-164, to amend the Industrial Development Bank Act.

He said: Honourable senators, this is not a bill involving any complicated matters and I should be able to deal with it very shortly. My friends opposite might be pleased to know that there is no question of ministerial discretion involved or any other problems of that nature.

The bill has two purposes. First it provides for the inclusion on the board of the Industrial Development Bank of the representation by the Deputy Minister of Industry, and secondly it provides for an increase in the authorized capital of that bank from $50 million to $75 million.

By way of background I might remind honourable senators that the Industrial Development Bank was incorporated in 1944 for the purpose of making medium and long-term loans to persons who were unable to obtain the loans elsewhere on reasonable terms, with particular emphasis on the needs and requirements of small businesses in Canada. Originally this bank had severely restricted powers in connection with the carrying on of its business and it was limited to making loans in the field of manufacturing. The power to make loans in other areas has been given to the bank from time to time and in the year 1961 practically all restrictions on its areas of activity were removed.

Over the years the business of this bank has expanded, particularly since 1961, and after the restrictions on its lending abilities were removed, when its business did expand quite remarkably. To point this up I might say that in its fiscal year ended September, 1966, the number of loans granted was up six per cent over those of the preceding year, and up 12 per cent over the year 1964. The dollar value of the moneys loaned in that fiscal year was up 28 per cent over that of the preceding year, 1965.

Turning to the bill itself, clause 1 provides for the inclusion on the board of directors of the bank of the Deputy Minister of Industry. The board of the Industrial Development Bank at present consists of those persons who are members of the board of the Bank of Canada and the Deputy Minister of Trade and Commerce. The amendment contained in clause 1 increases that board by adding thereto the Deputy Minister of Industry.

Clause 2 follows from clause 1 and includes the Deputy Minister of Industry among those persons who are not entitled to be paid fees for their services as directors of the bank.

Clause 3 substitutes the Deputy Minister of Industry for the Deputy Minister of Trade and Commerce on the membership of the executive committee of the board of the bank.

Hon. Mr. Pearson: Why the Deputy Minister of Industry rather than the Deputy Minister of Trade and Commerce?

Hon. Mr. Lang: It is felt that today the operations of the bank are more closely allied with the concern of the Minister of Industry than with the area of responsibility of the Minister of Trade and Commerce. Your question might be extended further, as to why not just add the deputy minister to the board rather than substitute him for the Deputy Minister of Trade and Commerce. I understand that if that were done the balance of the executive committee of the board as between civil servants and outside people, would be disturbed.

The next clause in the bill merely follows from the change in the composition of the executive committee and gives power for alternates to act in the absence of the deputy ministers either from the executive committee or from the board itself.

I mentioned a few moments ago that the business of this bank had expanded over the years, and this has brought on the necessity for clause 5 of this bill, which provides for the increase of its authorized capital. The authorized capital of the bank at the present time is $50 million, which is all paid up and subscribed for by the Bank of Canada as provided under the act. The bank has a reserve fund of $20 million, for a total of $70 million. With the powers that it now has under the act, five times that aggregate, or $350 million, is the maximum amount of money that it can borrow by way of debentures.

Again, the aggregate of its borrowing power, that is, $350 million, plus the aggregate of its paid-up capital and reserve accounts, sets its lending limits or ceiling.

As honourable senators will understand, with a little bit of arithmetic this will throw up the figure of $420 million. In other words, the maximum amount of money that the Industrial Development Bank can lend at the moment, is $450 million. In fact, the bank now has $389 million out by way of loan. So honourable senators will appreciate that it is getting very close to its ceiling.

With an annual increase of approximately $122 million a year in business available to it, less the repayment of other loans, which annually is now coming in at approximately $61 million, an increase in one year of $61 million would be necessary. So you will see that it could be anticipated that almost before another year is out, the bank will have either to curtail its business or exceed its powers.

Hon. Mr. Aseltine: Has the bank had any losses?

Hon. Mr. Lang: I would assume that it has had. Did the honourable senator mean in terms of loans that went bad?

Hon. Mr. Pearson: Yes.

Hon. Mr. Lang: I think it would be very extraordinary if a bank of this size and volume of business did not experience some bad debts.

Senator Cook asks me if the bank is making money. I repeat that I think it is making money, but I do not expect it makes as much money, related to its paid-up capital, as an ordinary chartered bank. It is making money, but I think you will find that the return on its invested capital is considerably less than that of an ordinary chartered bank.

Hon. Mr. Aseltine: Or of the Bank of Canada?

Hon. Mr. Lang: That is a different kind of bank; it is not in the field of consumer loans. This bank is of course in that area. It is specifically charged with extending loans to persons who are unable to get loans through the normal channels, that is, through the ordinary banks or through finance companies, on terms that are reasonable.

Honourable senators, I would again refer to the bill itself. Clause 5 is the clause which increases the authorized capital from $50 million to $75 million. This is the second increase in authorized capital, the preceding one being from $25 to $50 million, which was provided by legislation in 1961.

Clause 6 increases the borrowing power of the bank by doubling the ratio between its ceiling and its paid-up capital plus reserve account. Under the act as it now stands, and as I mentioned before, the bank has power to borrow money up to five times the aggregate of its paid-up capital and reserve account, namely, to the extent of $350 million. Under Clause 6, this borrowing power is doubled; so in fact the bank can borrow money up to ten times the aggregate of its capital and reserve account.

Accordingly, honourable senators will see that, with an authorized capital—and when it is paid-up by subscriptions from the Bank of Canada—of $75 million plus a reserve account of $20 million, making an aggregate of $95 million, the borrowing powers will be ten times that $95 million, or $950 million. Therefore, the ceiling of the bank's lending power, under this bill when it becomes legislation, will be $1,045,000,000, being an increase to that figure from the present ceiling of $420 million.

Hon. Mr. Pearson: When was the last time that they had a capital increase in Canada?

Hon. Mr. Lang: 1961.

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

EMERGENCY GOLD MINING ASSISTANCE ACT

BILL TO AMEND—SECOND READING

Hon. John J. Connolly moved the second reading of Bill C-155, to amend the Emergency Gold Mining Assistance Act.

He said: Honourable senators, the Emergency Gold Mining Assistance Act will expire on December 31, 1967. The purpose of the legislation before us now is to extend the assistance given under this act for three more calendar years, namely, 1968, 1969 and 1970. That is what is done by the one-page bill which honourable senators have before them.

The act was passed originally in 1948. That was a good many years before I first came to the Senate. I can remember in my early days here Senator Joseph Bradette from Cochrane, who took a very active interest in the mining community of the country as a whole, sponsoring and explaining the purpose of this legislation. Since then he has passed on, and this legislation has passed into other hands, into the hands of other people from mining communities in different parts of the country. I do like to remember Senator Joe Bradette because he was such a friend of everyone in this chamber. He had been a parliamentarian for many years and he had friends wherever he went.

Honourable senators, as I have said, the legislation was originally passed in 1948 and its purpose had been to assist operators to counteract to a certain extent the effects of the increased costs of production which they have encountered in their operations and to counteract also a fixed price which prevails for gold.

Honourable senators know the price per ounce which the United States authorities pay is $35, United States. The price in Canada varies between $37.46 and $38.22 per ounce. Representations have been made to the Government by the ministers of mines of the various provinces affected, and by the municipal authorities in the areas in which these gold mining operations are conducted for a continuation of the assistance. The withdrawal of the assistance at this time, I am informed, would result in the termination of operations of 28 out of the 37 lode gold mines which were in operation in 1967. To prevent the social and economic dislocations which the withdrawal of the assistance would bring about, it is proposed the act be continued.

As honourable senators know, there has been a gradual decline in the gold mining industry in recent years owing to rising costs and also because of the fixed price for gold which has been set in the United States. I have a table which I should like to place upon *Hansard,* if I have consent. It is a short table which deals with lode gold mines and with the number in operation in the various years shown, as well as the number of men employed and ounces produced, and the number of ounces produced from all sources.

Since I refer specifically to lode gold mines, perhaps I should mention that the other two sources of gold are the placer mining activities and the incidental by-product activities. The placer mining activities are located mainly in British Columbia and the Yukon—certainly in western Canada. These are, of course, seasonal because the rivers and creeks where this work is conducted are frost bound for many months of the year. The other source I referred to, for which there is no assistance provided under this act, is where gold happens to be a by-product of the main mineral in mining operations and when the gold is processed only as a secondary result of those mining operations.

Might I have permission to place on *Hansard* a short table giving the information for the years 1948, 1950, 1955, 1960, 1965 and 1967?

Hon. Mr. Macdonald (Cape Breton): May I ask if that is the same table which the Minister of Energy, Mines and Resources placed on *Hansard* in the House of Commons?

Hon. Mr. Connolly (Ottawa West): It is.

Hon. Mr. Macdonald (Cape Breton): Agreed.

Some Hon. Senators: Agreed.

(*The table follows*)

LODE GOLD MINES

	Number of Mines in Operation	Number of Men Employed	Ounces Produced	Number of Ounces Produced from All Sources
1948	87	22,566	3,081,113	3,529,608
1950	83	22,491	3,764,757	4,441,227
1955	61	18,032	3,866,124	4,541,962
1960	55	16,542	3,930,366	4,628,911
1965	55	12,520 (est)	2,958,874	3,606,031
1967	40	10,500 (est)	.....	.....

Hon. Mr. Connolly (Ottawa West): Honourable senators, I should like to say a total of $231 million plus has been paid to the gold mining operators from the time this act was originally passed up to and including March 31, 1967. The amount of assistance for the year 1967 is estimated at approximately $15 million. For the same reasons that can be assigned to the attrition in previous years, it is expected that in future years there will be a decline in the assistance paid and, indeed, in the amount of gold mined.

Hon. Mr. Aseltine: How is that assistance apportioned?

Hon. Mr. Connolly (Ottawa West): I am coming to that point, senator, if I may just proceed to it in the normal course of my remarks.

Now, I would like permission, and I think it would be of assistance to the Senate if I were to do so, to place on *Hansard* a table for the years since the time the act was first passed, namely, 1948 up to 1966, showing the number of mines in each year, the assistance paid to the end of March in each of these years, the ounces produced eligible for assistance and the assistance paid per ounce produced.

Some Hon. Senators: Agreed.

Hon. Mr. Connolly (Ottawa West): Perhaps I could tell honourable senators that the assistance in 1948 per ounce produced was $3.33; it rose to a high in 1966 under this table of $6.63. It varies. There was one year, namely 1950, when it fell to $2.55, and, in fact, I do not think it has been consistent in any two years, but has varied according to the actual production.

(*The table follows*)

Designated Year	Number of Mines	Assistance Paid to the End of March 1967	Ounces Produced Eligible for Assistance	Assistance Paid per Ounce Produced
1948	117	$10,546,315.84	3,164,388.425	$3.33
1949	122	12,571,456.90	3,613,713.253	3.48
1950	106	8,993,490.51	3,521,860.254	2.55
1951	97	10,728,503.71	3,255,244.876	3.30
1952	86	10,845,978.62	2,889,937.597	3.75
1953	96	14,680,110.42	3,177,383.745	4.62
1954	86	16,259,179.23	3,793,783.453	4.29
1955	72	8,885,478.73	2,992,472.336	2.97
1956	68	8,667,235.38	2,505,696.226	3.46
1957	62	9,679,753.32	2,730,271.350	3.55
1958	67	11,420,463.70	2,660,690.496	4.29
1959	68	12,001,753.43	2,442,642.876	4.91
1960	70	12,362,517.59	2,461,386.530	5.02
1961	68	12,666,658.77	2,389,757.710	5.30
1962	67	14,355,013.49	2,330,440.182	6.16
1963	72	14,319,757.65	2,599,266.464	5.51
1964	69	15,436,154.88	2,647,819.881	5.83
1965	66	14,826,633.78	2,427,034.066	6.11
1966*	38	11,777,816.65	1,776,265.143	6.63**

*Represents assistance paid to mines whose 1966 applications were processed prior to March 31, 1967.

Hon. Mr. Connolly (Ottawa West): Perhaps I should add, honourable senators, the total number of ounces of gold produced in Canada from all mines, including those mines where gold results as a by-product from the process conducted in the mine, fell from 4.6 million ounces in 1960 to 3.3 million ounces in 1966.

The present level of assistance will be maintained. The information given to me is that the rate of assistance—and this perhaps will answer Senator Aseltine's question—is two-thirds of the amount by which the cost per ounce exceeds $26.50 up to a maximum of $12.33 per ounce. And as I have just indicated from the table I filed, the actual amount of assistance per ounce in 1966, which was the last year shown on the table, was $6.63. The average certainly has not been exceeded as the ceiling of assistance per ounce would be $12.33. The number of assistance ounces is two-thirds of those produced and sold to the Canadian Mint.

Obviously, there is a widespread concern for the welfare of the communities which are dependent upon the workings of gold mines. The Department of Industry is concerned, and some of its programs are designed to try to diversify the forms of employment that exist in these areas so that displaced gold miners will be able to transfer their services from the gold mining industry into other industries which are perhaps more promising.

The new manpower programs which are operated by the Minister of Manpower and Immigration are also designed to retrain people who may be dislocated as a result of the closing down of gold mining operations. I am imformed that there are some 20 communities in Canada whose economic support is derived almost entirely from the operation of gold mines. It is estimated that in 1966 the population of these communities exceeded some 80,000 people. The immediate closing down of these mines would be a serious problem in the areas affected.

In view of the number of times this type of legislation has been before the house, there is little more I need to say. Honourable senators, if there are questions I can answer I would be happy to do so. If anybody desires the bill to go to committee there certainly would be no objection to that.

Hon. Mr. Pearson: Would it be possible to find out the number of ounces of gold produced in 1948 when this Emergency Gold Mining Assistance Act first came into effect?

Hon. Mr. Connolly (Ottawa West): Unfortunately I have given the table which contained that information to the reporter.

However, it will appear in tomorrow's edition of *Hansard*.

Hon. Mr. Pearson : All right, thank you.

Hon. John M. Macdonald: Honourable senators, as has been pointed out, the purpose of this bill is simply to extend for another period of three years the provisions of the Emergency Gold Mining Assistance Act.

Hon. Mr. McCutcheon: It has been a long emergency.

Hon. Mr. Macdonald: I think we should drop the word "emergency" because I have no doubt that when the three years have expired we will be extending it for another term.

I suppose that for anyone not familiar with the reasons for this legislation it would appear strange that the mining of gold should need assistance. Gold is the very symbol of wealth—indeed it is considered to be wealth—and one would normally expect the mining of gold to be a profitable operation. Yet it is an acknowledged fact that since 1948 gold mining in Canada has had to have government assistance if the industry was to survive. There are good reasons why this is so. These reasons have been stated and I will not repeat them. To my mind that gold mining has to be assisted is a good illustration of the vast complexity of our economic system. Actually I suppose one should not be surprised that this industry needs some assistance, for there are but few industries in Canada which did not have assistance from some level of government at one time or another. Of course it is always interesting to examine the principles under which the granting of such assistance was justified or at least explained. Certainly from very early times—indeed since Confederation—the Government of Canada has followed a policy of giving assistance to certain kinds of industry. This was done in various ways. In some cases it was done by way of tariff protection, sometimes by subsidies of one kind or another, or perhaps by direct monetary grants or by the building of certain kinds of public works. But no matter how it was done I expect the principles which justified the policy were that certain industries were necessary for the development of the country, or for national defence, or to aid in the transition of the economy from an agricultural to an industrial one, or to bring employment.

I expect it was not difficult to justify under such principles the massive aid given to the transportation industry, to the motor vehicle industry and to the manufacturing industries of central Canada. However, honourable senators, when we examine the Emergency Gold Mining Assistance Act we see that another principle has been followed to justify this aid to the industry. I do not know if this principle was followed prior to the 1948 legislation, though without any doubt it has been followed since that time. And the principle behind the act of 1948 was and is a deliberate policy of government which has been followed when necessary ever since that time. It is not easy to formulate the principle involved in concise terms.

I believe that principle to be that the people of a community where an industry is the sole or major source of employment for such community are entitled to have government assistance given to that industry when it cannot continue to operate without such assistance, to the end that employment will be provided and the social capital of such community will not be lost. In other words, if the industry is one which provides all or most of the employment in a community then that industry must not be allowed to collapse if some assistance from government can keep it in operation until alternative sources of employment can be provided or found in or near the community in question.

I thought the Minister of Energy, Mines and Resources stated the principle very well in his speech on the resolution stage of the bill. And I would like to give a short quotation from that speech. It is this:

> There are 20 communities in Canada whose economic support is derived almost entirely from the operation of gold mines. We have estimated that in 1966 the population of these communities exceeded 80,000. This social factor represents, of course, the major cause for the present legislation, as it did for the legislation introduced a few months ago in connection with the Cape Breton coal mines—

Further on in the same speech he said, and again I quote because I believe it can bear repetition:

> Without assistance the mines would have been forced to close. Extensive economic and social dislocation would have followed the abrupt closure of so many mines. The purpose of the legislation was to extend the life of the gold mines and thereby allow their dependent communities to adjust gradually to diminishing

> economic support. May I emphasize that the purpose of the legislation is not to increase the number of gold mines in Canada but to permit a slow decline with a view to protecting the communities rather than the operators of these mines—

The minister again emphasized the principle involved when on second reading of the bill he said, and again I quote:

> May I repeat that our concern, at this time, lies with the communities that are dependent on gold mining and with the economic and social dislocation which would occur in them if most of the gold mines were forced to close through a withdrawal of assistance.

So, it is very clear that as far back as 1948 in any event, it has been a recognized principle that the Government of Canada would give financial assistance to any industry to keep it in operation when such industry was indispensable to a community. The assistance would be provided for the benefit of the people of the community, to give them employment, to save their social capital.

Honourable senators, personally I believe this to be a good policy. I believe it is a policy which has the support of the Canadian people. Such policy is a recognition that the welfare of people takes precedence over the uncontrolled workings of the so-called laws of economics. And, if I might digress here for a moment, I am always amazed and indeed amused when I see the importance some people attach to these economic laws. They give to them a blind obedience and a reverence which they would not think of giving to the laws of man or to the laws of God. I always strongly suspect that such outdated views are used to justify a lack of policy or a lack of action on a particular problem.

However, to get back to the bill before us, in my view the act which it amends does more than proclaim, as it were, that we place the welfare of people over and ahead of any slavish adherence to the so-called economic rules or laws. The act of 1948 and the amendments provide very practical assistance to the gold mining industry. As has been said by the Leader of the Government, up to March 31, 1967, a total of $231 millions had been paid out under the authority of the legislation and an estimated further $15 million would be paid out during the fiscal year ending next March 31.

This would seem to be a large sum of money, and of course it is, but it must be remembered that it has been paid out since 1948, so that the annual payment has not been very large. The payments have also to be considered from the point of view of the good which was accomplished by them and the benefits they brought to the communities involved. From what I can gather, the payments made under the Emergency Gold Mining Assistance Act have been very worthwhile and of great benefit to the communities immediately concerned.

The results have justified the expenditures. As has already been stated, in 1948 there were 87 lode gold mines in operation, employing over 20,000 men. One can very easily imagine what would have been the result if 87 gold mines had closed abruptly, throwing over 22,000 men out of work. The economic and social dislocation would have been enormous, and it would have meant the ruination of the communities involved, with a total loss of all they had invested over the years in churches, schools, hospitals, municipal and other services. And I think we should remember too that the yearly amount spent by the Government of Canada in assistance to the gold mining industry and, indeed, to other industries, is very small in proportion to total Government expenditures; and it is certainly not large when compared with other expenditures, such as foreign aid, defence, the C.B.C. and various public works.

So I submit to you that the principle of providing assistance to industry, when necessary in order to protect the community where such industry is located, is well established and well recognized. It is a logical development of the operation and expansion of the activities of Government and, indeed, the development has proceeded further. For example, when the Cape Breton Development Corporation was established we saw a Crown corporation set up to phase out the operation of coal mining and also to attract new industry to replace the sources of employment being done away with. I think this is a good development and one which has the support of all fair-minded people. I believe it is the responsibility of Government to assure there will be a well-balanced growth of all regions of Canada, and let no one say it cannot be done in this day of scientific and technical knowledge and progress. Surely it is not beyond our human and material resources to see to it that each and every region of our land can support its people, without moving them about like a band of wandering gypsies. It would be a sad and deplorable state of affairs if some regions of Canada were

allowed to become deserted or inhabited only by the very old and the very young through lack of employment opportunities for those of working age. It would be a sad and deplorable state of affairs were the population of Canada to be concentrated in a few prosperous regions.

So, honourable senators, believing as I do that this bill and the act it keeps in force to be worthy of support, I am wholly in favour of it. And, may I add, on reading the speeches of the Minister of Energy, Mines and Resources on this legislation, I was greatly impressed by his high-minded approach to the problem involved and by his clear statement of the policy being followed. It was so different, so much more enlightened, so much more progressive than the narrow-minded attitude of certain people who have no vision, who have no faith in Canada, who say that this type of legislation is but economic folly and whose solution is, "Move the people!"

Honourable senators, I commend this legislation and support it.

Motion agreed to and bill read the second time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. John J. Connolly: Honourable senators, after the rousing and exciting speech of the Acting Leader of the Opposition, I gather the sense of the house is that it is not necessary for this bill to go to committee. That being so, I would move that it be placed on the Orders of the Day for third reading at the next sitting.

Motion agreed to.

The Senate adjourned until Monday, December 11, at 8 p.m.

27059—43½

THE SENATE

Monday, December 11, 1967

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

Prayers.

DOCUMENT TABLED

Hon. Jean-Paul Deschatelets tabled:

Report of the Commissioner General for Visits of State 1967. (English and French texts).

JUDGES ACT

NEWSPAPER ARTICLES

On the Orders of the Day:

Hon. Jean-François Pouliot: Honourable senators, in the *Hansard* of December 6 two letters to a newspaper concerning the appointment of judges were printed as an appendix. I have here two letters which would be a sequence to them. One is the only letter I have received from a judge, after the publication of those articles. The other is a letter which I wrote to the judge to thank him for his letter. They complete the articles which have been already published. Would my honourable colleagues have any objection to their publication as an appendix to the *Hansard* of today?

The Hon. the Speaker: Would the honourable senator clear up a matter which has occurred to me? Does the honourable senator intend, if there is further correspondence in connection with this, to repeat his request?

Hon. Mr. Pouliot: No, Mr. Speaker. These letters finish the series.

The Hon. the Speaker: Is it agreed that these letters be published in *Hansard*?

Hon. John M. Macdonald: Mr. Speaker, the only thought that occurs to me is this. Is the other party agreeable to having them made public?

Hon. Malcolm Hollett: Honourable senators, I would say that a letter sent to any of us should be submitted to the Leader of the Government for his appraisal before we agree to having it put in *Hansard*. I might rise tomorrow and ask for permission to put in *Hansard* two or three letters which I had received from somebody. I think we should have at least the approval of the Leader of the Government in this matter.

The Hon. the Speaker: In the circumstances under which the Senate is meeting this evening, would the honourable gentleman agree to postpone his request until the next sitting of the Senate?

Hon. Mr. Pouliot: I am always agreeable to accepting any suggestion from the Chair.

The Hon. the Speaker: Thank you very much.

DEFENCE PRODUCTION ACT

BILL TO AMEND—THIRD READING

Hon. Jean-Paul Deschatelets, for Hon. Mr. Connolly (Ottawa West), moved the third reading of Bill S-28, to amend the Defence Production Act.

Hon. Jean-François Pouliot: Honourable senators, I rise with reluctance to oppose that measure. I believe that we live in a free country, and I will explain to you why I take such action. The matter of unemployment has been a political football for many years —especially so in the early thirties, when unemployment was created for political reasons and there were men who were paid to wear buttons with the inscription, "Unemployed".

Hon. Mr. Deschatelets: Would the honourable Senator Pouliot permit me a question? Is he speaking on the first item on the Order Paper having to do with the Defence Production Act or to the second item the subject of Manpower and Immigration?

Hon. Mr. Pouliot: I wanted to speak on the Manpower and Immigration Bill.

Hon. Mr. Deschatelets: That is the second item, senator.

Hon. Mr. Pouliot: Thank you. I am always ahead of my time.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read third time and passed.

CANADA MANPOWER AND IMMIGRATION COUNCIL BILL

THIRD READING

Hon. Earl A. Hastings moved the third reading of Bill C-150, to establish a Canada Manpower and Immigration Council.

Hon. Mr. Pouliot: Honourable senators, in the first place I wish to congratulate Senator Hastings for the good presentation that he made when he sponsored this bill and for the explanation that he gave in committee the other day. I am not a member of the committee, but I have attended some of the sittings and I have been most interested to read the whole report of the committee in which this bill has been debated.

Now, this is a new policy in times of retrenchment, and how can we expect any retrenchment when so many people are to be appointed, even temporarily, for part-time work? I wonder why so many new organizations are created to do things that could have been done by one, two or three persons. As I look at it I am rather surprised to see the number of people who will be employed there.

It is only natural, honourable colleagues, that every one of us, that every Canadian citizen, man or woman, should take an interest in the underprivileged and try to do something for them. It is human charity and fraternity at its best. How is it to be done? It has been done and must be done with intelligence and with the same determination to help those who are in need, especially in our own country when we are doing so much for other countries.

A moment ago I referred to what happened in the early 1930s when unemployment was created for electoral propaganda. At first it was not a very complicated affair, as the Minister of Trade and Commerce, Mr. H. H. Stevens, said in *Canada, 1930*, a book that was published by the Department of Trade and Commerce. He said in that book that there was no unemployment. But gradually unemployment became a very serious matter for Canadians, and there were camps organized for youths and young men who were paid 10 or 20 cents a day to work in those concentration camps. And this was supposed to relieve unemployment. Mr. Bennett, who was Prime Minister, said with emphasis "I will end unemployment" when unemployment did not exist. But when it existed he could not cope with it. This happened more than 37 years ago and we can talk of it freely without offending our colleagues who belong to the Conservative belief, but history and truth have their rights, and those things must be remembered now.

There is one thing I am embarrassed to tell you. It is that the question of unemployment in 1935 when it was a crucial issue was dealt with by three people. And I will tell you with what success. I am embarrassed to tell you about that, but I must remind you of the history of the Liberal party, which is also the history of Canada for that time.

As a Member of Parliament in the House of Commons, I asked the then Minister of Labour, and I asked all the members of the cabinet from the Prime Minister to the last one sworn in, what was the number of unemployed, and what was their occupation before becoming unemployed. They said that they did not know; and they referred me to the statistics of 1931, when there was no unemployment.

Then I made the decision to write to each one of the mayors of 68 of the most important Canadian cities from Halifax to Victoria in order to obtain that information. It took some time to get it, but I asked them how many unemployed there were in each of those cities and what were their occupations before becoming unemployed. At first some of the mayors were rather reluctant to answer me, but for the Province of Ontario I obtained some very important statistics from the former mayor of the City of Windsor, who was then Minister of Labour in the Hepburn government. He had had the foresight to get that very information from each of the cities and towns of the Province of Ontario. This was in 1935, one year after he had been sworn in as Minister of Labour, and I must pay a public tribute of gratitude to him today. I speak of my colleague, the honourable Senator Croll, and he must remember that event.

Naturally, Paris was not built in a day. It is very difficult when one is alone to do a work of such magnitude, covering the whole country, but I always had a gifted secretary, and the one I had at that time was a very bright woman. I also had some help with the tabulation from a friend who was in the Dominion Bureau of Statistics. I had some difficulty with the gentleman who had succeeded Mr. Croll as Mayor of Windsor, and with the then Mayor of Toronto, who both belonged to labour unions. However, finally, I put them to shame, and succeeded in getting the information I needed to complete my work. Then I had the report, which I hold in my hand, mimeographed by departmental staff outside of the knowledge of the Government of the time, and they worked in a Senate room that I was authorized to use by the then Clerk of the Senate. It was the Railway Committee Room on the third floor of the Senate, and was right in front of my office.

I made that report, and I distributed a copy of it to each member of the House of Commons. This was at the time that Mr. Bennett was Prime Minister. I distributed copies gratis to Mr. Bennett, to his colleagues, and to each one of my fellow colleagues of the House of Commons.

My idea was that it is impossible to do anything for the unemployed, and to give them work, unless one knows what is their training, what was their occupation before they became unemployed, and what they are willing to do if they can be employed. I had that information given in various manners, and that is why I had some difficulty in tabulating it. However, the tabulation was done by cities and by provinces. There were tabulations showing what was the need of the unemployed within certain areas, which were the Maritime provinces, Quebec, Ontario, and the West.

The Honourable C. D. Howe, who was a man of experience, wrote me this letter:

> Dear Mr. Pouliot:
>
> Please accept my best thanks for a copy of your memorandum dated June 8, 1935 on unemployment.
>
> I have read this with a great deal of interest, and am going through it again to make notes for use in my election campaign. It is the most complete analysis of the situation that I have seen, and will be exceedingly useful to me.
>
> Yours sincerely,
>
> C. D. Howe

The election took place, and the Government was defeated. Then, on March 9, 1936, at page 919 of the House of Commons *Hansard*, the Honourable Norman Rogers, who was Minister of Labour, spoke as follows:

> If we are to deal with this problem...

Hon. Mr. Aseltine: I object to the honourable senator's reading from the House of Commons *Hansard*. It is not in order to do that.

Hon. Mr. Pouliot: Then, I shall not read it. I will tell you what he said. He said that this report which had been dictated by one person, typewritten by another person, and computed by a third person, was the basis of the policy of the Government. He then had a copy of the report printed by his department and distributed again to all the members of the new House of Commons.

When I look at the bill it is very interesting. We see the number of part-time bureaucrats who are supposed to be employed. Under section 3, the council will consist of a chairman and not more than 15 members to be appointed by the Governor in Council, and each of the chairmen of the advisory boards established under Part II. That would be one chairman and 15 members, making 16, plus four chairmen of advisory boards, making 20 persons, to start with.

If we look at section 12, there will be an Advisory Board on Adult Occupational Training, an Advisory Board on the Adjustment of Immigrants, an Advisory Board on the Co-ordination of Rehabilitation Services for Disabled Persons, and an Advisory Board on Manpower and Immigration Research, making four boards. Subsection 3 provides:

> Each advisory board shall consist of a chairman and not more than eleven other members to be appointed by the Minister as provided in section 13.

That means four boards. Eleven times four makes 48—48 in addition to 20, making 68. There will also be stenographers, and those ladies or gentlemen appointed as part-time employees; they will be supposed to advise the minister on the policies he has to follow.

My contention is that government policy should not be made by outsiders but should be made by the Government itself, and that there are enough able men in the Department of Manpower and Immigration. A very able man is Mr. W. R. Dymond, the Assistant Deputy Minister of Manpower and Immigration, who spoke most sensibly before the committee. Another witness was Mr. Keohane, the Executive Assistant of the Program Development Service, but I was not in a position to pass any judgment on his capacity, as to whether he is as able as Mr. Dymond. However, I sincerely think that with a man as good as Mr. Dymond in the department the minister does not need to go outside Government circles to get more advice and help. If he needs more help, where should he get it? He should get it from all the manpower officers throughout the country. They know what is going on in their districts, and they are the people best qualified to inform the department and the minister about it.

There are common sayings which apply to politics. One of them is, "Too many cooks spoil the broth." This is one case where that axiom should apply. The "cooks" will come, they will be there and be important, they will give advice. Why are they called? They are called because they are outsiders. Why does the minister give the cold shoulder to

the employees of his department? They are able and qualified people doing their duty from coast to coast; they see the unemployed every day, they receive applications for jobs, they know what is wrong with one part of the country or the other.

I am not opposed to the Government. I am a friend of the Government. All my career I have warned them against the danger of the Government driving on an unsafe road. I do it again today. It is unpopular. I may have no help, I may have no support, but I do not care. I come here to tell you, honourable colleagues, what I sincerely think about it and what I have done single-handed to improve the unemployment condition in this country.

I regret to have spoken as I have of the Bennett government. My honourable friend Senator Aseltine is a colleague for whom I have the utmost respect, and to whom I am grateful for the information he gave me when he was Leader of the Government. Naturally, he differs from me with regard to the Bennett administration, but at that time he did not have to do the work that I did. I did it, and when I asked Mr. Bennett and his ministers to answer me about the conditions of the unemployed I received no answer. I had to get in touch with the municipalities. Where is my correspondence? The rule may not permit me to read the correspondence which I had to get the figures from the municipalities, but it was very informative. Dr. Doughty asked me for that correspondence, he had it bound and he kept it in the Archives. With all the moving of papers in the Archives and the burning of papers I do not know if it is still there, but it was there at the time; and I have in my files the correspondence with the municipalities when I was trying to get some important figures about unemployment.

Those papers were gathered together, bound and kept in an apparently safe place. I do not know what has happened since then. Dr. Doughty was a friend of mine and kept that correspondence there. It was there afterwards, but I do not know what has happened since. There are such things as an *auto-de-fé*, burning the state papers, so I do not know where it is now. But it was safe and it was there; it was there to show that a man who had very modest means could succeed in getting important facts—not opinions, but facts—from those who knew the true facts and therefore show the way to the minister.

If the Government is serious in its policy of restraint, the first thing to do is not to increase the number of bureaucrats. The best thing to do is to stop it right now and, instead of cutting what exists already, we should prevent bureaucracy from growing, like elephantiasis, that kind of disease where the body gets so large that it may cause death—relating more especially to the feet than to the head. I do not want to be humorous about it, as I consider it a matter of extreme importance and great concern.

Honourable senators, you may decide whatever you wish. I respect your view, but I wanted to tell you that a bill like this should not be voted blindly. I will move nothing; but as I have to wait until tomorrow for the printing of two short letters as an appendix to the *Hansard* of today, I think it would be only fair to wait until tomorrow for the third reading of this bill.

Honourable senators, before closing my remarks, I want to say a word about a friend of mine to whom a splendid tribute was paid on Monday last. Tomorrow, I will have something to say about honourable Senator Brooks, who was so much liked by all of us. I want to say a word now about the late Senator Baird.

Senator Baird was a man of great courage, not only at war, as Senator Hollett said, but also in peacetime. He had suffered a fall on the floor in this building and hurt himself very badly, but he decided to stay, to remain a senator of Canada, to fulfil his duty as such. I find that a proof of great courage and patriotism.

Honourable senators, Senator Baird was not a lonely man, as was said. He was very friendly, he was kind. He had made his home of this Parliament building. He loved Parliament. He had the means to spend a winter in the south, to travel around the world each year, but he lived here, to do his parliamentary work, his painstaking work—in particular as a member of the Divorce Committee, as has been described by Senator Roebuck.

He was a man of duty, and I was very fond of him as a friend. Under an appearance that was very different from his feelings, he was essentially kind and he was most helpful to me in giving me the most precious of all gifts, his friendship. He showed it to me by telling me at times that I was wrong when he thought honestly that I was wrong, and also at other times by encouraging me to pursue my work. For me,

what he has said to me will never be forgotten. I will always remember him as a true friend. What he has said to me as a matter of encouragement will always remain an inspiration.

Hon. Earl A. Hastings: Honourable senators—

The Hon. the Speaker: Honourable senators will realize that if the honourable Senator Hastings speaks at this time it will have the effect of closing the debate.

Hon. Mr. Hastings: Honourable senators, may I say a few words in closing the debate on third reading?

With respect to the points raised by my honourable colleague, Senator Pouliot, may I first thank him for the kind words he has said in regard to my presentation and with respect to the work in committee. I regret that my presentation was not good enough or did not contain enough information to warrant his support of the third reading and final passing of this bill in the Senate. It is a bill which I suggest will alleviate the conditions to which the honourable senator referred and which existed in this country in the thirties and forties.

Honourable senators, I should like to clear up the apprehension that passage of this bill means the creation of new organizations of more individuals. I make it clear that by this legislation we are relieving three present advisory councils of their work; that is, the National Technical and Vocational Advisory Council, the National Advisory Council on Rehabilitation of Disabled Persons, and the National Employment Committee. Those three committees employed a total of 69 people. By bill C-150 we create boards which entail the employment of 60 people. Therefore we are retrenching, as Senator Pouliot remarked, and not creating new organizations. We are simply revamping the organization within the department. At the same time there will be only 60 people employed, and not 69 as at present.

While we are changing and revamping, as I have said, we are increasing their worth in that they are going to undertake the work of an advisory board on immigration, one of the most important jobs which should be undertaken, and one which should have been undertaken years ago. This means the assimilation of immigrants into the work force of Canada, so that they may better contribute to the productivity of this nation.

We are also creating an advisory board on research so that the minister, through the council, may have the very best and most up-to-date information as to employment trends, productivity, and all those things which contribute to the work force.

Therefore, we are decreasing the number employed on advisory boards—I do not like using the word "employed" because I do not think people are "employed" who simply advise and attend a few meetings a year. We have nine fewer associated with the work of those advisory boards, but we are in fact increasing the work they have to do.

Honourable senators, with respect to the policy of the department, there is certainly no intention that this council or these boards will be in charge of Government policy with respect to manpower and immigration. They are advisory boards, charged simply with the duty of advising the minister, who himself will be responsible to Parliament for policy. These people who will be associated with the Boards, drawn from every avenue of society, with a contribution to make with respect to manpower and immigration, will have a vehicle through which they may participate in the work of the department, but they are not going to have the responsibility of making Government policy. That remains the responsibility of the Government and of the minister responsible to Parliament.

In conclusion, may I say that the adoption and passage of Bill C-150 represents another policy by the present minister and Government in meeting the demands of immigration and manpower through which all our citizens may be better equipped, through adult occupational training and other policies through which they may make their full contribution and to make an increased contribution to the productivity of our nation.

Motion agreed to and bill read third time and passed, on division.

EMERGENCY GOLD MINING ASSISTANCE ACT

BILL TO AMEND—THIRD READING

Hon. Jean-Paul Deschatelets, for Hon. Mr. Connolly (Ottawa West), moved the third reading of Bill C-155, to amend the Emergency Gold Mining Assistance Act.

Motion agreed to and bill read third time and passed.

DEPARTMENT OF CONSUMER AND CORPORATE AFFAIRS BILL

SECOND READING

The Senate resumed from Thursday, December 7, the adjourned debate on the motion of Hon. Mr. Croll for second reading of Bill C-161, to establish a Department of Consumer and Corporate Affairs.

Hon. Allister Grosart: Honourable senators, it is not possible to rise and speak in the Senate tonight without expressing some sense of the tragic loss that I know we all feel in the death of Senator Brooks. I realize that we are postponing formal tributes to him, but he was my leader as long as I have been here, and his guidance and encouragement to me were something that I shall never forget so long as I live. I speak tonight with a deep sense of the loss of one of the finest men that I ever knew at any time in my life.

Honourable senators, on speaking to this bill, I need hardly say that some of my remarks will be critical, because it is hard to conceive of a bill brought before this chamber that would lend itself to more kinds of criticism than this one. However, I should perhaps say first that it has some redeeming features and there are some favourable things that I should say.

First I would pay tribute to the sponsor, not merely for sponsoring the bill, explaining it and introducing it here, but for the long years that he has devoted to the cause of the consumer in one or other of his capacities, whether it was the consumer in his capacity as borrower or as buyer. The ordinary man has been close to the heart of Senator Croll and he has distinguished himself greatly in this field as well as in his work, as Chairman of the Special Committee of the Senate on Aging.

I was not a member of the Joint Committee of the Senate and House of Commons on Consumer Credit, but I have heard from those who were members that he gave to that committee the same expedition and direction that made the Senate Committee on Aging the success it was. I pay him that tribute tonight, and perhaps the further tribute that the bill now before us would be a much, much better bill if he had had a hand in writing it. I may be told later that Senator Croll did have a hand in writing it; I rather doubt that, or, if he did, somebody must have tied his hand a long way up his back.

There is an old proverb that says, "The road to hell is paved with good intentions." If that proverb is true, I have the gravest doubts as to where this bill is leading us. It is a long time since I have spoken on a bill or seen a bill come before us that was so completely trumpeted in advance as this one. It was the subject of speeches by the minister who introduced it; it was the subject of a swarm of propaganda, of press releases, all of which said that wonderful things were now going to be done for the Canadian consumer because there had been this committee, because housewives had taken it into their own hands to protest and had made their voice known. The Government had heard their voice and was bringing in legislation which would give new protection to their interests.

Indeed, somebody referred to this avalanche of advance propaganda as "beautiful phrases, laudable targets and golden objectives." Such they were, but when we got the bill we found something entirely different. It was almost a case of daily backtracking and retreating, until we finally reached a stage, and I am sure that some honourable senators will find this almost incredible, where the minister who introduced this bill—which, as the sponsor told us on one occasion, was to be known as a bill of rights for the consumer—said, as quoted in the publication called *Marketing*, dated September 29, 1967: "It is not going to be our role to protect the consumer—"

Hon. Mr. Roebuck: Will the honourable senator tell us whether it was said in the house or outside it.

Hon. Mr. Grosart: This was not said in the house. To put it in context, I will say that this was part of an interview following a speech given by the minister to the Institute of Canadian Advertising. The account says that later he told newsmen:

> It is not going to be our role to protect the consumer, but to put the consumer in a position where she can protect herself.

So much for the good intentions. We have the bill now and we have it on the authority of the minister who introduced it, the minister who presumably will be responsible for the administration of this new department, that it is not the intention of this bill or the Government to protect the consumer. It would be a different matter, had this bill been introduced merely as a housekeeping bill or had the Government come to us and

said, as Senator Croll put it, and put it very well indeed:

> There are powers in ten different departments—a little bit here, and a little bit there—concerning consumers, none of which have been exercised. There was no co-ordination, no collaboration, and no communication between them. It is now time all these were collected together, and given to one minister.

If that is what the Government told us this bill was intended to do, I would not be too critical. I would merely say it was a bad and untidy job of housekeeping.

As I read the bill, one of the operative sections is section 5 which tells us that "The duties, powers and functions of the Minister extend to and include all matters over which the Parliament of Canada has jurisdiction, not by law assigned to any other department, branch or agency of the Government of Canada, relating to" certain matters.

If I have ever seen a piece of nonsensical draftmanship, this is it. We happen to be in this country under a system of responsible government, and for any bill to say that these things, if they are not under some other minister of the Crown, are under this minister is utterly absurd, because under our system every act of the Crown is under some minister. The honourable senator said that the Government is trying to bring these together. But what does it bring together? Powers already exist in the acts set out in Schedule I. And as Senator McCutcheon told us, every one of them is already within the power of the Registrar General, who is to be the minister.

The plain fact of the matter is that there is not one single additional power given to the Government, the department, the minister or to anybody to protect the consumer in this bill. I make that as a categorical statement. I have read the bill. I have read everything the minister said, and I have read every comment that has been made on it, and nowhere can I find an iota of additional power that does not now exist. Of course, it has been said by Senator Carter that the Government is now going to enforce all of these regulations under the Canada Corporations Act, the Food and Drugs Act, the Weights and Measures Act, and so on, and this, we are asked to believe, is something for which we should give the Government credit. It has finally decided to enforce its own laws!

Senator Carter in his speech used a very interesting little example. Personally, I thought it was rather a harsh criticism of his own Government, and I do not think I would have been quite that harsh. He said this was a Government with nine mouths, each of which had one or two teeth and now the decision in this bill is to put all the teeth in one mouth. I would not have been that harsh. I would not have been that harsh on those other departments, the departments which over the years—

Hon. Mr. Carter: I am sure it would be better than pulling teeth out.

Hon. Mr. Grosart: I would agree entirely, and it is about the only thing this bill does not do; at least it does not pull any teeth out. It does not take away any powers that the Registrar General now has or that now exist in any of the acts which are said to be brought together, although I reiterate they are not brought together, because it is utterly impossible in our system of government to say that the enforcement powers that are given by Parliament to those ministers can be traded back and forth among ministers in the way the comment on this bill suggests. The plain fact of the matter is that those powers remain with the ministers, and this minister has no authority whatever under the Food and Drugs Act and no authority under the Weights and Measures Act. He does not even have the authority to call a meeting.

If responsible government is what I have been taught it is—and this is my objection to the bill—I do not think it is proper for the Government to bring this bill before us as a bill of rights for consumers. It is nothing of the kind. It is a start, and as a start it might be commended. It might be a step in the right direction.

I was not able to follow too well Senator Everett's argument because when he had finished I was not sure whether he was for or against retail price maintenance, and certainly I was not sure what retail price maintenance had to do with this bill. But he made the suggestion, which is found on page 553 of *Hansard*, that one of the great functions of the minister under this act would be to make inquiries. This sounded like a very good suggestion to anybody who had not read the bill or who did not follow its progress through the house where the amendment was proposed that the minister be given powers of inquiry in addition to powers of research into these matters. The Government rejected this out of

hand and not only said we are not going to protect the consumer but we are not going to inquire and we will not even accept any amendment which even suggests that we should inquire.

There was another subject that I think Senator Carter discussed, and that was the suggestion that the Government might set up a prices review board. Senator Carter and others told us how dreadfully unconstitutional this would be—prices are matters that by and large come under the exclusive civil rights powers of the provinces, and therefore we cannot have a prices review board. The fact of the matter is that we can have a prices review board, and it has nothing to do with the Constitution. Perhaps we cannot have a prices control board, but what in the world is to stop any government reviewing anything? And yet we had this suggestion rejected out of hand. The net result is that we are presented with a bill in which every sensible suggestion to give it some teeth has been rejected. And we are now asked to believe that we are doing something for the Canadian consumer.

The word "façade" has been used in connection with this bill. I think perhaps it is a fair description. It think it is a façade. Sometimes façades serve useful purposes, and sometimes they might even be necessary, but I suggest that in this case the façade, if that is what it is, is cruel. It is a cruel thing to raise the hopes of consumers and then dash them to the ground as I say they are dashed by the inadequacies of this bill.

I would like to say a word about one other subject which may come under the minister's jurisdiction, although it is extremely difficult to see what jurisdiction he will have.

Again, honourable senators might be interested in looking at Senator Carter's excellent speech, in which he told us what should be done for consumers; and I agree with him completely. He referred to the committee of which Senator Croll was a joint chairman, and he listed certain things. They will be found in Senate *Hansard* of December 6 of this year, beginning at page 531. They are: protection against fraud and deception; protection against hazards to health and safety; promoting the development of suitable quality standards and grades, and providing information of assistance to consumers. The minister can provide such information, but in this whole list there is not a single thing that the minister, under this bill, has any new power to touch in any way, shape or form.

The subject of advertising interests me, of course, because I have spent a great part of my life in the advertising business. The minister who introduced the bill made some statements affecting some of my friends in the advertising business. I think they were unnecessarily alarmed. Some of them have made comments, satirical comments, that I think were unwise and, knowing the minister as I do, I think they may have made a mistake. Of course the minister already has powers under certain acts. There are powers existing under the Combines Investigation Act and other acts to control fraud and to protect the public against misleading statements in advertising. I am completely in favour of such powers. Any kind of misleading advertising is a fraud on the consumer and is something which should be prohibited by law and punished by law, in my view—and that happens to be the view of the advertising business generally.

It is sometimes said that advertising costs are excessive. This is one of those fictions, myths, that get passed around and very seldom answered. I am happy to say that not very long ago one manufacturer provided an interesting answer. The H. J. Heinz Company of Canada, as quoted in the *Financial Post of* October 21 of this year, gave the following breakdown of the cost to the manufacturer:

> For a 20-oz. tin of Heinz tomato juice, selling in Toronto supermarkets for 20 cents, the farmer received 3 cents for the fresh tomatoes used. The container cost 5.2 cents, labour 1.8 cents and other costs including freight, warehousing and advertising, 3½ cents.

The article goes on to say:

> There is no question, the consumer pays for advertising. But probably not nearly as much as she thinks. And, consider what that tiny amount of money actually does for the consumer.
>
> The cycle of advertising-demand-mass production equals lower costs. For 20 cents, you could not even buy enough fresh tomatoes at a supermarket to make 20 ounces of tomato juice yourself!
>
> Advertising tells the consumer, personally, that the product is available and where it is sold.
>
> It gives a guarantee. If a manufacturer makes a public promise in his advertising that his product has certain qualities, the consumer has every legal right to demand satisfaction if the product proves unsatisfactory.

> Advertising is the strongest incentive in the world to promote competition among manufacturers. This open competition for consumer approval results in the fantastic chain reaction of product improvement and development that benefits everyone.
>
> So, for that very small fraction of the cost of a product, advertising gives the consumer a lower price, product information, a guarantee of quality and a continuing program of product improvement.

I might also say it has been said that Solomon, in all his glory, with all his money, would not have been able to put a dish of pineapple on his table.

This is not the place to make a general defence of the advertising business. I would have preferred to see some teeth in this bill that would have allowed the minister to move in on any cases of misleading advertising. Of course, he would have his problems. It is extremely difficult to decide what is misleading advertising. I have an advertisement in my hand headed:

> Canada Savings Bonds
>
> Now available to Business and Organizations.

Further on it states:

> Canada Savings Bonds provide:
>
> ...The option of compounding interest and thus doubling the value of the original investment in 13 years.

The Government in some of its other advertisements speaks about doubling your money. This goes further. It speaks of doubling the value of your investment. Is that misleading? Some people would say it is not exactly the truth. If you invest $100 and get $200 back 25 years from now, you are hardly doubling the value of your investment. I just give that as an example of the difficulties there are in this field.

However, I repeat that I wish there had been some attempt in this bill to make this minister—and he is going to be a good minister—aware of the problem and seized with the authority to do something about it.

Honourable senators, I criticize the bill, but I am not entirely against it. It is a start; perhaps it will lead to something better. I think I would say it is better than nothing. I have said it is well intentioned, if ill-conceived. It should result in the Government deciding to enforce the law, and if it does nothing else but alert all Government departments concerned that we now have a new policy in Canada, that we are going, from here in, the minute this bill is passed, to start enforcing the law, then a useful purpose will have been served.

In closing, I say that the minister who we understand will be in charge of this department is one who I think will produce better results than the bill itself warrants. He is a man of energy, a man of good judgment, a man who I think can balance himself on this strange trapeze upon which he has been placed—this Department, originally called Corporate and Consumer Affairs. As Senator McCutcheon told us, when the heat was on in the discussion of the department, the Government decided it had better change that. They said, "Nobody is taking us seriously." As honourable senators are aware, in the middle of the debate a Government member introduced an amendment which was promptly accepted, and this department is now going to be called the Department of Consumer and Corporate Affairs. That added a bit to the façade, but I do not think it fooled anybody.

The bill is now before us, and I am not opposing it. I wish it were a better bill, and I wish the Government had followed some of the very sensible suggestions that were made in the two months that have elapsed from the time this bill was originally introduced. The Government had plenty of time in which to make this a better bill, and I regret that it did not use that time more profitably than it did.

Hon. David A. Croll: Honourable senators—

The Hon. the Speaker: I remind honourable senators that if honourable Senator Croll speaks now it will have the effect of closing the debate.

Hon. Mr. Croll: Honourable senators, I should like, first of all to address a few words of thanks to those members of this house who participated in this debate. They spoke from personal knowledge, and after doing a considerable amount of research work. The debate has been a good one, valuable contributions have been made, and certainly points of view have been presented here which have given us all a further opportunity of assessing the bill in its proper light.

One honourable senator speaking the other day said that some of us regard this bill as a monument to the good work of the Senate.

Hon. Mr. McCutcheon: No; I said that just one person did.

Hon. Mr. Croll: Well, I was trying to avoid a reference to myself. The honourable senator did say that, but the point I wanted to make was that it was not my intention to build any monuments to the Senate, but to point out that because we are number two we try harder. That is all I was trying to emphasize. The monument actually will be one in the minds of the people.

Hon. Mr. Roebuck: Hear, hear.

Hon. Mr. Croll: Both Senator McCutcheon and Senator Grosart made reference to the name of the new department. They did not like the idea of changing the name from the Department of Corporate and Consumer Affairs to that of the Department of Consumer and Corporate Affairs. That seemed to them to be somewhat too attractive.

Hon. Mr. McCutcheon: I do not object. It is the same sham anyway.

Hon. Mr. Croll: It is too late to object, because it is done. The suggestion was that there was an attempt to mislead or fool the people.

There was no such desire, and no such purpose or intent. The change was contemplated some time ago, and the purpose of every recommendation made by the committee in respect of consumer affairs was that the bill should have concern for the consumer entirely, not for corporations.

It is all very well to say that the minister will have no power, but those honourable senators who say that certainly have not read section 6 of the bill. Section 6 outlines the powers of the minister in respect of consumer affairs, and provides that he shall inititate, recommend or undertake programs; that he shall co-ordinate programs; that he shall promote and encourage the institution of practices or conduct tending to the better protection of the Canadian consumer; and that he shall undertake, recommend or assist in programs to assist the Canadian consumer.

Hon. Mr. Flynn: He does not need legislation for that.

Hon. Mr. Croll: I am waiting for the bill to go into effect and for the minister to start operating. I can even now hear the screams of some of the friends of my friends opposite when the provisions of the bill are given effect to, and they are caught in some of the various acts the bill is designed to prevent.

Hon. Mr. McCutcheon: I wish I were the honourable senator's equal at innuendo.

Hon. Mr. Croll: I am not indulging in innuendo at all. I am saying that friends of yours will be screaming when the minister finally gets down to the point of commencing to use to the full the powers that are available to him under this bill.

Hon. Mr. Hollett: What about friends of yours?

Hon. Mr. Croll: My friends will be screaming too. But I am one of those people who know they will be screaming. I am not protesting, but you are.

What this bill is trying to say is—

Hon. Mr. Flynn: "Trying" is the word.

Hon. Mr. Croll: Yes, it is trying to say—. But what is everybody's business is nobody's business. This is now being corrected. The Government and the minister will find, under this bill, that it will be an uphill fight all the way, because much has to be done to protect the consumer. Of course much will be done under this bill, because the primary reason for the creation of the new department is in the need to create a central body to examine and analyse selected areas of federal activities which can influence prices and take such remedial steps as are necessary in the circumstances.

Hon. Mr. McCutcheon: And as are possible for the federal Government.

Hon. Mr. Croll: I said that they will take such steps as are within the field of federal activity. You are not listening very closely to me tonight.

Hon. Mr. McCutcheon: I am sorry if I missed that.

Hon. Mr. Croll: This bill is enabling legislation. It creates a department which will have the authority of co-ordinating some of the existing activities that I have already outlined.

The best proof of that is the legislation on drugs, on which I have already spoken. It is a prime example of the way in which we can modify laws in order to help bring about lower prices. By introducing this bill the Government is saying: "We want the facts before we take action." Further legislation will be necessary, and further legislation is indicated and contemplated in the light of

conditions as they become apparent from time to time.

Hon. Mr. McCutcheon: Is the honourable senator announcing a change in Government policy in that the Government wants facts before it acts?

Hon. Mr. Croll: The Government that I support always wants facts before it acts. It was my friend's government that acted and then got the facts.

In any event, I think I have said all that needs to be said at the present time. This chamber has had a full discussion on this bill and understands it well. I have indicated, as is common with bills of this nature, that changes will be made from time to time, and that Parliament will be asked to make those changes. There is no doubt that a newly created department such as this will need further powers as experience indicates.

I recommend this bill to this house for second reading, and indicate that when it receives second reading it is my intention to move that it be referred to a committee.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Croll, bill referred to the standing Committee on Banking and Commerce.

CANADIAN NATIONAL RAILWAYS FINANCING AND GUARANTEE BILL, 1967

SECOND READING—DEBATE ADJOURNED

Hon. Andrew Thompson moved the second reading of Bill C-151, 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, 1967 to the 30th day of June, 1968, and to authorize the guarantee by Her Majesty of certain securities to be issued by the Canadian National Railway Company.

He said: Honourable senators, at the outset I should like to express my appreciation to the Leader of the Government (Hon. Mr. Connolly, Ottawa West) for providing me with my first opportunity to enter into the debates in the Senate, and I should like to state the obvious. I am not an expert in the complexities of our great national system of travel and communication, nor am I familiar as almost every other senator is, with the lofty pinnacles of high finance. Naturally, I was somewhat apprehensive about sponsoring this bill. But my apprehensions were eased when I discovered on a perusal of past copies of *Hansard* that the bill is basically the same as that for many years past. I am sure honourable senators are very familiar with the provisions of the bill.

As you know, the bill is intended to accomplish several main purposes, each of which is similar in form to those of preceding acts.

The first is to authorize the capital expenditures by the Canadian National Railway not exceeeding $264,800,000 during the 1967 calendar year, including $67 million for investment in Air Canada. This in effect means expenditures for C.N.R.'s own purposes of $197.8 million as against expenditures of $192 million authorized previously for 1966. The increase in C.N.R. expenditure is mainly roadway improvements, and fuller details of the expenditures may be seen in the Budget which was tabled in the other place on April 16, 1967. This year there is a requirement of $67 million to supplement the self-generated funds of Air Canada, whereas last year their self-generated funds were adequate. Full details of Air Canada's expenditures for 1967 may also be seen in their budget which was tabled on March 3, 1967.

As you know, by section 37 of the Canadian National Railway Act the C.N.R. is instructed each year to prepare their capital budget, and if this capital budget is recommended by both the Minister of Transport and the Minister of Finance it may be approved by order of the Governor in Council and subsequently laid before Parliament.

If I may turn to the provisions of the bill, clauses 1 and 2 are title and definitions. The wording is the standard hitherto used and requires little comment. The companies included in the national system are listed at page 26 of the national company's annual report for 1966.

Clause 3 of the bill, under the heading "Capital Expense", in subclause 1 sets out in summary form the capital budget of the C.N.R., which budget, as mentioned previously, has been duly approved. It provides that the C.N.R. may make capital expenditures not exceeding $264,800,000 during the 1967 calendar year. If you look at the top of page 2 of the bill you see that this amount is broken down, and perhaps I could read into the record the estimated requirements in the calendar year 1967. Road property, $79,701,000; branch lines, $13,125,000; equipment,

$85,304,000; telecommunications, $14,595,000; hotels, $4,875,000; investment in affiliated companies—Air Canada $67,000,000, other $200,000. The total is $264,800,000.

These are bulk figures, and I have no doubt that anyone wanting a more thorough scrutiny of the proposed expenditures will refer to the budget, as tabled, and may make comparisons with the expenditures for 1966 as revealed in the C.N.R.'s published annual report for 1966.

The bill also contains technical provisions, clause 3 (b) and (c) authorizing Canadian National Railways to make expenditures not exceeding $135 million between January 1 and July 1, 1968, for obligations incurred prior to 1968, including $55 million for investment in Air Canada, and to enter into contracts before July 1, 1968, for capital expenditures not exceeding $94 million for which payment will not come due until after 1967. These provisions for the financing of the expenditures of the first six months of the next year were first adopted in 1952 and have been carried on since that time.

Clause 3(2) authorizes the borrowing by the railway company, either from the Government or by a public issue of securities, of the amounts coming due for payment by Air Canada under its capital program prior to July 1, 1968.

I should like to point out that in this bill no new authority for borrowing is requested for C.N.R.'s own capital requirements since these expenditures will be met out of three areas: first, self-generated funds; secondly, preferred stock issued under authority of section 12 of the previous act; and thirdly, borrowings for branch lines authorized under branch line legislation. Borrowing authority is required only for C.N.R.'s investment in Air Canada.

Clause 3(3) provides for the reporting of all borrowings in the C.N.R. annual report.

Clause 3(4) requires that an estimate of the amount to be spent of the $135 million, as authorized, shall be included in the capital budget for 1968, and clause 3(5) requires amounts payable under contracts, as authorized, to be included in the annual budget for the year in which they are payable.

Clause 3(6) prohibits expenditures in total to exceed the authorized amount.

Clauses 4, 5 and 6 make it possible for the estimated amount of $55 million required by Air Canada as interim financing for the first six months of 1968 to be provided by the C.N.R. issuing Government guaranteed securities, or by the Government itself making the money available.

Clause 7 permits the railway company to assist other companies in the C.N.R.'s system in financing such expenditures of the latter companies as are included in clause 3.

Clause 8 authorizes that proceeds of a guaranteed bond issue be in the first instance deposited in the Bank of Canada or in a chartered bank, usually the former.

Clause 9 provides authority for the Government to make temporary loans to the C.N.R. to meet deficiencies in operating revenues up to June 30, 1968. Any such loan is repaid later from revenues of the C.N.R. or, if these prove insufficient, the loans are written off through appropriation by Parliament.

I should point out, honourable senators, that the liability of the Government under this clause is $15 million, as shown in the C.N.R.'s tabled budget as their estimated deficit for the year 1967. There has been a decrease in their deficit each year from that of $67 million in 1960.

Clause 10 permits the minister to make loans to Air Canada to cover temporary deficits until such time as they can repay them out of subsequent revenues in the same year. The trend over the past few years with Air Canada has been to show a profit.

Clause 11 is the extension of the period in respect to which no interest is payable on the $100 million loan under the provisions of the Canadian National Railways Capital Act, 1952.

Clause 12 would extend the expiry date for the minister's purchase of preferred stock to December 31, 1968, the same expiry date proposed for the interest moratorium referred to in clause 11 of the bill.

Clause 13 provides for the appointment of the firm of chartered accountants. The appointment has been held by the same firm continously, commencing with the calendar year 1964.

Hon. Mr. Grosart: May I ask the honourable senator a question? This is a bill to authorize the spending of certain moneys. Has any of the money already been spent, prior to the authorization by Parliament?

Hon. Mr. Thompson: The honourable senator will note that the money has been located for an eighteen-month period, so last year when this was approved there was a period in 1967 in which money had been spent.

Hon. Mr. Grosart: What I am asking is with reference to the expenditures that we are asked to approve in this bill. Has any of this money been spent?

Hon. Mr. Thompson: I feel I have answered that, but since it is intended to refer this bill to the Standing Committee on Transport and Communications, it will be possible to obtain a more detailed answer thereas to what money has been spent.

Hon. Jean-François Pouliot: Honourable senators, I have a few remarks to make on the bill and I take the opportunity to make them now.

I do not know what is wrong now, but I would ask for some reform. One thing is very simple: I want a new door. It may seem strange, but I will explain what it is.

It was very easy to give telegrams to the C.N.R. when they had their office at the corner of Metcalfe and Sparks Streets. It was on the main floor and we could go there and give the message, and deal with them. Yesterday I had a message to send and I went to the new office of the C.N. Telecommunications in the Blackburn Building. Downstairs there was a caretaker in charge—it was Sunday—and I asked him where the office was. He told me it was in Room 131 on the next floor. I went up and found Room 131 and in front of the door there was a sign "Exit". I said to myself, I cannot be in the right place. I returned to the main floor and the man came up with me and took me to the place and opened the door. Inside I saw a red door marked "C.N. Telecommunications," and there it was. My point is that the red door should be on the main corridor, to inform the people that that is the place where they should go to send their telegrams.

Honourable senators, I have not got in touch with the railway in that regard, but I do make that complaint. It is a rather trivial matter, but it is a suggestion made in good faith and for the common good and I hope it will receive consideration.

Honourable senators, I have other complaints to make. One of them is that the C.N.R. administration is ruining the passenger traffic. I will explain how.

I did not travel much last summer but on two occasions when I wanted to take the *Scotian,* an early train, and another train which is a local, I was told when I got to the station that the *Scotian* was two hours late, because it was running behind the Confederation train, which was a slow one. Instead of putting the Confederation train on the side track and letting the faster train from Halifax to Montreal pass and go ahead, the Confederation train kept the *Scotian* behind. I had to take a taxi to Quebec City and when I arrived there I proceeded to Montreal on the *Rapido.* The *Scotian* was three hours late getting to Montreal and I would have missed the Ottawa train if I had waited for it.

On another occasion, at the time of Expo, I wanted to take a local train through Rivière du Loup and when I got to the station I was told that they had received a telephone call from the station agent a Rimouski that there was room for no one, not even standing room. They never thought of putting another car on at Rivière du Loup for the convenience of passengers who went to the station. The cars were overcrowded.

I do not know what the situation is now. I have not travelled since the middle of October, and there may be less passenger traffic now than there was then. But at times the passenger traffic is so badly managed that it is impossible to catch the train and we have to travel by air or by automobile.

There is a policy of retrenchment and there are not enough men to do the work. The staffs have been reduced to the limit and naturally the service is not as good. It is worse for us because there is no competition. Honourable senators, you do not realize what it is. Between Ottawa and Montreal and Quebec City there is competition, as there is between Ottawa and Toronto. But in our part of the country there is no competition and we suffer accordingly.

The management has some bright ideas also, the idea of changing the course of the *Ocean Limited.* The *Ocean Limited* is the fastest train between Halifax and Montreal and it has passed through Rivière du Loup since the service was instituted. But now they go the other way, and instead of passing through Rivière du Loup they pass through Edmundston. I wonder if the traffic is not suffering from this. At home we complain about it. The trains are too crowded to serve the public as it should be served, and we have fewer trains with not enough cars. I do not know what will happen.

I am interested in the future of the C.N.R. I have friends who have been working there, but I do not know how it is managed at the present time. There are very able men there, but our part of the country is neglected. My protest is launched today to show the Government that there must be some reform

somewhere and the management should be checked.

I am very glad that the Honourable Paul Hellyer has been appointed Minister of Transport. He is a friend of mine. He is young and energetic. He is a business man. I am sure that we will not appeal to him in vain, and I will send him tomorrow a marked copy of *Hansard* of today to bring his attention to this matter so that he may look into it.

The fact that the employees of the railway company are not in sufficient number causes a risk for the passengers as well as for the company, and it is in the interests of all of them that I have risen today to say what I have had to say about this matter.

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

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Tuesday, December 12, 1967

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

Prayers.

THE LATE HON. A. J. BROOKS, P.C.

TRIBUTES

Hon. John J. Connolly: Honourable senators, Senator Alfred Brooks died on the seventh of December, the day that we adjourned last week. His passing was expected, but not so soon. It was expected by many of his friends here; it was expected by his family; and it was expected soon by himself.

Indeed, in those few short weeks from the time he first knew that he would die, and die soon, the courage that he displayed was indeed remarkable.

Yesterday, in Sussex, a beautiful tribute was paid to him by the clergyman of his United Church there. I regret that I did not meet the gentleman in question. Among other things, he said that the nation is grateful for the statesmanship of Alfred Brooks. He supported the statement by recounting many of the things that we said here on October 31 when Senator Brooks retired from the leadership and again when he resigned from the Senate a few days later. He spoke of Senator Brook's service to education as a teacher and a school inspector; of his service to his country as a professional man, as a lawyer; of his service as a member of the legislature of his own Province of New Brunswick; of his long years in the House of Commons; of his accession to the Cabinet; of his summons to the Senate and to the leadership here. He spoke, too, of his great service to his country in the armed forces and of the fact that he attained the rank of colonel.

Alfred Brooks was buried yesterday high on the hills surrounding his beloved Sussex. In the gathering dusk of a cold, clear December evening the muted sound of the Last Post was not only moving but was a most deserved tribute to a man who had dedicated himself and his life to his country.

In the tribute paid to him at the funeral service, the clergyman quoted from Tennyson's "Crossing the Bar":

> But such a tide as moving seems asleep,
> Too full for sound and foam,
> When that which drew from out the boundless deep
> Turns again home.

He is indeed home. He sleeps now in the earth of the lovely rolling hills and valleys surrounding Sussex—the Sussex in the New Brunswick that he loved so much.

And in that beautiful area one can understand why the service also should have included the hymn:

> Unto the hills around do I lift up
> My longing eyes,
> O whence for me shall my salvation come,
> From whence arise?
> From God the Lord doth come my certain aid,
> From God the Lord, who heaven and earth hath made.

There a tribute was paid to him by the school children, by his fellow townsmen, by his fellow New Brunswickers from all quarters of the province, and by his fellow Canadians because many parts of this country were represented there.

I can only express the hope on your behalf, honourable senators, that Mrs. Brooks and her two sons will find some consolation in the great career of service that her husband and their father gave to this great country.

Hon. Jacques Flynn: Honourable senators, only three weeks ago we expressed our deep regrets that due to failing health Senator Alf Brooks had felt compelled to resign from the Senate. As we then paid him a well-deserved tribute for an exceptionally long and meritorious career as a lawyer, soldier, teacher, member of Parliament, minister of the Crown, and senator, we also expressed our hopes that his health would return and that he would enjoy many well-deserved years of peaceful retreat. Even though some of us knew the seriousness of his illness, none would have believed that the end would come so quickly. Those who attended the funeral of our late colleague yesterday will long remember the very touching tribute which was paid to him and which was described so well by the Leader of the Government (Hon. Mr. Connolly, Ottawa West). Many were there who had been associated with him in his public life, but the large majority were those who had been his neighbours, and especially those who from 1925 to

1961 maintained their faith in him by electing him to the provincial legislature and the House of Commons. Because they knew him so well, I think they loved him best.

As we left the cemetery, which was covered with fresh snow, at the dawn of this cold December day, our hearts filled with the melancholic beauty of the scenery and our eyes filled with tears. We could not but feel deeply the sorrow and the sense of loss of Mrs. Brooks and the family, but also we could not but share with them their pride in a life well spent.

Hon. Lionel Choquette: Honourable senators, I do not feel that I should allow this sad occasion to pass without paying my humble tribute to the late Colonel the Honourable Alfred J. Brooks, who was my leader and deskmate for the past five years. His career was notable, as has been so well said by both leaders of this house. He served Canada with great distinction in the Legislature of New Brunswick and in both houses of this Parliament, and had a long and successful career as a lawyer, teacher and soldier. He was for three years Minister of Veterans Affairs, was himself a veteran of the two World Wars, and was known as the staunch champion of veterans' rights.

I knew Senator Brooks to be a man of integrity and ability, to whom the words "honourable and gallant gentleman" applied in full measure. He was also a man of great good humour, with many friends of all political and religious faiths throughout the country.

Honourable senators, our loss is great, as is that to Parliament and to Canada, but the greatest loss is that to Mrs. Brooks and his two sons. To them we extend our deepest sympathy.

[*Translation*]

Hon. Cyrille Vaillancourt: Honourable senators, I would not miss the opportunity of saying how much I admired our lamented colleague, Senator Brooks.

I always admired his great dignity, his fair play and his way of looking at things. When he criticized, it was not simply because he was of the party opposed to mine, but he always did it in a constructive way, without bitterness and passion.

Senator Brooks has been a credit to his country and his province, and I shall always have most pleasant memories of him.

To his wife and family, I offer my heartfelt sympathy. May God have mercy on his soul and give him the reward after which every just man yearns.

[*English*]

DOCUMENTS TABLED

Hon. John J. Connolly tabled:

Order in Council P.C. 1967-2243, dated November 30, 1967, amending Order in Council P.C. 1963-571, dated April 11, 1963, which authorized, under section 21A of the Export Credits Insurance Act, long-term financing by the Export Credits Insurance Corporation for the sale of equipment by Canadian General Electric Company Limited, Toronto, Ontario, and related engineering services by Ingledow, Kidd & Associates Limited, Vancouver, British Columbia, to the Government of Ceylon for a hydro electric power project in the Maskeliya Oya watershed, 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. 1967-2165, dated November 21, 1967, authorizing, under section 21A of the Export Credits Insurance Act, long-term financing by the Export Credits Insurance Corporation for the sale by Automatic Electric (Canada) Limited, Brockville, Ontario, of capital equipment and services to the Philippine Long Distance Telephone Company, Manila, for the modernization and expansion of its telephone services, pursuant to section 21B of the said Act, chapter 105, R.S.C., 1952, as amended 1960-61. (English text).

Report of Operations under the Atlantic Provinces Power Development Act for the fiscal year ended March 31, 1967, pursuant to section 6 of the said Act, chapter 25, Statutes of Canada, 1957-58. (English and French texts).

FILM "THE STAMPING GROUND OF THE MEMBER FOR KOOTENAY WEST"

Hon. Mr. Connolly (Ottawa West): Honourable senators, I have been informed that the Canadian Broadcasting Corporation has made a film called "The Stamping Ground of the Member for Kootenay West". This film concerns, of course, a friend of everyone in Parliament, Mr. Bert Herridge of the other place, and it will be shown in Room 356-S at 8 o'clock in the evening of Wednesday, December 13.

BUSINESS OF THE SENATE

SUGGESTION THAT PROPOSED HOUSING INQUIRY BE REFERRED TO THE SENATE

Hon. Norman McL. Paterson: Honourable senators, before the chamber proceeds with its regular order of business I should like to make a suggestion.

I have been a member of this house for 27 years, and in every single one of those years we have complained about being overlooked and not given enough work throughout the session and of being given a heavy load of work in the closing days of the session.

The Senate has a rather enviable record in that it has inquired recently into such subjects as manpower, consumer credit, aging, and several other questions of importance to the country. Members of the Senate come from every part of Canada. It is my belief that we could have handled the work done by the B and B Commission at far less cost, but we were not given the opportunity.

I suggest to the two leaders, and especially to the leader on this side, that they take into consideration what the Prime Minister said yesterday about forming a commission to inquire into housing. If the terms of reference of this inquiry are not too stern, it is possible that we could make a useful study in this area and offer some solutions for the housing problem.

Hon. John J. Connolly: Honourable senators, I would be very happy indeed to take up this matter with the authorities concerned.

A number of suggestions have been made by honourable senators in respect of special inquiries to be undertaken by the Senate; in fact, two special committees are already in being. One, to investigate the science establishment in Canada is necessarily going to be a fairly long and complicated study. The organizational work in preparation for that inquiry is now in hand. The Standing Committee on External Relations is at the moment engaged upon an inquiry into Canada's external aid program. It is my opinion that that inquiry also will be fairly comprehensive and its work will probably extend beyond the end of the present session, whenever that may be.

In addition to these studies, the Standing Committee on Finance is seized with the documents dealing with the Kennedy Round of Tariff Negotiations, and the first meeting of the committee on that subject will be held on Thursday next.

Of course, a large number of bills have been processed by the Senate. We should take some satisfaction in the fact that many Government bills have been introduced in this chamber in the first instance during this session.

Hon. Mr. Aseltine: Hear, hear.

Hon. Mr. Connolly (Ottawa West): I think more Government bills have been initiated here in this session so far that in any previous session. We are making good progress in that field, and the value of that practice will impress itself more and more upon Parliament and the public.

Senator Paterson suggests that the Senate undertake a further inquiry, one into housing. It is, of course, within the physical capacity of the members of the Senate to do that work. I would say only this, that such inquiries in the past have been conducted for the most part when the Senate was in session. There has been a reluctance expressed by members of committees—not all of them, but some—to attend when the Senate is not in session simply for the purpose of working in committees. This is a view that may be modified. I think that we all, individually and collectively, attach a great deal of importance to the work of our committees whether they be standing committees, or special committees set up to engage in special studies.

If we look at the work done in the Senate of the United States we find that more importance is attached to the work done in its committees than in the chamber. Honourable senators will remember the Majority Leader of the United States Senate, Senator Mike Mansfield, standing in this chamber and congratulating us upon the huge attendance. Our attendance that day was 65 per cent, the normal attendance at the sittings of this chamber. He said that he has trouble getting a quorum for the sittings of his house, but has no trouble getting a quorum for the sittings of his committees.

I think a change of approach and attitude towards the work of the committees would be very much to the advantage of the Senate, and we are indebted to Senator Paterson for his suggestion.

Hon. Donald Cameron: I am glad that Senator Paterson, an old-timer in the Senate, made the suggestion he did. The Leader of

the Government will recall that several weeks ago I suggested that one of the most crucial problems in Canada today was that of housing, and I should like to see a special committee of the Senate set up to study it. I made the same suggestion again in a memorandom I sent to him yesterday, before any reports came out on the conference between the provinces and the federal Government.

I do not think the suggestion made by the Prime Minister yesterday is the kind of thing that would result from a study conducted by a special committee of the Senate. I would certainly hope that, even with all the other commitments we have, we might find time to tackle this very pressing problem. As far as I am concerned, although I have plenty to do, I would certainly be prepared to attend a committee of this importance when the Senate is not in session.

Hon. Chesley W. Carter: Honourable senators, Senator Paterson's remarks reminded me that at about this time last year, when we were about to adjourn for Christmas, we were confronted with the Bank Act and consequential acts which we were expected to rush through within 24 hours before the adjournment. We are now at December 12, and we have been told that Parliament can very well adjourn around December 20, which leaves only eight or nine days.

Somewhere over in the other place and going through the mill is the Broadcasting Act, which is legislation of tremendous importance to all Canadians and certainly of interest to members of this house. I do hope that history will not repeat itself this year, and that just as we are about to adjourn for the Christmas recess we shall be suddenly confronted with the Broadcasting Act and have to put it through in 24 hours, as was expected of us with respect to the Bank Act last year. Such a repetition would be another insult to the Senate and another example of the downgrading of this body.

Hon. Jacques Flynn: Honourable senators, I should like to say a few words on this subject. On previous occasions I have discussed with the Leader of the Government and colleagues certain problems pertaining to the Senate and the scope of our activities. I still think this is a problem of major importance for us, and one which we should specially consider during the next session.

I take this opportunity to tell the Senate that I intend to discuss this matter fully with my colleagues on this side of the house before a new session begins in order to make precise suggestions to the Leader of the Government.

It may be that our procedure needs to be revamped in order to help us do more and to do what is expected of us more efficiently. I am not dissatisfied with the work the Senate has done during the present session, but we could certainly improve. In due course I hope to be able to make to the Leader of the Government and to the Senate more concrete suggestions in this respect.

GOVERNMENT EMPLOYEES COMPENSATION ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Donald Cameron, Chairman of the Standing Committee on Civil Service Administration, presented the following report:

> The Standing Committee on Civil Service Administration to which was referred the Bill C-184, intituled: "An Act to amend the Government Employees Compensation Act", has in obedience to the order of reference of December 7, 1967, 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. Cameron: 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. Cameron moved that the bill be placed on the Orders of the Day for third reading at the next sitting.

Motion agreed to.

DEPARTMENT OF CONSUMER AND CORPORATE AFFAIRS BILL

REPORT OF COMMITTEE

Hon. T. D'Arcy Leonard, for Hon. Salter A. Hayden, Chairman of the Standing Commit-

tee on Banking and Commerce, presented the following report:

> The Standing Committee on Banking and Commerce to which was referred the Bill C-161, intituled: "An Act to establish a Department of Consumer and Corporate Affairs", has in obedience to the order of reference of December 11, 1967, 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. Leonard: 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. Croll moved that the bill be placed on the Orders of the Day for third reading at the next sitting.

Motion agreed to.

FISH INSPECTION ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Cyrille Vaillancourt, Chairman of the Standing Committee on Natural Resources, presented the following report:

> The Standing Committee on Natural Resources to which was referred the Bill S-27, intituled: "An Act to amend the Fish Inspection Act", has in obedience to the order of reference of November 21st, 1967, 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. Vaillancourt: 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. Smith (Queens-Shelburne) moved that the bill be placed on the Orders of the Day for third reading at the next sitting.

Motion agreed to.

INDUSTRIAL DEVELOPMENT BANK ACT

BILL TO AMEND—SECOND READING

Leave having been given to proceed to Order No. 3:

The Senate resumed from Thursday, December 7, the adjourned debate on the motion of Hon. Mr. Lang for second reading of Bill C-164, to amend the Industrial Development Bank Act.

Hon. M. Wallace McCutcheon: Honourable senators, this is the first time since 1961 that there has been any legislation before Parliament respecting the Industrial Development Bank. It will be the first time in some six and a half years that we will be in a position to have the officers of the bank come before a committee and review their operations.

As to the bill itself, Senator Lang has given us his usual lucid explanation as to what is proposed to be accomplished. I have but one comment. I have no comment about the changes in the boards of directors or in the executive committee, but Senator Lang failed to tell us the reason for the very substantial increase in lending powers and in borrowing powers they require at this time. If it is adopted, as Senator Lang pointed out, this will bring the lending powers of the bank to something over one billion dollars, whereas they have today outstanding something under $400 million. So, if this is passed, it may be a long time before the bank will come back to Parliament again, unless there is some substantial reason for the great increase.

If it is now considered appropriate for the bank to issue debentures for ten times its paid-up capital and reserves, that change alone would have doubled the borrowing powers of the bank. But, in addition to that, we have an increase of 50 per cent in the authorized capital of the bank, so in effect the borrowing powers of the bank are nearly tripled. I think we are entitled to some explanation of that, which to date we have not had.

Honourable senators, there are other matters on which I think we should require information. As Senator Lang pointed out, the Industrial Development Bank was incorporated in 1944 for the purpose of making medium and long-term loans to persons who were unable to obtain loans on reasonable terms. In other words, the Industrial Development Bank was set up as a bank of last resort. That it has been very successful in its financial operations, the statements themselves reveal. While it may not earn as much on its capital and reserves as the chartered banks do, it nevertheless is not far behind them. It has a very creditable record. However, what we should be interested in is whether the bank is acting as it should, as a bank of last resort; or whether, with the enthusiasm which naturally the officers of the bank will bring to their offices, it is in fact competing with established finance and acceptance companies and other lenders who, if they had the opportunity, would be willing to carry some of the loans that the Industrial Development Bank is carrying.

I ask that question particularly because of the reference to the classification of loans in the report. Under the heading "Customers' programs" it indicates the percentage of the loans for fiscal 1967 as follows: Refinancing of mortgages, liens, etc., 8 per cent; and we now have since Senator Lang introduced the bill, the per cent of the loans in this category in the fiscal year 1967-68 as 9 per cent. The only question I raise is whether the bank is reaching out, even to 7 per cent, or 8 per cent or 9 per cent of its operations, into fields that as a lender of last resort it should not be in.

I also think that we would like to know something about the cost of the debentures. The bank, as you know, has operated on the basis of paid-up capital, all of which has been subscribed to the Bank of Canada, and by the issue of debentures, all of which to date have been taken up by the Bank of Canada, although there is no statutory requirement that they be so taken up.

I think we should be aware first that the cost of debentures has gone up steadily from 3.53 per cent—and this is equating the cost of the debentures, plus amortization of premiums or discounts and interest with the total average debentures outstandiing during the year. That percentage has increased from 3.53 to 4.38 in the fiscal year 1967.

But, unlike an ordinary commercial corporation, the bank does not show each debenture issue separately in its balance sheet. We do not know when the debentures were issued, except by going back through the reports and seeing that $34 million was issued this year and $40 million another year. There is nothing on the face of the statements to show it. We do not know at what interest rate they were issued, nor do we know whether they were issued at a premium or at a discount. So we do not know what the effective rate is. I think we will be interested to learn from the bank officials the facts in this matter so that we can judge as to whether or not there is a hidden subsidy in this which we have not discovered, and so that we can judge whether the bank is obtaining and selling its debentures on the same basis as it would if it were an independent institution operating in the market place. If it is not, at least we should know that and recognize that this is a subsidy to the borrowers of the I.D.B.

Another question that might be raised is as to whether the I.D.B. is not making too much money. If the lender of last resort can show the returns that the I.D.B. has over the past 13 years, it is certainly a very sophisticated lender.

Now, is that result because it is not completely fulfilling the functions for which Parliament set it up? Should it be making riskier loans? Should it be losing more money and not having as much at the bottom right-hand corner of the statement each year as a result of its operations? These are all questions that I think should interest us. We should also like to know what the bank's lending program is in so far as the interest rate it charges is concerned.

In the 1966 Annual Report it was reported that the bank's prime lending rate was 7½ per cent. That is still the prime lending rate as of at least September 30, 1967, which is the date as of the latest report produced. I certainly would be interested in knowing why, with the interest rates moving up steadily in that period, the prime rate was not increased. Possibly the prime rate is not too significant. It may be that most loans are made at more than the prime rate, but that conclusion would not be drawn from what is stated in the president's report. In other words, I am anxious to know where the bank stands vis à vis its competitors—because it will always have some competitors and there are always borderline cases—and vis à vis the objectives which Parliament set for it when it was incorporated 23 years ago.

Hon. Orville H. Phillips: Honourable senators, my remarks in this debate will be very brief and to the point, I hope, and perhaps, for me, unusually clear. Senator McCutcheon has made several remarks that I intended to make, but in short I have as serious doubts about the bank fulfilling its functions and its operations as he has.

I feel that the bank takes too much pride in being termed a court or a bank of last appeal. They proceed with their applications at about the same rate as do courts of appeal. And here is precisely where they fail many small businesses.

A small business in a small town, quite often owned by two or three generations of the same family, finds itself getting into financial difficulty. The owners of the business think they have had one bad year and that next year will be better. They wait, and suddenly they realize they have to expand or modernize their plant. They then turn to the Industrial Development Bank for a loan. But, with all the red tape, the application takes so long that they are in a hopeless position by the time it is completed. In short, the business would have been better off in the first place to have called on the Trustee in Bankruptcy and to have completely by-passed the bank.

The main change in the bill, as I understand it, is to increase the borrowing power of the bank from five to ten times the aggregate paid-up capital and reserve fund. The ratio of debt to capital for an incorporated federal trust and loan company is fifteen times the authorized capital and reserve fund.

There appears to me to be a discrepancy here, that we are restricting the Industrial Development Bank to a lower borrowing ratio than we allow a federally incorporated trust and loan company. Perhaps this is one of the reasons the bank is not fulfilling its full functions.

Senator McCutcheon mentioned the fact that the bank should be moving into fields where the chartered banks are unwilling to move; in short, what I would call risk capital. Honourable senators, I want to emphasize that point, because I feel that this applies particularly to designated areas. Many of the industries in a designated area have difficulty in borrowing money at the best of times, and now, with the threat of inflation, high interest rates and other problems facing the country, they are going to have even more difficulty borrowing money.

To illustrate what I mean—the fact that the bank is not servicing these areas—I would refer you to the most recent report of the Industrial Development Bank. Two areas in Canada that really need risk capital are the Atlantic Provinces and the Province of Quebec, particularly the eastern part of Quebec. In 1966 the Industrial Development Bank loaned $6,977,000 in the Atlantic Provinces. In 1967, according to the report, they loaned $6,207,000—a decrease of about 10 per cent in one area that really needs an injection of capital to bring it up to the rest of Canada. Similarly in 1966, the figure for the Province of Quebec is $31,935,000. In 1967, the report shows $20,780,000 loaned, a decrease of almost 30 per cent in another area that needs capital almost as badly as the Atlantic Provinces.

Senator McCutcheon has mentioned interest rates. I am not going to deal at any length with those except to say that in a difficult area money must be available at a low interest rate or there is no use borrowing it—the firm is going under.

The bill also provides for two deputy ministers on the board of directors, and places the deputy minister of the Department of Industry on that board. I have no objection to this. I just wish that the Department of Industry had a better record than it has, but I hope the new director will be able to light a bonfire under the bank and get it moving to serve some of the existing needs. Normally we think of a bonfire as being associated with summer. It is getting near to the Christmas season now and so we think of candles. I am not going to ask for a full bonfire; I will be perfectly happy with a Christmas candle, provided it is a good hard candle with a hot flame to put under the bank in the hope it will get them moving to serve the needs that exist in certain areas of Canada.

Hon. Chesley W. Carter: Honourable senators, before the sponsor of this bill closes the debate I would like to ask him two questions. However, before doing so I should like to make a few comments concerning the policy of the Industrial Development Bank with respect to working capital. I have before me the I.D.B. report for 1967, which tells us that the bank has been in business for about 23 years, and I understand that from the very beginning it has always had the power to grant loans for working capital, but that in the early years they restricted their powers to make loans for working capital on two grounds.

The first reason was that they did not want to be competing with the chartered banks who were already in the field, and the second reason, I think, was that they were not properly organized to service such loans since they did not have a sufficient number of branches distributed throughout the country. Well, on page 8 of the report under the heading of "Organization" we find these words, and I quote:

> Toward the close of the 1966 fiscal year, a major administrative decentralization of the bank was undertaken with a view to providing better service to the public and enabling the bank to maintain closer contact with regional developments. As a result in part of this reorganization, the decision with regard to 90 per cent of the number of loans approved last year was taken at local branches or regional offices; the comparable figure in the preceding year was 80 per cent.

On page 6 we have a breakdown of the purposes for which loans were granted, and under the heading of loans for "Increase in working capital" we find that in spite of this re-organization, this decentralization, only 9 per cent of the loans made in 1967 was for working capital as compared with 10 per cent in 1966 and 13 per cent in 1965. Also the number of loans was down from 2,334 in 1966 to 2,168 in 1967, and the amount was also down from $122.6 million in 1966 to $113.1 million in 1967.

So, honourable senators, it is a lower percentage of a smaller total. It could, of course, be that the whole 9 per cent for increase in working capital was granted in the Maritime provinces where, as Senator Phillips has pointed out, our need is very great, but we do not know that.

My first question is: What was the actual percentage for each of these years, that is 1965, 1966, and 1967, of loans made in each of the provinces of Newfoundland, Nova Scotia, New Brunswick and Prince Edward Island? My second question is: How many actual loans were made in each of these provinces in the same three years and what was the total amount in each year?

I am interested in this because, as both Senator McCutcheon and Senator Phillips have pointed out, this bank is a subsidiary of the Bank of Canada, and it is set up for a special purpose as a lender of last resort to make loans available in cases where they would not readily be obtained from the ordinary chartered banks. In the Maritime provinces our distribution of population and industry is such that we are greatly dependent for our economic development on small enterprises. We have a number of small businesses where enterprising people are trying to lift themselves up by their own bootstraps. Their greatest need is not for investment capital but for working capital, and according to the report for 1967 the trend with respect to the policy of this bank toward the granting of loans for working capital is downwards.

Honourable senators, if that is the case I would like to put forward a plea that the bank reconsider its policy, and I support Senator McCutcheon's view that they might take, perhaps, a little greater risk particularly in the Maritimes where economic development is retarded and where I believe this bank could play a much more important role than it has done to date. Thank you.

Hon. Daniel A. Lang: Honourable senators—

The Hon. the Speaker: I must inform the Senate that if the honourable senator speaks now it will have the effect of closing the debate.

Hon. Mr. Lang: Honourable senators, because of the rather formal and self-evident nature of the actual amendments proposed in this bill, I had originally thought that I might ask for third reading at the next sitting. However, in view of the questions raised by Senator McCutcheon and Senator Carter that deal with matters which are not strictly germane to the amendments themselves and which involve information that can only be obtainable from officials of the bank itself, if this bill receives second reading I will propose that it 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. Lang, bill referred to the Standing Committee on Banking and Commerce.

EXCISE ACT

BILL TO AMEND—ORDER STANDS

On the Order:

Third reading of Bill S-30, intituled: "An Act to amend the Excise Act".—Honourable Senator Langlois.

Hon. John J. Connolly: Please let this order stand until Monday, January 22, 1968.

Order stands.

CANADIAN NATIONAL RAILWAYS FINANCING AND GUARANTEE BILL, 1967

SECOND READING

The Senate resumed from yesterday the adjourned debate on the motion of Hon. Mr. Thompson for the second reading of Bill C-151, 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, 1967 to the 30th day of June, 1968, and to authorize the guarantee by Her Majesty of certain securities to be issued by the Canadian National Railway Company.

Hon. Allister Grosart: Honourable senatosr, my first pleasant duty in speaking to this bill is to compliment the sponsor, Senator Thompson, on what I believe, was his maiden speech in this chamber. I make no claim to be a judge of performance in the Senate. I have been here only five years and am still in the junior sophomore class, but on the basis of the introduction of this bill, I would predict for Senator Thompson a future of success for himself and service to the public here. I say that because I am aware of his unique combination of youth, experience and, above all, Irish good looks.

Hon. Senators: Hear, hear.

Hon. Mr. Grosart: I say "Irish" with some reservations, because as one born in Dublin, I have to call the attention of this chamber to the fact that he was born in the separate state of Ireland in the north, and I cannot think of any better argument for not having states with special or separate status in this country than the regrettable situation that exists today in that old land.

I should perhaps tell Senator Thompson, though, that he has taken away from me a unique honour of which I was very proud. Until he was appointed to the Senate, I was the only Irish-born member of either of the Houses of Parliament. I welcome him now to share that honour with me, but warn him that in the months ahead he will need, to fortify himself for the gastronomic and bacchanalian accomplishments that will be required of him when he joins us on the St. Patrick's Day circuit on March 17.

Hon. Mr. Connolly (Ottawa West): To say nothing of the oratorio.

Hon. Mr. Grosart: He has already proved his competence in that department, Senator Connolly. I have no knowledge of his competence in the other two, but being an Irishman I am sure he will measure up to the standards required of Irishmen on St. Patrick's Day.

My first comment on the bill before us is that the title appears to be strangely misleading. Bill C-151 is described as:

> An Act to authorize the provision of moneys to meet certain capital expenditures of the Canadian National Railways System...

and so on.

The fact of the matter, honourable senators, is that this is not a bill to authorize anything, because the expenditure of these moneys has already been authorized by Order in Council. This is a matter of which I have spoken in the Senate before, and I can only say that I object to the practice of bringing before this house bills asking us to authorize expenditures when we are aware that under the Canadian National Railways Act the Governor in Council, on the advice of the Minister of Finance and the Minister of Transport, has complete authority to authorize these expenditures. I can see no reason why the Canadian National Railways and Air Canada, which is lumped in here, should not be treated as is any other department of Government. I cannot see why they should not be required to come before Parliament and to ask permission to make expenditures before the money is actually spent.

I asked the honourable senator how much of this money had been spent. I do not expect an answer from him. I know that a substantial part of the vast sums of money we are asked, by way of joke, to authorize have been spent. Perhaps we will get those details in committee. I am not speaking of small sums of money. The honourable senator is asking us to go through the farce of authorizing these expenditures in such amounts as $264 million in one case, $135 million in another case, a moratorium on the interest of $100 million, and so on. I say it is an insult to this house to be asked to consider a bill to authorize these expenditures, when they have already been authorized.

There has been a half-hearted explanation given, which really amounts to the fact that this is the old-fashioned way of doing things.

This is the way we are used to doing them, and there might be some objection if these sums were put in the Estimates, and someone would say we are legislating under the Estimates. I say there is no fear in the world of that and no substance in that claim. These are Estimates; these are public funds that are to be spent in various ways. But I say again that if we believe that the essential function of Parliament is to control the expenditure of public funds, there is no reason in the world why the C.N.R., Air Canada, or any other body should be allowed to spend money merely on the authorization of the Governor in Council, even if it is approved by the Minister of Finance and the Minister of Transport.

Another aspect of this bill is that a considerable sum of the money we are asked to authorize will be spent by a corporation which is not even named in the title of the bill. There is no reference whatsoever in the authorization to the fact that Air Canada will be spending some of this money. I think all honourable senators are aware of the background to this. A good many years ago Air Canada, or Trans-Canada Air Lines as it was then called, was established. I think it probably made sense at that time that it should be put under the wing of the Canadian National Railways. It was a useful device and perhaps it worked well for a while. Today it is not working. It is actually operating to the detriment of the public, and I suggest it is another area in which there should be a change.

Honourable senators are aware that I do not like farces. I do not like these shams in legislation, and the fact of the non-inclusion of the name Air Canada in the title of the legislation before us is another indication of sham. All right, it is historic sham, but is it not time that we here, or somebody, insisted that the Government—and I am not criticizing only the present administration, because it has gone on under every Government—handle this thing in a businesslike way, and have the C.N.R. come to Parliament and say, "We need this much money, and here is what we need it for," and have Parliament grant or refuse the money. We can go through interim supply or any other method we like, but surely there is no reason why Air Canada and the Canadian National Railways should be permitted a method of financing which we will not give to any other department of government headed by a minister.

I point out that these two corporations are not headed by ministers responsible to Parliament. Surely, there is something wrong here. I hope we will be able to find an explanation of it in committee, if there is an explanation to be had. If not, I hope we will be able to have a minister there who will say, "Yes, it is time to change it, and we will change it."

I said a moment ago that the placing of Air Canada under the wing of Canadian National Railways is operating to the detriment of the public. The evidence is in the situation today regarding the proposed fleet of Boeing 747 jumbo jets, which Air Canada needed and should have had in Expo year, but which it did not get.

Hon. Mr. McDonald: They are not built yet.

Hon. Mr. Grosart: There is a better reason than that. The planes, or similar planes, would have been available to Air Canada had it not been for the situation created by bills such as the one before us.

Hon. Mr. McDonald: Never.

Hon. Mr. Grosart: Let me put the evidence on the record.

Hon. Mr. Prowse: Perhaps if they had not scrapped the Arrow, things would have been different.

Hon. Mr. Grosart: All I need say in answer to that is that the scrapping of the Arrow was part of the policy of the administration that preceded the one that did scrap the Arrow. My honourable friend may not be aware of that fact, but it is now established that the decision to scrap the Arrow was made by the government that I presume he supports.

Hon. Mr. Molson: May I ask my honourable friend a question?

Hon. Mr. Grosart: Of course.

Hon. Mr. Molson: Is it not a fact that the Boeing 747 has not actually flown yet?

Hon. Mr. Grosart: I am not in a position to answer that question. I am saying that a fleet of planes would have been available to Air Canada had it not been for the situation created by this bill. Whether the hold-up by the Canadian Government, which I shall document in a minute, was part of the reason the development was not proceeded with, I do not know. What I do know is that the situation is that described by the words of an editorial which appeared in the *Financial Post* on November 4, 1967:

> This is not a new situation for Air Canada. This summer's equipment shortage has been blamed on late deliveries caused by the competing pressures of the Vietnam war—

That may be what one honourable senator was referring to.

> —On United States aerospace planes—

which may be what another honourable senator was referring to. But this editorial writer had this to say about it:

> What is less well known is that Ottawa sat for months on the big order of DC-8s and DC-9s needed for Expo year. Had the approval been given earlier, even the Vietnam delays wouldn't have caused the problems they eventually did.
>
> Troubles like these argue strongly for taking Air Canada out of its present obsolete corporate structure and freeing it to fly high and alone. Thirty years ago the fledgling airline made an appropriate subsidiary of Canadian National Railways. Today it doesn't need Big Daddy.

Another unusual feature of this bill, honourable senators, and which I am sure has been noted, is that it does not follow the usual procedure by which we vote sums of money from the public purse to be spent during the current fiscal year. In this bill the sums of money authorized are said to be granted to meet expenditures extending as far along as July 1, 1968. This, of course, is completely at variance with the fundamental principle of year-to-year supply, which is the essential democratic control of Parliament over the executive, and over the spending of those appointed by and responsible to the executive.

We have now a request from the C.B.C. for five-year financing. I am not going to say that it does not make sense for corporations like the C.N.R., Air Canada, and the C.B.C. to plan five years ahead. The Economic Council is asking the Government itself to plan its expenditures five years ahead. I am not objecting to that, but I am objecting to the granting of money over a long period when it is not subject to control by Parliament, and that is the situation we are faced with here.

I suggest that it is time for us to spin off Air Canada from the C.N.R. It could very well become a public company. I have every confidence that Canadians would be very happy to invest in the stock of Air Canada. This has been done by Swissair and by K.L.M., the Dutch airline, which have become public companies. Their experience has been that shareholders of the company make good passengers.

I am not going to ask the honourable sponsor of this bill to answer the questions I have raised today, but I suggest to him, or to the honourable Leader of the Government, or to whoever has the decision to make, that this bill be referred to the Standing Committee on Finance. I suppose it might be said, because the title happens to include the words "Canadian National Railways", that the bill should go to the Standing Committee on Transport and Communications. It would be a precedent to refer it to the Standing Committee on Finance, but it would be also a small rebuke from this house if we take the position that this bill deals with the expenditure of public money. The committee of this house that has the responsibility of scrutinizing the expenditure of public money is the Standing Committee on Finance. It is in that committee that I believe the answers to the questions I have raised can be most intelligently given.

Hon. Andrew Thompson: Honourable senators—

The Hon. the Speaker: Honourable senators realize that if the honourable Senator Thompson speaks at this time it will have the effect of closing the debate.

Hon. Mr. Thompson: Honourable senators, I should like to say first that I appreciate very much the kind words of Senator Grosart. I say this particularly in view of the fact that I did have knowledge that he came from Dublin. Therefore, I appreciate it so much more that he should make those generous remarks.

In an endeavour to reply to his very pertinent questions I should say, first of all, in connection with Air Canada's not being mentioned in the bill, that I am assuming the honourable senator meant it was not mentioned in the title of the bill, because I know he is as aware as I am that constantly throughout the clauses of the bill there are vey clearly stated amounts and stipulations with respect to Air Canada.

I think—and I apologize to the house for this—that in my own explanation I did not clearly make the distinction which exists between the authority which the C.N.R.

requires to make expenditures, and that which is required to enable the C.N.R. to borrow, either from the Minister of Finance or elsewhere, such amounts as are necessary to supplement funds from other sources for meeting the expenditures.

To obtain authority for its capital expenditures the C.N.R. is required under the Canadian National Railways Act to submit its budget annually, which, following recommendations of both the Minister of Transport and the Minister of Finance, is for approval by the Governor in Council. But I want to add, because I think it is significant, that subsequently after approval by the Governor in Council it is laid before Parliament.

Authority for any borrowing or financing necessary in conjunction with the expenditures is provided annually by a Financing and Guarantee Bill, and I stress the words "financing and guarantee" which appear in the title of the bill. It has been the practice over the years to include the approved budget in the bill for parliamentary approval as the relevant basis for the financing and guarantee authorities which Parliament is being asked to provide.

With reference to the specific Financing and Guarantee Bill which is before us, may I point out that C.N.R.'s budget for this year was duly approved by the Governor in Council early in the year, and laid before Parliament on April 26, 1967. I repeat: It was laid before Parliament on April 26, 1967. C.N.R.'s expenditures so far this year have, of course, been in keeping with its budget as approved and tabled last spring, and have been made only to the extent that they were financed by self-generated funds and funds already authorized under the previous Financing and Guarantee Act.

Honourable senators will have noticed that annual Financing and Guarantee bills relate to the calendar year and provide interim measures for the ensuing period as well. The previous act, the Financing and Guarantee Act, authorized the Minister of Finance to acquire C.N.R. preferred stock through 1967, while the present Financing and Guarantee Bill is intended to extend this feature for a further twelve months.

The previous Financing and Guarantee Act authorized loans to C.N.R. for Air Canada in the amount of $50 million in the first half of 1967; the present bill authorizes a maximum—in other words, there are qualifications—of $67 million for the calendar year 1967, which means that $17 million remains to be lent.

The previous Financing and Guarantee Act authorizes advances to C.N.R. and Air Canada for deficits occuring prior to July 1, 1967, while the present bill would authorize such advances after this date. While both have received deficit advances for the first half of 1967, they of course have had no advances for the subsequent period. I might add that while C.N.R. will require deficit advances for the latter half of 1967, Air Canada will not require any until the first half of 1968.

I trust that I have been able to show that such C.N.R. expenditures as have been made have been in keeping with their approved budget, as laid before Parliament, and are not in excess of self-generated funds and authorized financing, and that any financing which has been necessary has been in keeping with the provisions of the previous Financing and Guarantee Act. I might mention that in these respects the bill is similar to those of previous years.

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. Thompson: Honourable senators, I move that the bill be referred to the Standing Committee on Transport and Communications.

Hon. Mr. Connolly (Ottawa West): Honourable senators, on this point I think I should perhaps reassure Senator Grosart, who suggested that this go to the Standing Committee on Finance, that when we have a bill which is so obviously dealing with a transport matter, I think it should go there, but this will not inhibit the members of that committee from calling such witnesses as might be called before the Standing Committee on Finance if they so desire. However, it seems to me that the appropriate standing committee to consider this bill is the Standing Committee on Transport and Communications.

On motion of Hon. Mr. Thompson, bill referred to the Standing Committee on Transport and Communications.

COMMONWEALTH PARLIAMENTARY ASSOCIATION

CONFERENCE AT KAMPALA, UGANDA

Leave having been given to proceed to Order No. 5:

The Senate resumed from Tuesday, December 5, the adjourned debate on the inquiry of the honourable Senator Leonard, calling the attention of the Senate to the 13th General Conference of the Commonwealth Parliamentary Association, held at Kampala, in Uganda, from 17th October to 2nd November, 1967, and the participation therein of the delegation from Canada.

Hon. J. Campbell Haig: Honourable senators, last Tuesday Senator Leonard indicated that he and I were members of a delegation from the Canadian branch of the Commonwealth Parliamentary Association to Uganda. Uganda is a republic on the east coast of Africa and the two large towns there are Entebbe, which is the airport, and Kampala which is the capital astride the Equator.

During our visit the weather was delightful. The temperature ranged from about 65 degrees at night to 85 degrees during the day. There were absolutely no mosquitoes or flying insects, and the attention paid to us by the Uganda branch of the C.P.A. left nothing to be desired.

These conferences are a valuable method by which Commonwealth countries, no matter what is their system of government, can meet and discuss problems affecting themselves and the world in general. At each of these conferences there is usually a theme. At this conference the two themes were food resources and population increases, and secondly, the erosion of parliamentary authority by the executive and through subordinate legislation.

The Uganda system of government is based on the Westminster model, with a government and an opposition. I might say that while we were there, on October 25 we received a letter from the opposition office at Kampala signed by Mr. A. Latim, the leader of the opposition, in which he said:

> Democracy in Uganda at the moment is dead. We are convinced that the only problem facing the country today is due to instability and loss of confidence in some of the leaders within the ruling party. This confusion within the ruling party has resulted in the arrest and detention of some seven M.P.s and a large number of others.

While we were there one of the ministers of the government indicated to us that when we left in a couple of weeks that man would be in jail also.

Honourable senators, as has been indicated, these conferences are a method by which members of the Commonwealth can see the country which is the host that year. In this case, some 180 delegates and 40 secretaries were divided into groups A, B, and C. I was elected to Group B, and with me in that group from Canada were Mr. Bill Scott and Mr. Arnold Peters.

After a couple of days of orientation and discussion of the educational system and the system of government, with members of the Cabinet, we proceeded by bus to Murchison Falls National Park. On October 19 our group went on a launch trip up the Nile to Murchison Falls, a distance of about three miles. Incidentally, Uganda is called the "Cradle of the Nile" because its headwaters originate there. Samuel Baker, who in 1865 became Sir Samuel Baker, discovered them by the simple device of following the flow of the Nile cabbage, a small green leaf flower with a red centre.

The hotels in Uganda are all under government control, Uganda Hotels Limited. They have inns or châlets scattered throughout the country. We stayed at a lovely lodge of about 100 rooms, right on the edge of the Nile.

We toured the national park with guides and we saw a rare species of hippo. It is a white rhino. There are 17 in the park and we saw seven of them. The rhino is not really white as we know it; it is kind of dark grey colour but it is a wonderful sight to see.

On our three-mile launch trip up the Nile to Murchison Falls, we must have seen a thousand crocodiles, hippopotami, deer, buffalo and elephants along the banks.

Hon. Mr. Connolly (Ottawa West): Wild?

Hon. Mr. Haig: Wild. We did not investigate them, but we were told by our guides that they were wild. We did not get out of the launch, nor did we get out of the Land Rover or the bus at any time.

The Murchison Falls at that point are about half a mile wide. The river narrows to a gorge of about 150 yards, then divides into two sections. There is one section about 25 yards wide, where there is a spume of water

which rises as high as a three-storey building and is a most beautiful sight, especially when the sun rises at the back.

After our stay at this lodge on the Nile, we proceeded to Gulu, a small town about 200 miles away. We travelled by bus, a seven-and-a-half ton lorry seating 37 people, and on the way we saw Layibi College, which was founded in 1952 by a group of Catholic missionaries, the Verona Fathers, who have missionaries mainly in North Uganda. It was established as a technical school but in 1962, at the time of the independence of Uganda, they changed the method of instruction. Now it is half academic and half technical. One of the fathers told me that he regretted the change in status of this school because he said in Uganda they need higher education and more technical training.

The system of education in Uganda is all under state control. When they became independent in 1962 they took over from the missionaries the schools that had been established. There are Episcopalian schools, Catholic schools, Seventh Day Adventists schools, which we saw. The education of the student starts about two years later than ours. They have several colleges, which are for the coloured people. We saw only one of them.

At this lodge, we stayed at a 32-room hotel, the Acholi Inn. The district commissioner—whom we would call the general manager of a municipality or city, and who is in complete charge of the district—entertained us at a dance for the local residents. That was the night that Mr. Arnold Peters took sick, and the next night he was unable to attend a performance of native dancers presented by the district commissioner.

I might also mention that in this republic it rains 200 days out of the 365, usually from 4.45 to 5 p.m. You can see the cloud coming and you know it is going to rain—it is really a cloudburst.

At the Acholi Inn I met the wife of the manager of a cattle ranch outside Gulu. He asked me if I would like to meet two young Canadians. So on Sunday I met these two young people, one a girl from New Glasgow, Nova Scotia, and a boy from Toronto. Both were teaching in the school there. The young man is a graduate from Toronto and was teaching in what we would call a high school or residential school. I asked him, if he did not mind a personal question, how much he would make in a year. He said, "Sir, I make $2,200 Canadian a year." I was rather shocked, but he said, "Do not feel sorry for me, I am enjoying my life here. I have my cook-house boy, who works six days a week and I pay him $12 Canadian a month." Therefore, you can see the difference in the relative cost of living and the relative salaries.

On returning to Kampala by bus, we came back through the trails and we had an unusual experience. Two of the members wanted to see a native house and of course the usual photographer came along. He tried to take pictures and the young lady of the house grabbed his arm and would not let go. For ten or fifteen minutes it was rather a difficult situation until the police chief arrived with six officers and rescued us.

Afterwards, when we came back from Kampala we went out to an industrial complex called Jinja, which is opposite the dam there, and which is in a highly technical area with many industries. One industry which we visited was the plantation carried out by the Mehta group. It was started in 1898, on 6,000 acres. It employs 10,000 people and spends $1½ million Canadian a year for fertilizer alone. It is a large plantation.

On Friday the Conference opened. As the honourable Senator Leonard has said, it was opened with a speech by the president of the republic, the honourable Dr. A. M. Obote. After the usual complimentary remarks about the Conference he had this to say:

> This is a Conference of parliamentarians who believe in the principle of "one man, one vote." There is still time, though very little indeed, for Britain to arrest the situation in Rhodesia and accommodate the principle of one man, one vote, and it is our combined duty to bring home to her the urgency of this. My fear, however, is that time is running out very fast, and the Africans in Rhodesia are being precipitated to a stage at which, sooner than we think, they will seek independence on the principle of "one man, one gun", instead of one man, one vote.

So that set the tone of the convention for the moment until we got into a discussion of Africa-World Affairs, and the U.K. delegation answered very politely but with firm conviction that if Britain used force in Rhodesia to oust the Smith regime there would be a blood bath in that part of Africa.

Coming back to the conference, after the opening by Dr. Milton Obote, two committees

were established which had started in Canada in 1966. Here I might interject that at the close of the conference, before we left, there was great tribute paid by the chairman of the conference to the late Sir Donald Sangster of Jamaica and to honourable Senator John J. Connolly, who unfortunately was not able to be there. Many of the delegates who were here in 1966 stated that Senator Connolly, who was the chairman of that conference, did much for its success and they regretted his absence from this conference.

So we divided into two committees, one of which was the committee on aid to developing countries. Among the things mentioned in their report was that one concerted effort must be made to increase food supplies quickly and that realistic steps should be taken to curb population growth.

The population of Uganda is now about 7,500,000. The average annual income of that country per capita is $25 Canadian. They mentioned also that harnessing resources of the sea offered exciting prospects and that there should be a Commonwealth food program for pooling food resources and distributing food. They suggested that there was room for every kind of co-operation between public and private enterprise, and that increased investment was essential. The delegates from the developing countries fully recognized these efforts but mentioned that much more needed to be done.

In the other committee, which was on parliamentary institutions, of which the honourable Senator Leonard was one of the chairmen, many of the delegates brought out that in their countries the cabinet—or their executive, as they call it—put on itself too many of the powers which really should belong to Parliament or to the legislature. They stated that this was because of the increasing power of the executive, the reduction of time allowed for questions, the refusal of ministers to answer questions, and because of the fact that the backbenchers, or non-executive members, did not have a say in the operation of the legislative capacity of the assembly.

My part was to explain the system used in our House of Commons on the question period, orders for return, and the questioning of a minister on Estimates.

The conference went from one Wednesday to the next. Sunday was free, and on that day I had one of the most interesting experiences of my entire stay at the conference.

The Speaker of the local house invited George Chatterton, Jim Lind of Canada, and Douglas Blake, Secretary of the Australian delegation and myself to go fishing. We went trolling on the Nile for Nile perch. This is not a fighting fish as we know our salmon, perch and pike. It does not grab the hook, but the hook is imbedded in its cheek. Each person has 100 feet of line for trolling. Now, I want you to pay particular attention to these next few sentences. Jim Lind caught four fish, each weighing about 40 pounds, and Douglas Blake caught one weighing 102 pounds. On the previous Tuesday he had caught one, a record for that area, weighing 142 pounds. I was there when the fish were caught, and I saw them being weighed.

Hon. Mr. Beaubien (Bedford): Did you have a picture taken of them?

Hon. Mr. Haig: No, I did not—mine got away.

Hon. Mr. Grosart: Now we get the truth.

Hon. Mr. Haig: The usual experience in fishing stories is that they all get away, but I was there when these fish were caught.

Hon. Mr. Molson: Perhaps the honourable senator would tell us what bait is popular in those waters.

Hon. Mr. Haig: There was no bait at all. The actual method of operating is simply to get into the boat with the guide, and troll. There are three trollers, one at the back, and one on each side, all trolling at the same time. All of a sudden, as you are sitting there, the hook is grabbed, and everybody stops. There is all sorts of hooting and moving around, but finally they get caught.

Some Hon. Senators: You have not yet told us what the bait is.

Hon. Mr. Haig: There is none.

Hon. Mr. Beaubien (Bedford): Do you use a reel?

Hon. Mr. Haig: Yes, but there is no fighting. The fish just go to the bottom and when you drag up 100 feet of line you get your fish.

Hon. Mr. Hollet: Do these fish make good eating?

Hon. Mr. Haig: Yes, they do. The two that Blake caught, one of which weighed 102 pounds, were taken to the hotel, put into cold storage and then given to the hospital.

I might say also that at this point, when we came back from Gedule, Arnold Peters and Bill Scott flew back and Arnold Peters was put into the hospital. He had an operation two days later for gallstones. He recovered and is now back in Canada.

After the close of the conference on Thursday, November 2, we left the hotel to go to Nairobi, Kenya. We stayed there only one day and then we went through the Nairobi National Park, which is larger than Murchison Falls National Park. During that trip of about four hours we saw 23 different types of animals—baboons, giraffes, ostriches, lions, monkeys and a large number of deer.

That finished the Uganda conference, and I, along with the Speaker of the Ontario house, Don Morrow, Bill Scott and George Chatterton, went to South Africa as private citizens. The reason we made the trip was that George Chatterton was born just outside Pretoria and had not been back for some 20 years. He met seven of his brothers and three of his sisters whom he had not seen for that length of time.

We were then entertained by the Speaker of the local House in Pretoria, where we met our Canadian Ambassador, Charles Woodsworth, with whom I went to school and university in Winnipeg.

Incidentally, South Africa has four capitals: Johannesburg, Pretoria, Bloemfontein and Durban. The reason for that is that when they had four states they did not want to offend anybody, so they had a judicial capital in Pretoria, an industrial capital in Bloemfontein and a legislative capital in Johannesburg. They seemed to like that arrangement, so it was not for me to question it.

We were driven around Johannesburg, where we saw the buildings and the solid gold mace weighing 19 pounds, which was donated by the mining industry of that country.

On Sunday we went for a drive around the Cape. We had supper with Sir DeVilliers Graaff, the Leader of the Opposition. According to the information given to me he will be in that position for some time because of the control by the leading party.

On Monday, November 6, we went to see the University of Western Cape, which has a student population of 900 coloured students. The president of the university told us that the coloured students, who are Bantus, required this university because if they go to a university with white people, or Afrikaners as they are known, they have an inferiority complex. Under this system they do not feel that sense of inferiority.

In the afternoon we proceeded to K.W.V., which is the co-operative for the wine industry in that area. The industry was started some 200 years ago by the Huguenots in France and has now developed into a very, large operation. The plant occupies some 20 acres, and they have 50 million gallons of wine in storage. That is what they told us; we did not check it through.

On November 7 we visited Daveyton Township, which was a housing development started back in 1955 where all are Bantus. The Bantu is a coloured person, and the white person is an Afrikaner, and the two do not fraternize in any way with one another. They have dealings in business, but not in social affairs. This Daveyton Township on the January 31, 1967, had a population of 68,241. It is 30 miles from Johannesburg and has its own schooling system, its own hospitals and its own municipality. They also have another interesting industry there, a distillery which makes Bantu beer. This beer has a 2½ per cent alcoholic content, looks rather like a chocolate milkshake and has a horrible taste. They drink it from a type of white plastic container holding half a gallon. They sit at benches or tables and use both hands to hold the container. They gave me a small amount, to taste, about as much as would fill a wine glass, and I did not like it a bit. We also visited a crèche, which is the equivalent of a day nursery here and which had 400 children aged two to six. In the afternoon we visited the Natalspreete Hospital, which has 450 beds, is extremely modern and is strictly for the Bantu. The services there were all free. For the Bantu people a four-bedroom house with electricity and running water costs $12.80 Canadian per month, and the monthly salary for a Bantu who works in the mines is around $120 Canadian a month.

On Wednesday the group visited the Free State Gedule Mines Limited, which is the wealthiest gold mine in the country. It is owned by Anglo-American. They had a monthly profit in June of $1½ million Canadian, and we were told the mine is good for more than 20 years more. It has 250 miles of underground workings in one shaft. About 10,500 people work there, roughly 10,000 of them being Bantu. The Bantu worker is under contract for a year, and it is consid-

ered a sign of maturity among Bantu men if they have worked in the mine. We went down 5,200 feet. It is considered a "hot" mine, and it was. We spent about two hours there and after changing and showering we met Mr. Brown, the manager. He is a graduate of McGill. He came from the west coast originally.

On Thursday we saw a Bantu university outside Johannesburg, having a population of about 450 men. The fee for tuition, board, room and books is $180 Canadian a year.

My impressions of Uganda, honourable senators, are that it is a very poor country. The soil is reddish in colour. They are developing their cattle and they cultivate tea, coffee and sugar, but at an extremely high cost. This Mehta group started in 1898, and they undertook to clear five acres of swampland. It took them five years to do it but now they are able to grow three crops per year on it. The weather was good, the company was excellent and the Uganda association could not have done more for us. They took us around and entertained us royally.

In South Africa the weather was still good. We saw some interesting places and met some interesting people. But my own opinion, honourable senators, is that there is segregation there. Our guide, a responsible member of the civil service there, said, "Yes, we allow them to work in our stores and to go into our stores but we don't use the same washroom. We don't fraternize in any way. I won't go to his house and he won't come to mine. We are never seen together." It is an industrial nation and it is clear that they would like to have better relations with Canada. They felt very keenly about leaving the Commonwealth.

I enjoyed my association with Senator Leonard and the members of the other place who were there, and I was very pleased to know that Mr. Arnold Peters recovered from his serious operation. That is my report, honourable senators.

CRIMINAL CODE

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. David A. Croll moved the second reading of Bill C-168, to amend the Criminal Code.

He said: Honourable senators, I take great pleasure in moving second reading of this bill. This is a bill of conscience in which each must search his own and in doing so he will be torn with emotion, concern and anguish in order to rise above the courage of his own doubts. It goes a long way towards eliminating capital punishment in this country which already *de facto* is abolished. A few went to the gallows between 1956 and 1962, but since that time the Government has substituted life imprisonment in every case, using the royal prerogative.

I speak from deep conviction that capital punishment is wrong in principle, and not out of soft sentimentality or lack of consideration for the victims of a revolting crime. There will be those in this house who will be opposed to my views.

Hon Mr. Aseltine: Quite a number.

Hon. Mr. Croll: Not too many. However, I realize and I appreciate that both our convictions are based on the sacredness of human life and both are defensible.

Hon. Mr. Beaubien (Bedford): The life of whom, the murderer or the victim?

Hon. Mr. Croll: How it is to be interpreted and how applied, therein we differ. There are a number of exceptions in this bill which I would not have put there myself, but the inclusion of which it was thought would expedite the passage of the bill. Honourable senators, as a practical politician I have lived with reasonable and honourable compromise all my life. There is an element of compromise in this bill which I feel bound to accept. This bill will make the law accord more closely with the facts, and will in my view constitute a giant step towards the total abolition of the death penalty in this country. I think it will make Canada a more enlightened and civilized country in which to live out our lives.

So, from what I have already said, you can gather that I am an abolitionist, total and complete. The arguments are well known. I do not believe that anything new can be said on the subject, but those who speak will present their views in their personal and inimitable fashion. I am not going to attempt to cover too much of the ground, because there are others who wish to speak. Some of the matters that will be raised will be the types of murderer—those psychologically ill, the passionate murderers, those who kill for gain. And some of the questions that will be asked are: Is the death penalty a deterrent? What do we do about parole and rehabilitation? Of course, some will quote statistics; others will consider the fact that mistakes

have been made, and how can we possibly avoid them. The experience of other countries will also come under consideration, as well as the question of compensation. But I will leave that for others and I will devote myself only to one or two aspects.

There is a strong instinct in many people that the sanction of the law against murder should properly reflect the importance that society attaches to the maintenance of law. Those who hold that view feel that the law should provide the maximum sanction for deliberate breach and that no other penalty is adequate.

My conscience does not demand life for life. Those who feel it necessary to retain the death penalty must believe that the penalty protects society. In that case, the burden of proof is on them. I quote from an Ottawa *Citizen* editorial of November 13, which stated, in part:

> Available statistics "show with remarkable consistency," according to Mr. Pennell, "that the abolition of the death penalty (in other countries) did not lead to an increase in the rate of murder." Some 45 jurisdictions, including 10 in Europe and many United States states, have abolished the death penalty in whole or in part.
>
> Public safety will always be a chief consideration in deciding if a prisoner is to be released. No government could do otherwise.
>
> But the solicitor general produced heartening figures: 45 prisoners whose death sentences were commuted were released on parole between 1957 and 1965. Forty are now living useful lives. Five had their parole revoked but not for murder offences.
>
> The defence rests.

Let me repeat at once that while I support the bill for the reasons just stated, I am opposed to capital punishment in any form and for whatever cause. The imposition of the death penalty by the state for murder is as evil, as inhuman and as medieval as torture. Indeed, execution is the ultimate form of torture. In my view, the gallows is no better than the rack, and neither the gas chamber nor the electric chair is an improvement on the thumbscrew. We have long since rid ourselves of all the medieval punishments except the death penalty—and we have got rid of slavery—on the basis that these things are inhuman and inhumane and are unworthy of civilized society. So, we must do the same with regard to capital punishment. Today we have a golden opportunity and an immediate responsibility to do so now—at least, to take the first step.

As I have already indicated, this bill is a progressive step towards the abolition of the death penalty, within the limits of the present climate of public opinion; and, in the light of experience we shall have to deal with this matter once again five years hence.

I point out to this house that capital punishment is the last survivor of the idea that punishment should fit the crime. We do not maim and disfigure those who maim and disfigure; we do not steal property from those who commit theft. We practise punishment or vengeance for murder. I feel it is an uncivilized practice, unworthy of the 20th century Canadian. The retention of capital punishment is the admission of failure caused by despair.

Honourable senators, there is no humane way of putting a fellow human being to death. The British Royal Commission on Capital Punishment recently reported, following a four-year study, that in all the circumstances, having due regard to the efficiency of English hangmen, hanging is the best and most humane method of execution. That was enough for me! It is obviously an exercise in futility to try to find a humane method. The whole sorry process of execution is inhumane from beginning to end, and should be stopped in law as it has been in practice.

In my opinion, for the state deliberately to take the life of a human being, though this may be authorized by some words in a statute, is nothing less than cold-blooded murder—legalized murder, if you will. It may be said that the murderers themselves have shown a callous disregard for human life; but should we, as legislators, show a similar disregard? Merely to state the question is to answer it. If the criminals are not enlightened, that is no reason why the state should not be.

My views, as you will have already gathered, are based on firm and high ground, on the inherent dignity of the human personality and the sanctity of human life. The recognition of these fundamentals lies at the heart of moral and political philosophy. It is the object of the state to promote human dignity and respect for human life. The way

to preserve human life is not to destroy it. Capital punishment is the direct negation of respect for human life. Violence breeds violence, even where the violence is practised or tolerated by the state.

There are, of course, those who believe that capital punishment is a special and unique deterrent; and there are others, like myself, who hold the opposite view.

The report of the Royal Commission on Capital Punishment in Britain has undermined the proposal that the death penalty has a special or unique quality of deterrence. The American study by Professor Thorsen Sellin reached the conclusion that abolition of capital punishment has no effect on homicide rates. That, too, was the view of Max Ancel, who did a study for the United Nations. We should not retain the practice of collective destruction of human beings unless it can be shown there is overwhelming proof, and the onus is on the state, that such retention will serve a useful and social purpose.

We must not lose sight of the possibility of judicial error. There has been a case in both Great Britain and in the United States in which there was a grave possibility of innocent people being executed. This cannot be rectified. Despite improvement in legal procedures, appeals, and legal aid, the possibility still exists.

There are other and much more civilized ways of dealing with criminals, including murderers. The criminal must, of course, be segregated from society for so long as he continues to be a menace to that society. While he is so segregated we should do all we can to rehabilitate him, and to make it possible for him to rejoin society without risk to either his fellow citizens or himself. We have been derelict and delinquent in this, and we have a long way to travel in this direction. Moreover, we should do something to protect the innocent survivors in cases of homicide. The family of the victim, who may be the breadwinner, should not suffer because of his murder.

But, these are extraneous matters. What we must decide now is whether we should retain the death penalty. My answer is that we should get rid of it. Any movement towards abolition is progress in human terms in building a better society.

Honourable senators, I was looking for a paragraph with which to close my speech, and in reading the speeches made in the other place—and there were some remarkably good ones—I came across these words spoken by the Right Honourable the Prime Minister of this nation. These are words that came from the heart of a great humanitarian speaking in moderation, in compromise, and in caution about murder. He spoke for me, and I hope he spoke for all of us, when he said:

> The human spirit is infinitely complex, a collection of constantly competing needs and wants and emotions which no law can perfectly control. Fortunately, most of mankind manages for most of the time to keep all these clashing forces that operate within a single personality in a kind of balance and under some control...
>
> The law itself has no way of taking into account those factors of life, personality, heredity and environment which in every individual are parcelled out unequally at birth and which may determine his fate, that fate of which we are all (wrongfully) supposed to be the master.

Honourable senators, these are fine words and fine thoughts. This is a great issue. It is basic in our society. This is a great time to advance social reform, and a great opportunity for us in this chamber to give leadership to a finer social order.

Hon. Mr. Choquette: Honourable senators, I move that this debate be adjourned. I shall be ready to proceed this evening, if we sit.

On motion of Hon. Mr. Choquette, debate adjourned until later this day.

Hon. Mr. Connolly (Ottawa West): Honourable senators, I suggest that the Senate do now take recess, to reassemble at the call of the bell at approximately 8 o'clock.

The Senate adjourned until 8 p.m.

At 8 p.m. the sitting was resumed.

Hon. Lionel Choquette: Honourable senators, I must congratulate the sponsor of this bill (Hon. Mr. Croll) who ably presented a difficult bill, but my praise must stop there. The sponsor of this bill called it a conscience bill. It is odd that less than two years ago when the same bill was a private member's bill it was defeated. Must we conclude that now that it has been passed in the other

place, consciences change because it is now a Government bill?

Honourable senators, in rising to speak on the motion for the second reading of this bill I wish to make my attitude abundantly clear at the outset. I have studied this question off and on for more than 30 years, and I remain firmly against the abolition of capital punishment for capital murder as that offence is now defined in the Criminal Code of Canada, a definition which was the product of the fertile mind of the Honourable Davie Fulton, and which was not long ago approved with acclaim by both Houses of Parliament. My view has not changed since then.

The appropriate punishment to be meted out to a person found by a jury to have committed a calculated and cold-blooded murder is death. I will go further and say that the imposition of the death penalty is a meaningless exercise, a mockery of justice, if that penalty is to be commuted to life imprisonment in every case through executive clemency. A law that is not enforced, like a law that cannot be enforced, is a bad law, if indeed it may properly be described as a law at all. The power of clemency originated and until recently was regarded as an extraordinary power to be invoked in exceptional cases only. To date the exceptions have swallowed up the rule and commutation has become automatic. So I say not only that the death penalty should be retained, but that if retained it should be carried out save in exceptional cases, as where a jury recommends clemency.

It may be alleged that I am unsympathetic to the unfortunate wretch who is found guilty of capital murder. This is not true. He has my sympathy, indeed; I would not wish to be in his shoes. But I have much more sympathy for his victims, who are usually innocent of any crime and who may be babies, little children, old people, conscientious bank tellers, police officers, or prison guards simply doing their duty. You will observe that I have by no means limited the list to police officers and prison guards.

I have the greatest sympathy for the survivors of the victims, their wives and children, their mothers and fathers, and their close relatives, who are involved only in that their lives and futures have been seriously jeopardized, if not ruined, and I have sympathy also for the general public whose safety and security is supposed to be protected by the criminal law.

Honourable senators, we must ration and apportion our sympathies. I have made it clear where mine lie. Some Canadians, I am afraid, have gone soft on crime in general and on murder in particular. It may be—I do not know—that the death penalty has not been proven to be a general deterrent to murder, but I venture to say that its existence or otherwise plays a major part in the calculations of those cynical leaders of organized crime, the so-called bosses to whom murder is simply a tool of the trade and of the hired thugs and hooligans who do their will.

In my opinion, the abolition of capital punishment at this time would constitute an open assurance to criminal elements that they may ply their nefarious trade in Canada to the point of murder, without risking their necks. Indeed, the recent murders associated with fraudulent bankruptcies suggest that this is so, and that the appointment of a royal commission on organized crime in this country is long overdue.

Hon. Mr. Connolly (Ottawa West): Or a Senate committee, perhaps.

Hon. Mr. Choquette: That may be so. If we are not dictated to by a Government bill, I would favour it.

I believe that the most effective way to abolish this punishment is for criminals to stop murder. As I see it, every objection to corporal punishment upon grounds of barbarism or cruelty is checkmated by the same objection, namely, whereas the murdered victim is given no choice in the matter, the murderer has a free choice. If he really objects in a personal way to capital punishment, he can refrain from murder.

A great French writer, Alphonse Karr, was asked one day if he were in favour of capital punishment and his answer was straightforward and to the point. He had this to say:

> Let the assassins make the first move; let them not kill; and we shall not kill them.

Government owes a greater duty to its law abiding citizens than to its murderers.

Capital punishment is in this instance defined to be the taking of a human life by process of law in consequence of the commission of a crime, namely, premeditated murder.

The main arguments for the abolition of capital punishment usually run as follows: one, the state has no right to take a human

life, even as a punishment and after due process of law; two, capital punishment is dispensable on the ground that it has not a deterrent effect sufficient to justify its use; three, having regard to the fallibility of human evidence, the state has no right to pass an irrevocable death sentence and thus risk the execution of an innocent man.

Let us examine the first argument. Here in Canada we may consider our society in its over-all picture to be a Christian society founded upon the principles expounded in the Bible and in the New Testament. The Law of Moses accepted capital punishment. More recently, Thomas Aquinas, revered as a saint, a philosopher and a theologian, stated quite clearly that while it is unlawful for an individual to take another's life, it is lawful for society or the state to take the life of a convicted murderer, implying thereby the due process of law, which is fundamental in my definition of capital punishment.

Nonetheless, it is argued that the state has no right to take life because the deed is irrevocable. When one looks at the state of the world, at the heavy budget being spent by our own Government on a multitude of most horrifying weapons on the basis that these weapons will have a deterrent effect upon the "other" side, when one examines the constant training, improved each year with new methods and new tactics, in order to prepare our young men for war—that is to say, to kill—one doubts the wisdom of this argument.

What excuse would the abolitionists have to send their own kin to death on their behalf and to kill on their behalf, if they refused to the state the same right to protect itself against its own citizen murderers? I submit that the same principle shall govern in both cases; that is to say, the right of self defence exercised in collective capacity by the state to protect its citizens.

Somewhat related to this first argument is the one that capital punishment is disgraceful, barbaric and is a throwback to the dark ages.

I contend that deliberate murder is as great a disgrace to our civilization. I further contend that this aspect of the argument does not lie so much in the execution of the convicted murderer as in the mode of his execution. I agree that some ancient forms of execution—but to mention one, the use of four horses to which the condemned person's limbs were tied—have no place in modern society. I further agree that extensive research should be made so as to find as painless a punishment as possible, but I must stop there.

If it is alleged that capital punishment as such is cruel and irrevocable, so may I state that the murder of an unsuspecting citizen is cruel and irrevocable. It is reported that Clarence Darrow once said that he never defended a man for murder who wanted to have his body cooked with electricity. Could it not be suggested also that one has never heard of a murder victim who is thought to have enjoyed his own murder, nor of a living being who anticipated such an experience with pleasure?

It is often said that capital punishment is not a deterrent to murder. Statistics have been put forward to establish that point. I contend that statistics on that proposition prove absolutely nothing. In the first place, statistics are often unreliable. Secondly, figures for one community amount to nothing when applied to another community.

Punishment in modern society is not an act of revenge administered on a fixed scale. Its objective is the protection of society against offenders. Criminals are punished not because we hate them, but because it must be made impossible for them to repeat their crimes and that through their sufferings brought about by the punishment inflicted they shall be an example to others of like inclination.

In the case of minor offences, the law imposes fines; in more serious offences the offender is made to suffer loss of liberty, and in the extreme case of murder, loss of life. The sponsor of this bill today said if a person commits a crime, a serious one, if he steals, we do not steal from him. We steal from him because we steal his liberty by putting him away from law-abiding citizens. I could take one by one the arguments put forth by the sponsor of this bill and show all the fallacies of his arguments, but I shall not do so at this time. The deterrent effect of the punishment on himself and others in the first two cases and on others in the last case is the basis of the protective value to society of the punishment of offenders.

The imposition of the death penalty for murder is in the fact that it has proved to be a deterrent, a protection of society against an individual not influenced by the laws of God or man. We must not be too idealistic on this score. One has but to remember the recent

episode in the United States, when, during a rather extended and violent period of floods a rash of looting broke out and state militia had to be called in to protect property against the offenders, to shoot on sight if necessary—and this, in modern twentieth century North America. The fact remains that there were looters and would-be looters. This action was taken to protect property, and the law sought to protect it against the depredations of would-be looters. How much more important is the protection of human life! Those who wish to abolish capital punishment overlook the nature of the person who deliberately robs another of his life. The law, I submit, takes into consideration not so much the effect on the criminal after the deed has been accomplished as it does the effect on the decision of the potential criminal. It intends to save another human being from becoming a murderer. No one will deny that if the execution of today stops a murder tomorrow it is justifiable.

It is contended also that life imprisonment is not only a sufficient but a better deterrent than capital punishment. I submit that death is the greater deterrent to murder. The desire for life is rooted in the law of self-preservation and is as deep-seated as life itself, whereas the fear of life imprisonment is a weaker fear acquired with the veneer of civilization.

I agree that a distinction should be made here between murders that are strictly crimes of passion and committed under great emotional stress or provocation, and murders that are planned and premeditated. It is not certain if murders of the first class can be checked even by the death penalty, but if they can be checked, surely the desire for life, which is a basic instinct, will, if at all possible, prevent such a killing, more so than the simple prospect of life imprisonment.

As regards murders of the second class, when deliberation and premeditation are present, the fear of death is the only deterrent which will not be offset by the murderer's assurance that his crime will not be detected.

Why, if life imprisonment is more feared than death, according to proponents of abolition of capital punishment, were hundreds of thousands of dollars spent to save Leopold and Loeb from death after they had pleaded guilty and when the only other alternative was life imprisonment?

Recently, honourable senators, I read a book written by one of the men I have just mentioned, Nathan F. Leopold, who spent 45 years in the penitentiary and who was a brilliant man and who expressed several opinions on the death penalty, on our prisons and the type of punishment people should have. I would like you to bear with me just to hear a description of a vicious attack perpetrated by five or six "cons" or inmates against prison guards. I quote this for two reasons: to show that the lives of prison guards are in jeopardy every minute they work in the prison; and to show you that the death penalty is and was a deterrent in this particular instance.

Am I asked a question, Senator Croll?

Hon. Mr. Croll: No. I just indicated to my deskmate, when you talked about guards, that we are exempting them from the provisions of this bill.

Hon. Mr. Choquette: I am aware that that is so, but I have also my second point, to show that the death penalty was a deterrent in this case. Here is the description that he gives—a most vivid description of this vicious attack:

> It was the regular keeper's day off and the relief keeper, only recently employed, while walking the gallery noticed five men in one cell. Instead of ordering the men who didn't belong there back to their own cells or reporting the matter to Mr. Stanton, the cell-house keeper, who would have handled the situation with a minimum of disturbance, the keeper dashed out of the cell-house and returned with a captain. Together they went back up to the cell on Four Gallery and ordered the men out. They came out, all right, but they came out fighting. Two men grabbed the keeper and began beating him; the other three turned their attention to the captain. The latter was armed with a lead-tipped cane, which the prisoners wrested from him and used to beat him. Seeing the melee, two fellows who worked in the cell house, and who were friends of the five cons involved in the battle, dashed up the stairs and joined in.
>
> The men had the keeper and the captain separated now. The captain was down on the gallery, and four guys were dancing up and down on his body. Three different times they lifted him over the gallery, as if to drop him to the flag 35

feet below. Most of the men in the cell house were out of their cells by now, lining the gallery and watching the carnage. Each time the men would lift the captain over the railing a shout would go up: "Don't drop him. Don't burn for the s.o.b.!" and each time they would lift him back and start kicking and beating him again.

The keeper, a small man, had been beaten so badly that his face looked like a pound and a half of raw hamburger. How he kept his feet I will never know. Now two of the cons pinioned his arms behind him and a third backed off a few feet, took a running start and hit him as hard as he could in the face. Back for a running start, and this time a kick in the groin. Face, groin, face, groin, blow, kick, blow, kick—he kept it up for minutes. I have never seen a man absorb half that much punishment—no, not a quarter. It was frightful. Eventually the three cons brought the keeper around the gallery to where the captain lay on the concrete. They propped him up against one of the metal plates separating two cells, and each of the seven cons brought up a blow from the floor, squarely in his face. His knees buckled, but still he didn't go down.

That, honourable senators, is the type of treatment that some of the guards are subjected to, or can receive, every working hour of their lives in a prison where dangerous characters, cons, hooligans, and murderers of this kind are being harboured.

Why is the Department of Justice annually besieged by lawyers and relatives of convicted murderers to commute death sentences to life imprisonment?

Life imprisonment, when a final sentence, is an invitation to the imprisoned murderer to slay wantonly his keepers, if necessary, to effect an escape, or to avenge a slight or fancied wrong, for he knows that his penalty can under no conditions be increased. Some abolitionists state that capital punishment should be inflicted in cases such as these. However, coming back to our first argument, if the state has no right to take life for one murder, why may it take life for a second murder?

As regards the third argument, I do not believe that we can pass lightly over it. Assuming that you agree with me that the state has the right to impose capital punishment for the crime of murder, and assuming further that you also agree to the fact that capital punishment is the only deterrent to murder, will the vision of the execution of one innocent man among countless convicted murderers still prevent the state from carrying out the execution of murderers?

First of all, we must admit that our own Canadian system is rather remarkable in the quality of the men who are associated with it, be it as judges, officers of the courts, juries, or barristers. We may even state, and I think it will be conceded, that regarding human institutions as a whole it gives the accused every possible chance to escape his fate on the gallows. When one thinks of the painstaking investigation by specialized police officers, the first appearance in court, the trial before a panel of twelve citizens representing a good cross-section of society, the appeal to a provincial court of appeal, a further appeal to the Supreme Court of Canada, the review made by the cabinet as to commuting the death penalty to life imprisonment, one wonders at all the apparels which Canadian society has placed at the accused's disposal, even forgetting for a single moment the victim of the deed. An there is always present the voice of an independent press which each day presents a spectacle of courage in expressing, without reserve, opinions on a varied number of topics, including leading criminal cases. Can we not honestly say that our system of justice has endeavoured by these processes to eliminate such a possibility, and that if this possibility should unfortunately become a fact one can imagine that it will be so only in an infinitely small number of cases, if any?

If, however, an innocent man should be executed, must we not weigh on the other side of the scale the countless innocent men who have been saved from summary execution by would-be murderers because of the deterrent effect of capital punishment? No human society is perfect. However, if like ours it strives to attain a high degree of perfection both in its aims and in its means, we can say that it has the right to sanction capital punishment.

Honourable senators, I was against the bill in the form in which it was introduced at the last session, although it did not reach this chamber, and I shall vote against this new compromise bill. I reiterate my firm view that capital punishment should be retained for capital murder, for cold-blooded calculat-

ed, premeditated murder as now defined in the Criminal Code, whoever the victim might be.

I confess that I have some sympathy with outright abolitionists speaking in accordance with their consciences, but I have little for those who would make one law for policemen and prison guards and another for all the rest of us.

Speaking of conscience, I wonder if the present bill, compromise though it may be, as expressed by the sponsor of the bill, is in accord with public opinion in Canada. That is another great factor which this chamber should weigh very heavily. My belief is that it is not, and that if a referendum were taken in Canada the retentionist vote would be much greater than the abolitionist vote.

According to press reports, a poll recently conducted in his constituency by the Honourable Richard Bell supports this conclusion, as does a similar poll conducted at Expo. I can hear the sponsor of the bill saying that these figures are not reliable. Against abolition there were 5,500,000 votes as against 19,000 cast for abolition. I know that there might be repeaters; I know that there might have been people who attended Expo every day for a week or every day for two weeks and who might have cast more than one vote, but the discrepancy between 5,500,000 and 19,000 is too great for me to say that such figures are totally unreliable.

I suggest that as legislators we will be misreading the public mind and legislating in accordance with a minority opinion in Canada if we pass this bill. There is no evident popular mandate for its passage, other than the recent vote in the other place, which was not necessarily right, or in any way binding on this house. I think this house would gain in stature if we were to kill this bill and if we were to express the opinion of the majority of Canadian people by saying that we will not abolish a law that has been on our statute books for years, and we will protect the law-abiding citizens.

I for my part am going to ask for a vote, and I want to see once and for all—I have seen it before, but for one last time—how many consciences can be affected by a Government bill. I suggest that we should take a leaf out of the book of the Right Honourable Arthur Meighen and allow public opinion to crystallize in the matter before entertaining legislation of this kind. I assure honourable senators that my own conscience is entirely clear, and I urge honourable senators to defeat this bill. I shall cast my own vote accordingly.

Hon. Arthur W. Roebuck: Honourable senators, may I commence by congratulating Senator Choquette on making probably the best speech in favour of the retentionist cause that could be delivered by anybody anywhere, and certainly anybody in this house.

Hon. Senators: Hear, hear.

Hon. Mr. Roebuck: Yet I find it rather difficult to understand the position taken by my honourable friend. He denied that those who are in favour of retaining the death penalty lacked sympathy, and I know from personal experience of and a long acquaintance with the honourable gentleman that he is a man of very kindly disposition, a man in whom the milk of human kindness flows in ample measure. Yet were his arguments to be followed to their logical conclusion, 17 men who are now awaiting execution in the prisons of Canada would be sent to their death—17 men altogether.

Hon. Mr. Aseltine: Why not?

Hon. Mr. Roebuck: I can tell you why not. I think you will hear a great many reasons why not from others, because I do not intend to try to cover the whole case but only to give you my own personal experience. Fancy the execution of 17 men in Canada, reminiscent of the times of Hitler in Germany and Stalin in Russia.

Hon. Mr. Aseltine: Come off it!

Hon. Mr. Grosart: How many did those 17 kill? Do you know that? Tell us how many.

Hon. Mr. Phillips: Tell us how many. Speak up and be honest. How many did they kill?

Hon. Mr. Grosart: Not kill, murder.

Hon. Mr. Roebuck: You can tell us how many they killed. I do not have to make your speech.

Hon. Mr. Grosart: You have not answered the question.

Hon. Mr. Roebuck: I have the floor at the moment.

Hon. Mr. Smith (Queens-Shelburne): You have the floor and you keep it!

Hon. Mr. Roebuck: I shall certainly keep the floor.

My friend Senator Choquette has turned to the great authority that we all bow down to, the Bible. He made some quotation from it, but he seemed to overlook the chief quotation that I find in the Bible, which says, in simple language and in very few words:

Thou shalt not kill.

My friend quoted Thomas Aquinas, and a very fine logician he was, 600 years ago. My friend is rather interested in the fact that the House of Commons voted on one occasion for retention of the penalty of death and then changed more recently to pass the bill which is now before us; and he intimated that the reason for the change was the influence of the Government behind the measure.

But let me point out that the measure that was defeated is not the measure which is before us. There are some outstanding differences between the two bills. Let me give one of those differences. My friend spent a long time in telling us of the harrowing occasion in some penitentiary when some poor guard was beaten into insensibility. Of course, that is not what is before us today. My friend is barking up the wrong tree.

My friend has doubts on the question of public opinion in this matter. He doubts whether public opinion would support us in abolishing the death penalty. But let me point out that there is no body in all Canada, I suppose, more competent to judge public opinion than our friends in the House of Commons—and they thought, evidently by their vote and the fact that the bill is here, that public opinion would support the measure.

Hon. Mr. Choquette: How do you explain the fact that one called a poll in his riding, gave figures to the public, and voted against his own constituents?

Hon. Mr. Roebuck: You have told us about that already.

Hon. Mr. Choquette: I did not say he—

Hon. Mr. Roebuck: Let me continue, if you will. Not only does the House of Commons vote for this measure—which, as I said, was about the best criterion that one could get of the state of public opinion—but let me remind my honourable friend that practically every newspaper of any standing in Canada is behind this abolition bill. If I were in the Commons and seeking re-election, I would take my chance in appealing to the people of Canada on a common sense measure of this kind, rather than on the barbarities of the past.

I am not going to make a long speech. I am not going to try to cover all the points which have been thrown back and forth across the floor in the Commons, and which I have heard from time to time with regard to this matter.

What I hope to do in a quiet way is to tell you something of my own personal experiences, not so much what I have read but what I have known and passed through and can speak of with conviction. I suppose I may as well tell you right at once that after many years of consideration of this matter I am in favour of this bill to abolish capital punishment, as far as it goes. I would go the whole way. I say that with every respect for those whose experiences are such that they have reached a different conclusion.

Of course, my conclusion is not important in this chamber, beyond a single vote; but what is important, I would think, among my fellow members of this house, are my reasons for the judgment I have reached.

My friend was talking about sympathy. Let me say, by way of foreword, let me assure my fellow members of the house that I am not in favour of the abolition of the death penalty because of any emotional sympathy with the murderer, the man who has been guilty of the horrible crime of murder. Emotionally, of course, I have compassion for anyone in trouble. I do not suppose it matters how he got into trouble, I would still extend to him a certain compassion. I have been a defence counsel nearly all my life. That may bend one's opinion to some extent, but not very much.

I am reminded of the classic line from Gilbert and Sullivan:

> All thieves who could my fees afford,
> Relied on my orations;
> And many a burglar I've restored
> To his friends and his relations.

My experience has not been as bad as that. On the other hand, the experience has done this, it has given me some knowledge of the problems to be met by the accused, the difficulties of those who try the case, and the lack of certainty in human decision.

My friend spoke about the marvellous judicial system that we enjoy, and I agree with him, but I think he must agree with me

that it is a human system and—"to err is human"; to abolish this thing, I think is divine.

However, for half a century I have been a defence lawyer. On the other hand, I have also been the chief law enforcement officer of the Crown, administrator of criminal law for the whole province of Ontario. It is out of that really long experience, from both points of view, and over many years, that I am able to reach what I submit to you is a well-considered opinion in which sympathy plays a very minor part, if any part at all.

Of course, I am sympathetic by nature but I am forced to realize that, in a premeditated murder, the murderer does not deserve any more sympathy than he got from the gentleman who has just sat down. He does not deserve our sympathy.

Hon. Mr. Choquette: But he gets it. He gets it.

Hon. Mr. Roebuck: Now, please. I listened to your theme.

Hon. Mr. Choquette: All right.

Hon. Mr. Roebuck: I did not approve it, and I do not ask you to approve mine.

I commenced by saying that I had every respect for the opinions of those who differ with me, and I, like my friend, realize that there are counter claims on our sympathy. I have a real sympathy for the murdered man, for his family, for his friends and for the community in which the incident took place, but I have much more potent grounds, honourable senators, to support this bill than mere sympathy for the murdered or his family or for the murderer, or however else my sympathies and compassion may be directed. And I choose deliberately and without emotion—and this is not a matter in which our emotions should run away with us—I choose imprisonment as the penalty for murder because, as I say out of a long and intimate experience with crime and criminals, I am convinced that the death penalty is not the most effective deterrent.

It is a deterrent. My friend was labouring that point. Of course it is a deterrent. One would not abolish all penalties, surely, in case of a violent crime such as murder. But I am convinced that it is not the best penalty or the best and most effective deterrent. Death, after all, is in prospect with all of us and intellectually we know it and yet we disregard it.

I am in favour of this bill on the second count because I am equally convinced that executions, no matter how they are conducted, do far more harm in the community than any good they could possibly accomplish.

Now, let me just discuss with you for a moment the value of hanging as a deterrent, and let me ask you, each individually, a question. Did you ever, when young, skate on thin ice? Well I did, and I suppose that every one of you did so at some time when you were young, and we all knew when we did it that we risked being drowned. We took the chance. We gave death scarcely a thought, and if a thought did occur to us we put it aside. We may have worried about not getting home on time for dinner; we may have had several matters for worry; but the possibility of our own death never occurred to us and was not sufficiently a deterrent to stop us skating on thin ice.

Let me ask you another question. Do you ever travel by plane? Of course you do. Many people travel by air, although they know, and know full well, that airplanes crash and that passengers are killed. Yet, apparently without any trouble in their minds they take the plane for ordinary travel.

Hon. Mr. Flynn: Or they try to.

Hon. Mr. Roebuck: Whoever hesitated to enter an automobile and brave the hazards of the road and perhaps the tragedies in which so many of our fellow citizens unfortunately are involved? "Oh, it can't happen to us," they say. But it does sometimes happen. Do you gentlemen actually suppose that people in the ordinary way of life balance the tragic possibilities of some action which they are taking with advantages they hope to gain? Absolutely not. Certainly not. Why do they not? Why do they toy with the roulette wheel of death? I will tell you why. It is because there is something in the human mentality enabling us to disregard the inevitable ending of our own lives.

Now, may I ask you another question? If any of you knew that there was involved in an airplane flight which you proposed to take the possibility of a term in penitentiary, would you fly? Of course you would not. You would avoid a plane like sin, if that were the possible outcome of a flight in a plane. If there were even the barest possibility you would not go near an airfield or an airport. You would chance death, and you have done it, every one of you, but not in prison.

Hon. Mr. Gladstone: Is this a sermon?

Hon. Mr. Roebuck: But not one single person who hears my voice would take the slightest chance on a trial in the courts and a prison sentence.

And so, after thinking this thing out, I say to you that the prospect of a prison term is a more effective deterrent than the prospect of death, a death that is always with all of us.

It has been said that the hanging of a murderer is the very worst use that one can make of a man. It is argued that it frightens the evilly disposed from committing murder. Well, if that is so, honourable senators, if a horrible example is required to make people be good and the evilly disposed to stop murdering, why have we abolished public hangings? In the past, thousands of people have turned out. They turned out in hundreds and thousands to see a human being hanged, drawn and quartered, and his mutilated body hung up on spears in public places to terrorize the community. Why have we abolished that, if it is terror that you want to make people be good and not murder one another? Why have we abolished it? We have abolished it because we know, we know full well, that the brutalizing effect of a state murder such as hanging does more harm in the community than it could possibly do good under any circumstances. And certainly, as a deterrent to crime, it is said of these hangings of old for stealing, one of the greatest troubles was that there were always a great many pickpockets in the crowd.

Now, what I have said are weighty considerations. Most weighty. But the point that is most vividly in my mind and by which I am most strongly moved is the evil effect of these proceedings on the community. And I know whereof I speak. I have had personal responsibility in these matters. I have superintended murder trials; I have appointed the counsel for the Crown; I have watched over the proceedings; at times I have recommended the commutation of the sentence and, when the death sentence was carried out finally, I have actually hired the hangman. I know whereof I speak, and I shall refrain from doing what my friend has done. I shall refrain from dwelling on the revolting details.

But from a wealth of personal experience I am able to say with conviction that the morbid tragedy of a human execution with its brutality, its disrespect for human life, does more harm in the community than any good that could possibly flow from such an unchristian and barbarous proceeding.

I have seen a prospective execution hang like a pall over the unfortunate community in which an execution was to take place. And I am not alone in that disgust which is shared by those who have had some experience in this matter. I quote from the Toronto *Globe and Mail* of November 24 last:

> The shortage of applications for the position of hangman, the strong tendency of juries to bring in non-capital rather than capital verdicts and to recommend mercy even when the capital verdict has been returned, the almost universal rejection of capital punishment by the prison staffs who must supervise the carrying out of the sentence—all these suggest that when people are required to take a personal part in sending a fellow human to the rope, they reject it.

I would like to quote another sentence from this editorial where it says:

> What we do to a condemned man when we drop him through the trap is as nothing to what we do to ourselves.

I will vote for this measure because of what we do to ourselves when we maintain this barbarous proceeding.

The first attendance I ever made on a murder trial was more than half a century ago, and on that occasion, which is still vivid in my mind, I saw a killer basking in that blaze of publicity which naturally accompanies a trial for life. The sombre colour of impending tragedy explained the theatrical attraction of that event and the newspaper coverage, and I thought then, as I do now and have ever since, how much better it would have been for the community had the prospect of a prison term replaced the hangman's noose. And the bizarre features of the hanging that followed confirmed me in that conclusion, a conclusion that has been confirmed over and over again in my various experiences in the years that have followed.

My sympathies, as I say, are easily aroused, but sympathy plays no part in the decision which I am making in this matter and on this bill; it plays no part at all. I will vote for the measure for the good it will do for the community. I will vote for the measure because nobody has shown the necessity of this barbarity. All statistics are useless in that regard. Nobody can tell me that the abolition of the death penalty in other places

has led to an increase in the murder rate—nothing of the kind. There is no need for our continuing to hang people when we have a so much better alternative, one that protects the public without brutalizing the community. I will vote for the measure in the interests of our people.

Hon. Walter M. Aseltine: Honourable senators, I have a few remarks to make with regard to this bill C-168. Before doing so I wish to say that I agree entirely with the arguments which were so well made by my colleague the honourable Senator Choquette. I think he has made here tonight the best speech he has ever made since he came to this chamber. And I agree entirely with what he said.

However, I cannot agree entirely with what was said by the sponsor of the bill; in fact, I find myself violently in disagreement with him. He says life to him is sacred, and he abhors putting anyone to death and the state should not do so either no matter what the convicted criminal has done. He has not much sympathy, at least I gather from his remarks that he did not have too much sympathy, with the poor victim who was killed by the man who was later convicted and sentenced to pay the extreme penalty of death. It is all right for the convicted criminal to be sent to jail for a few years and then pardoned and set free. The sponsor went on to say that some 45 convicted murderers had had their sentences commuted and were serving life imprisonment. Some of them had been released and had taken up life in the community again and were behaving themselves.

That apparently, honourable senators, so far as the sponsor is concerned, is the proper way to handle matters of this kind. And I take it from his argument that he goes on from that to conclude that that being the case over the last several years since 1957, what is the use of continuing to have on our statute books this law providing for the death penalty—you might just as well pass this bill as to have the government of the day breaking the law by not putting it into effect as was intended. For these reasons I disagree entirely with what the sponsor has said.

No one has mentioned up to this point that on Wednesday the 10th day of February 1954 this Senate passed a motion to unite with the Commons in the appointment of a joint committee of both houses to inquire into and report upon questions as to whether the law of Canada relating to capital punishment, corporal punishment and lotteries should be amended. There were 10 members of the Senate appointed to that committee, and 20 from the House of Commons.

I was a member of that committee, and the others, in alphabetical order, were: Senators Beauregard, Bouffard, Farris, Fergusson, Hayden, Hodges, McDonald, Roebuck and Veniot. And I ask honourable senators to remember that the honourable Senator Roebuck was a member of that committee, for reasons which I will mention later. Senator Hayden and Don. F. Brown, Member of Parliament, were the joint chairmen, and I must say that they excelled themselves in the manner in which they conducted the proceedings of that committee. Five of the ten senators who were originally on the committee are still members of the Senate. Many meetings were held, many witnesses were examined from all parts of the world; but when the committee made its third report on June 15, 1954, after 30 sittings and after the subcommittee on procedure and agenda had met 14 times, the report requested that the inquiry be continued in another year. They had not been able to deal fully with the matter.

The inquiry was continued by another joint committee set up on Tuesday, January 25, 1955, with the same chairmen and the same Senate members, with one exception. Many meetings were held, many witnesses were examined; and in June, 1955 the committee made a report, after holding 29 sittings and after the subcommittee on procedure and agenda had met 17 times. This report recommended that another joint committee be established early in the next session of Parliament to complete a final report.

The inquiry was continued in the session of 1956, and another joint committee of both houses was appointed in March of that year. The Senate members were the same as in 1955, I think with one exception, and we had the same chairmen.

On June 27, 1956, the committee presented its final report on capital punishment only—not on the other matters under consideration. That report appears as an appendix to the *Debates of the Senate* of that day. I want to refer briefly to some of the highlights of the final report setting forth the conclusions of the committee.

Hon. Mr. Choquette: I am sure that Senator Roebuck was for retention at that time.

Hon. Mr. Roebuck: No, he was not.

Hon. Mrs. Fergusson: He was not.

Hon. Mr. Aseltine: There was no minority report at all. This is the only report that was finally tabled in the Senate.

These conclusions are set forth in section 4 of the report, to be found on page 834 of the *Debates of the Senate* of that date, and some of the highlights one as follows:

> 51. Abolition of capital punishment would involve a major change in the law and the Committee considered that it must approach this question on the basis of whether or not such a change would prejudice the safety and well-being of the public.
>
> 52. In considering the arguments for and against abolition, the Committee was conscious of the view of the provincial attorneys general and other officials responsible for law enforcement from whom it received evidence that capital punishment is an important and necessary deterrent to murder. As indicated in paragraph 50, the Committee did not consider that this opinion is displaced by other evidence based upon statistical comparisons, and the Committee has concluded that capital punishment does exercise a deterrent effect, which would not result from imprisonment or other forms of punishment...
>
> 54. The Committee has already indicated in paragraph 28 that comparisons between different countries on the basis of available statistics must, of necessity, be made with reservations. However, the Committee considered that criminals in North America appear more prone to the use of firearms and violence than European criminals. The Committee does not attempt to explain why this should be so, although it appears likely that it results from the comparative youthfulness of North American society and the variegated nature of its population. Whatever the reason may be, the Committee is of the opinion that it is obviously more imperative to retain the stern penalty of capital punishment as a continuing restraint against the use of violence by professional criminals.
>
> 55. ...The Committee has concluded that the death penalty is most likely to operate as a restraint and a deterrent to professional criminals who are obviously not deterred from crime by the risk of imprisonment alone, and that it is necessary to retain capital punishment to minimize the tendency of Canadian criminals to use violence in the commission of other crimes. ...
>
> 58. The Committee was of the opinion that capital punishment does protect the police to a greater extent than imprisonment alone would do by deterring criminals from using firearms or violence to facilitate the commission of crimes, or escapes from arrest or attempted apprehension. ...
>
> 60. Considerable emphasis was put on the risk of irrevocable error in capital convictions. The fact that there was no known Canadian instance of the execution of an innocent person indicated the effectiveness of present procedures by way of trial and executive review and this suggests that the risk of error does not present a reasonable argument for abolition in Canada.

Then next, a part of paragraph 62:

> The Committee took note of both the report of the United Kingdom Royal Commission on Capital Punishment, 1949-53, and the subsequent debates in the United Kingdom Parliament.

And, finally:

> 63. While the Committee considered that capital punishment should be subjected to periodic review by Parliament—

Listen to that: "periodic review by Parliament,"

> —it recommends that the death penalty should be retained as the mandatory punishment for the crime of murder.

This final report, honourable senators, presented the unanimous conclusions reached by the 10 Senate members and 20 members of the House of Commons.

Hon. Mrs. Fergusson: They were not unanimous.

Hon. Mr. Aseltine: I was there and no one produced any further or different report.

Nothing has happened since to change my mind, and I intend to vote against Bill C-166.

Moreover, quite a number of the populous states of the United States of America—California, for example—have never abolished the death penalty for murder, while quite a number of other states that had abolished it, later restored it and still retain it.

Great Britain's five-year experiment with complete abolition of the death penalty is just two years old, and what do we find? We find a great agitation for the restoration of the death penalty, with a petition being circulated to bring back hanging which is gathering five thousand signatures a week from people who claim, with some justification, that the murder rate is up. Here in Canada we have the report of the joint parliamentary committee of 1956. We have also a vote on a private bill some 18 months ago which was overwhelmingly in favour of retention of the death penalty. Everywhere I have been recently in Canada I have found the majority very much in favour of retention. We now have Bill C-168, which I will deal with later as briefly as I can.

However, I maintain that instead of having this bill before us in its present form we should set up another joint committee of the Senate and the House of Commons, as was recommended in the report of the committee, to review the whole subject in the light of what has happened in the last ten years. The present bill could be referred to that committee. If this is not done, then, a national referendum on the subject would clear the air. In the meantime the death penalty must be retained.

Section 1 of the bill provides special protection, special treatment and favourable discrimination to people who are well armed and well trained to defend themselves. If one is murdered, then it is capital murder and the death penalty applies. The bill does not provide any special protection to helpless, undefended citizens. If one is murdered, then it is not capital murder and the murderer, if convicted, does not receive the death penalty—just life imprisonment. I am unalterably opposed to such discrimination.

Suppose, for instance, anything like the incident that occurred when a man almost dropped a bomb on the heads of the members of the House of Commons should happen again, and some members of Parliament—perhaps the Speaker—were killed. In that event there would be such an outcry in this country that if the provisions of this bill were in force the Government would be obliged to reinstate the death penalty for capital murder.

I take it, for example, that the mounted police who patrol outside this building, and the protective staff and others inside the building, will be protected by this measure if it passes, because they are peace officers. If a person murders one of those police officers or guards at the Parliament buildings he faces the supreme penalty, and the law makes him liable to suffer the supreme penalty. But, if a person gets into the Parliament buidings without murdering a guard, and murders a senator or a member of the House of Commons, or even the Prime Minister, all he will get, if convicted, is life imprisonment, and if he behaves himself in jail he stands a good chance of being paroled in eight or ten years.

Hon. Mr. Beaubien (Bedford): With the congratulations of the opposition.

Hon. Mr. Aseltine: I think we should have more protection than that, honourable senators.

This is not a good measure to have in our criminal law. Life imprisonment for capital murder does not really mean imprisonment for life any more, because the federal Government has virtually abolished the death penalty for capital murder since 1963, in spite of the fact that violent crimes have been on the increase during that period. Armed robberies are reported every day, and murders are bound to be committed frequently in connection therewith.

All the armed robber has to be careful of is not to murder a policeman. That would be a serious matter, because if he is convicted he will receive the death penalty. But, if he kills just the teller, or a bank manager, or an onlooker, he gets off comparatively lightly upon conviction with only a sentence of life imprisonment, and some assurance that he will be paroled in a few years.

Moreover, in the period from 1957 to 1965, 45 persons serving commuted life imprisonment sentences were paroled, and 13 of those paroled since April 1953 served only an average of eight years or so before being released.

I am firmly of the opinion that if this bill is passed, and the news that there is no death sentence in Canada except as provided in section 1 of this bill spreads, there will be an invasion of Canada by the Mafia and other

criminals, and there will be then no real security for the general public.

I have been in and around the courts for more than 50 years, and have taken some little part in the defence of persons accused of serious crimes, including several charged with murder. No one can convince me, after what I have seen and been through, that the death penalty for capital murder is not a deterrent. Moreover, even if I was not opposed to abolition, I would be against this bill for the reasons I have mentioned.

I do not intend to deal with the other sections of the bill, except to say that I hope we in the Senate will have the courage of our convictions, and defeat this measure on second reading.

I must say that I did not like the way in which some of our newspapers overlooked the Senate following second reading of this bill in the other place. Of the newspapers I read the only one that made any reference to the Senate's having anything to do with the bill before it becomes law was the Ottawa *Journal*. Perhaps I am allowed to give an example. In the *Globe and Mail* of Monday, November 27, I find the following in special print at the beginning of an article:

> Canada's Parliament voted last week to abolish capital punishment in all cases but those involving murder of police officers or prison guards.

Surely, the Senate of Canada is part of the Parliament of Canada. At that time the bill had not even reached or been considered by the Senate. The article is, therefore, misleading. I do not like that kind of thing.

Hon. Mr. Croll: They were merely anticipating the vote.

Hon. Mr. Aseltine: I spoke last year, I think, along the same line. We did not receive the bill here until December 5.

Even Charles Lynch, a noted columnist, writing in the Ottawa *Citizen* on November 28 and referring in a humorous vein to the defeat of the Ottawa Rough Riders at Hamilton, stated that Russ Jackson and his cohorts showed great bravery in returning to the national capital following the game, after which he said:

> Perhaps they were emboldened by the fact that hanging has been abolished.

It had not been abolished. The bill had only passed second reading in the House of Commons.

Hon. Mr. Flynn: He meant it has been abolished in fact by the Government for the last five years.

Hon. Mr. Aseltine: Yes; he may not have been referring to this bill at all.

In the Montreal *Gazette* of Friday, December 1, after the vote in the other place on third reading, I read an article headed:

> Commons abolishes death penalty for five years by vote of 105-70.

It had not been abolished for five years, and that vote was on the third reading of the bill. You have to read the fine print away down in the article before you discover that the measure has still to go to the Senate for approval.

I certainly feel that the Senate will stand firmly on its own feet in this matter—

Hon. Mr. Roebuck: It will.

Hon. Mr. Aseltine: —in spite of the fact that I have in my hand another newspaper article stating partly that because it is a Government bill the Senate is expected to affirm abolition without serious difficulty. I admit that this is a very controversial matter. That is why we are to have a free vote for everyone, and the Government's life is not endangered in the least.

I say further by way of repetition that there is no public demand for this bill, and this may be the opportunity the Senate has been looking for to assent and justify itself. It would be a popular decision to declare for retention by voting against the bill. In any event, I know that the Senate will give the bill its usual careful scrutiny, and, as previously stated, I hope it will be defeated in the Senate.

Hon. Mr. Roebuck: May I rise on a point of privilege?

The suggestion that I was in favour of the retention of capital punishment way back in 1956 is entirely inaccurate. I was not, and I have not been for many years. If my memory serves me aright, I suggested bringing in a minority report, but, as all honourable senators know, there are no minority reports from our committees; that is not according to our rules. There is just one report from a committee and I had no power to present a minority report on that occasion. However, I do know that we had a joint committee taking evidence at one time. I do not know how long ago that was, but I appeared before that

committee and expressed much the same opinions that I have voiced today.

Hon. Donald Cameron: Honourable senators, in rising to speak on this bill my first responsibility must be to congratulate Senator Choquette on his eloquent if horrendous recitation of the horrors that can and do happen in isolated cases. I would join with others who say that this is the best speech he has made in the Senate and I congratulate him on it. I would also congratulate Senator Roebuck on the presentation he made.

Coming back to Senator Choquette's presentation, I would say that no one defends the kind of thing he referred to, where a guard or prison officer is brutally done to death by a group of people in prison, but I would emphasize that these things are done in anger, or revenge, or in a state of insanity and on the spur of the moment.

In contrast to that, when we sentence a man to be executed, by whatever means, we are also sentencing a lot of other people to a pretty serious trial in their own emotional experience. We sentence citizens, policemen, guards, witnesses and others, to participate in what after all must be a cold-blooded and premediated killing, and I do not think the occasional barbarism which does occur is worth the price in the horror and brutalization of so many people. You have only to refer to the record of what has happened in some communities where hangings have been bungled to realize the shudder of horror that has gone through those communities. See if you can get a vote for the death penalty there.

One other thing that I want to observe by way of comment is that according to my reading of the evidence, 90 per cent of the murders committed are not committed in cold blood. They are committed in anger, on the spur of the moment, by accident, or by people who are in a state of insanity. I may come back to that point later.

Senator Aseltine said he disagreed violently with the sponsor of the bill, Senator Croll. You know, I like the kind of violence of Senator Aseltine. It is the kind of violence that we can live with, get along with, and I hope we have more of that kind.

In introducing Bill C-168, an act to amend the Criminal Code, Senator Croll in my judgment struck the right note when he said that this bill was an issue of conscience. I think it is likely that no bill which has come before this Senate in a long time has stirred the consciences of men as this one has. It is a bill which in my judgment has overwhelming support among those who have given it serious consideration.

My friend Senator Choquette referred to the poll at Expo. To me that is one of the most ridiculous and unreliable polls that I have ever read about. Apart from that, when people say that the overwehlming majority of people would vote against the abolition of capital punishment if they had the opportunity in a referendum, this might be so, but I say to the members of this Senate, the members of the House of Commons and to any person who is exercising a role of leadership in this community today, that in this role of being what we call the gatekeepers of public opinion we have a responsibility to ourselves and to our communities to be slightly ahead of public opinion, to influence and guide public opinion, otherwise what are we doing here? So I say the fact that the average person who has not had the opportunity to study this material that we have might very well, for a purely emotional reason, be in favour of retention, but I do not think if he had the same chance that we have, with some exceptions, he would take that stand.

I said that this is a bill which in my judgment has overwhelming support among those who have given it serious consideration. In saying that I cast no reflection on those whose consciences dictate that they must oppose it. In my own case, I have searched my mind and heart as I have done on no other bill; I have read widely on it and I have listened to the experts, both pro and con, men on both sides whose judgment and honesty are respected.

I can fully understand the emotional impact of the dastardly murder of a young and innocent child, a helpless woman or an innocent person, and in the emotional reaction of the moment all my instincts cry out to treat the murderer as he deserves—destroy him. That is a natural and human reaction, and one which momentarily gives some relief and some satisfaction to pent up emotions, a temporary satisfaction that the villain is getting what he deserves when he hangs high on the gibbet. But as you back away from the immediacy of the moment, to my mind it seems that more people are involved than just the victim and the murderer, that the issues are bigger than the issues of one or two people, plus the unhappy families on

both sides. Capital punishment involves much more than the individual concerned. It involves the whole community, our standards, our mores, our sense of justice and the ultimate good.

In my discussion tonight I propose to restrict myself to a few of the major aspects of the problem. In doing so I am conscious that I may repeat some of the things that have already been said, and said better, that I may anticipate some of the things that others who follow will say, but there is no harm in repetition if it helps to drive the lesson home. Most of the discussion on the value of capital punishment has been devoted to the aspect of deterrence, and this is an aspect of the issue on which it is very difficult to find conclusive evidence either way.

The report of the Royal Commission on Capital Punishment, United Kingdom, 1949-53, dealt at great length with the aspect of deterrence. However, before elaborating on that, let me remind you that it is commonly said that punishment has three purposes—one, retribution; two, deterrence; and three, reformation.

Here I would like to quote an extract from "Capital Punishment: Material Relating to Its Purpose and Value", put on the record by the honourable Guy Favreau, Minister of Justice, in June 1965. Here he was quoting from Appendix B of the discussions of the Royal Commission on Capital Punishment in the U.K.:

> Discussion of the principle of retribution is apt to be confused, because the word is not always used in the same sense. Sometimes it is intended to mean vengeance, sometimes reprobation. In the first sense the idea is that of satisfaction by the State of a wronged individual's desire to be avenged; in the second it is that of the State's marking its disapproval of the breaking of its laws by a punishment proportionate to the gravity of the offence.
>
> Modern penological thought discounts retribution in the sense of vengeance.

Then I go on to paragraph 54 of the same document:

> The reformation of the individual offender is usually regarded as an important function of punishment. But it can have no application where the death penalty is exacted, if 'reformation' is taken to mean not merely repentance, but re-establishment in normal life as a good citizen. Not that murderers in general are incapable of reformation;... the experience of countries without capital punishment indicates that the prospects of reformation are at least as favourable with murderers as with those who have committed other kinds of serious crimes.

Again, in paragraph 56:

> Supporters of capital punishment commonly maintain that it has a uniquely deterrent force, which no other form of punishment has or could have. The arguments adduced both in support of this proposition and against it fall into two categories. The first consists of what we may call the common-sense argument from human nature, applicable particularly to certain kinds of murders and certain kinds of murderers. This *a priori* argument was supported by evidence given by representatives of all ranks of the police and of the prison service. The second comprises various arguments based on examination of statistics.

I want to say something about statistics, and these are dealt with in paragraph 58:

> It is true, as has been pointed out in reply to this argument, that capital punishment as applied in Great Britain falls very far short of a threat of instant and certain death to every murderer. This is clearly shown by the figures in Tables 1 and 2 of Appendix 3. During the 50 years 1900-1949, 7,454 murders were known to the police in England and Wales. In 1,674 cases the suspect committed suicide. During the same period 4,173 persons were arrested on a charge of murder and 3,129 were committed for trial at assizes. Of those committed for trial 658 were acquitted or not tried, 428 were found insane on arraignment and 798 were found guilty but insane. Of those convicted of murder 35 were sentenced to penal servitude for life or detention during H. M. pleasure and 1,210 were sentenced to death. Of those sentenced to death 23 had their conviction quashed on appeal, 47 were certified insane and 506 were reprieved. There remain 632(621 men and 11 women) who were executed for murder. There was therefore only one execution for every 12 murders known to the police. In Scotland the proportion was even lower. In that country during the same period 612 murders were known to the police, 59

> persons were convicted of murder and sentenced to death and 23 (22 men and 1 woman) were executed. There was therefore less than one execution to every 25 murders known to the police. But these odds against being hanged for murder are probably realized only vaguely, if at all, by would-be murderers.

To bring the statistics a little further up to date. In the London *Times* of November 8, 1967—and Senator Aseltine referred to similar information—the Honourable Duncan Sandys, who is campaigning in the United Kingdom for the restoration of the death penalty in the old country, made the statement, that in the two years since the deterrent of capital punishment was removed, there have been 67 capital murders, i.e., those crimes of a type which, before suspension, would have been punishable by the death penalty. He goes on to say that that compares with 35 such murders during the previous two years. In other words, the rate has almost doubled.

In reply to that, the Home Secretary, Mr. Jenkins, cited three main reasons for interpreting these figures cautiously. First, it was not sufficient to take only 1965 and 1966 figures; the abolition began in November 1965 and thus directly affected only fourteen months of the two years. Parliament took the view that a review of the act should take place after five years.

Secondly, it would be statistically unsound to compare the figures for 1965 and 1966, owing to the short period in 1965.

The estimated figures for capital murder for the years 1957 to 1966 are:

Year	Estimation
1957	22
1958	18
1959	23
1960	30
1961	18
1962	18
1963	15
1964	20
1965	32
1966	35 (including 1 not yet disposed of)

Mr. Jenkins pointed out that the figures fluctuated as high as 30 in 1960 to as low as 15 in 1963.

Thirdly, since the 1965 act removed the distinction between capital and non-capital murder, the subsequent figures for capital murder are hypothetical, showing only the number of cases in which the jury might, under the previous law, have reached a verdict. Then he continues:

> This argument is really an attempt by Mr. Sandys to get around the argument that the overall murder figures so far give no support to the retentionist case. Mr. Jenkins gave the latest corrected figures for all murders in England and Wales over ten years:

Year	Number
1957	151
1958	125
1959	141
1960	135
1961	130
1962	142
1963	133
1964	153
1965	151
1966	141

There is not very much change, so it is too early to draw much comfort from those statistics.

I want to read from another document very briefly. This is Appendix D, an extract from *Reflections on Hanging*, by Arthur Koestler. This is on the argument of deterrent.

And I quote:

> The gallows obviously failed as a deterrent in all cases where a murder has actually been committed. It is certainly not a deterrent to murderers who commit suicide—and one-third of all murderers do. It is not a deterrent to the insane and mentally deranged; nor to those who have killed in a quarrel, in drunkenness, in a sudden surge of passion—and this type of murder amounts to 80 per cent to 90 per cent of all murders that are committed. It is not a deterrent to the type of person who commits murder because he desires to be hanged; and these cases are not infrequent. It is not a deterrent to the person who firmly believes in his own perfect method—by poison, acid bath, and so on—which, he thinks, will never be found out.

Perhaps the oddest thing about this whole controversy of "to hang or not to hang" is the fact that the judges, the people who are most familiar with the law, are very careful about

quoting precedents—and, as I understand, legal people are very fond of quoting precedents—but it says here:

> Now for the second method: by analogy, or precedent. Perhaps the oddest thing about this whole controversy is that the Judges, who live on bread and precedent, never quote a precedent in support of their thesis that abolition leads to an increase in crime. After all, the burden of proof for this assumption lies on them; and since there is a gold mine of precedent at their disposal of what happened after the abolition of capital punishment for some two hundred and twenty different categories of crime, why do they never, never treat us to a single case? Why do we never hear: you want to repeal the capital statute for murder; look what happened after the repeal—

And the statutes for burglarly, arson, rape and forgery are cited.

> Why is it that the reformers, these reckless destroyers of the bulwarks of tradition, always rely on history for support, whereas on this particular issue the keepers of tradition act as if the past did not exist?

In other words, why do they not quote these things, because they said exactly the same thing: the country was going to go to the dogs if we abolished the death penalty for arson, for rape and for forgery.

> Yet the present situation is fraught with precedents and echoes of the past. In the ten years 1940-49 the number of murders known to the Police in England and Wales amounted to 1,666 cases; the number of executions in the same period was 127. Expressed in annual averages, we have 170 murders but only 13 executions. That means that the law as it stands is only found applicable in practice in 7 per cent of all cases; in Scotland even less: only 1 in 35, that is, under 3 per cent of all murderers are actually executed. The law says that murder shall be punished by death; but in about 95 out of 100 cases the law cannot be applied for a variety of reasons which will be discussed in detail later on.

That concludes the quotation.

Now, there are alternatives to capital punishment, and I want to deal with these very briefly for a moment. The abolition of capital punishment necessarily raises the question of its replacement. Society is entitled to protection and one can ask whether life imprisonment can replace capital punishment and, if so, can it literally be imposed? This question has received full attention in the study prepared for the United Nations, and I am not going to go into it.

The present situation in Canada is as follows: the Parole Act, (Revised Statutes of Canada 1958, chapter 38) provides that certain regulations can be passed in respect of time of parole. The most recent regulations were brought into effect by Order in Council 11827 on December 3, 1964. They state that:

> 3) A person who is serving a sentence of imprisonment to which a sentence of death has been commuted, shall serve the entire term of the sentence of imprisonment unless, upon the recommendation of the board, the governor in council otherwise directs
>
> 4) the Board shall not recommend a parole in a case coming within subsection (3), until at least ten years of the term of the imprisonment have been served.

In other words, a person who is condemned to a life sentence cannot apply for parole before having served at least 10 years.

During the present debates before the House of Commons, Mr. Pennell, Solicitor General, declared that:

> The protection of the public will always be a paramount consideration in deciding whether a particular person should be released on parole. Speaking for myself, I would be prepared, in the interests of public safety, to keep a murderer in prison for the rest of his life unless I was completely satisfied that he did not present a danger to the public. Each decision on the matter of a parole would now be brought before the governor in council only after a favourable recommendation by the parole board. If the parole board refuses to recommend parole, there the matter would end. There is no need for me to add that no decision would be taken with more care and with a deeper sense of responsibility.

This statement is confirmed by Section 2 of the Bill C-168, which is presently being discussed.

> (3) Notwithstanding any other law or authority, a person in respect of whom a

> sentence of death has been commuted to imprisonment for life or a term of imprisonment or a person upon whom a sentence of imprisonment for life has been imposed as a minimum punishment, shall not be released during his life or such term, as the case may be, without the prior approval of the Governor in Council.

A minimum punishment of 10 years may in certain cases be considered as insufficient. This is why during the last debate on capital punishment it was proposed that the Parole Act and its regulations should be amended so as to provide a minimum of at least 21 years on paroles in respect of a mandatory life sentence.

If it is desired to deprive those serving a life term of any chance of parole, Bill C-168 could be amended so as to provide that "a person upon whom a sentence of imprisonment for life has been imposed as a minimum punishment shall not be released during his life in any case".

I would comment briefly that on compensation for victims of criminals, as a general rule, a person who wilfully or by gross negligence causes criminal injury, is liable to make compensation. In almost every country, the victim or his dependents have a legal right to claim damages from the offender.

But whatever provision there may be—to assist the execution of a victim's claim against the offender—is generally of symbolic importance. It has been found in practice that the injured party has very little success in recovering damages because of the lack of means of the ordinary criminal and the opportunity which the criminal has to hide or transfer his property before arrest. In the case of murder, the hanging of the murderer can hardly be considered as providing compensation for the victim's dependents.

Therefore programs granting public compensation to victims of crime or their dependents for physical injuries or death resulting from violent crimes have aroused increased interest in recent years. New Zealand, Great Britain, California, and New York State have adopted legislation giving compensation to the victims of violence.

In Canada the subject has not been ignored. This question arose in the Commons in January 1967. Legislation has been framed in British Columbia and Manitoba; but so far only Saskatchewan has enacted legislation, having passed on April 1, 1967 "The Criminal Injuries Compensation Act" based on the New Zealand system. Perhaps the question could be pursued at the federal level in relation to the dependents of the victims of murder as a concession to those who doubt the wisdom of abolition.

In conclusion, I would be happier with this bill if it meant total abolition, but politics being the art of the possible, I am willing to settle for what is possible. I would rather have three-quarters of a loaf than no loaf at all, and for this reason I think this bill is a step in the right direction, and I sincerely believe I am doing what is in the best interests of our society and our country when I support this bill.

Hon. Muriel McQ. Fergusson: Mr. Speaker, on a question of privilege, Senator Aseltine referred to the fact that I was a member of the Joint Committee on Capital Punishment, Corporal Punishment and Lotteries which sat in 1954, 1955 and 1956. This is correct. I was a member of that committee, as was Senator Roebuck. Senator Aseltine also left the impression that it was a unanimous decision of the committee that we should recommend the retention of capital punishment.

Honourable senators, on June 29, 1965 I made a statement in this house that had to do with that matter and I outlined what had happened in that committee, and with your permission I would now like to read that statement which appears on page 311 of Senate *Hansard* of June 29, 1965:

> The Joint Committee on Capital and Corporal Punishment and Lotteries reported to the House of Commons and the Senate on the matter of capital punishment in June 1956, but this report has never been debated in either house. Very often when I have listened to panel discussions or debates on this subject outside Parliament, I have heard reference made to the report of the joint committee on the matter of capital punishment and especially to the fact that the report recommended the retention of capital punishment.

And then Hon. Mr. Choquette said "Hear, hear." I continue:

> I am sure from these discussions and debates that many people are of the opinion that if this recommendation was not unanimous it was supported by most of the members of the committee. As a matter of fact, at the meeting on June

21, 1956, when a vote was taken regarding the committee's stand on the matter of the retention of capital punishment, only 17 of the 28 members were present and although a majority of those present voted for retention, the votes in favour were a minority of the committee members. I had not been aware that this important matter was to be voted on by the committee on that day, and it may be that some of the 11 members who were absent did not know it either. However, a vote was taken of the committee members present on the question: Shall the committee recommend that capital punishment be retained? And the committee voted for retention by 10 to 7. A motion was then made in committee that because so many members were absent the absentees should be polled on the question. The chairman considered this to be irregular, but a vote was taken and this was negatived by a 10 to 7 vote of the committee members present. It was suggested that the recorded divisions be treated as secret, but the chairman held that this would be irregular and contrary to proper procedure unless the committee had been authorized to hold secret proceedings.

I recall very vividly inquiring at that time if a minority report by those who did not favour retention could be made, and I was told it was impossible to submit a minority report with a committee report. I was quite new in the Senate at that time and I did not know this myself. I now know that this is in fact the situation. I was told that if I felt strongly about this matter I would have an opportunity to present my views when the report was debated in the Senate. However, as I said, the report has never been debated in the Senate. The reason for this may have been that the Government of the day felt that the time was not opportune, or that the Canadian public was not sufficiently informed on the matter for the introduction of any legislation.

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

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Wednesday, December 13, 1967

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

Prayers.

THE SENATE MACE

INQUIRY RE REFURBISHING

Hon. Hartland de M. Molson: Honourable senators, before the Orders of the Day are called, may I raise a point which I think should be of minor concern to all of us.

Yesterday, during the course of an address, we heard about the magnificent mace that is in the South African Parliament. I have been looking at our mace in this chamber for a long time, and I cannot but feel that it does not do justice to this chamber. I think it should be refurbished and given an appearance in keeping with the Senate of Canada.

CYPRUS

INQUIRY RE TERMS OF SERVICE OF CANADIAN TROOPS

Hon. George S. White: Honourable senators, may I direct a question to the Leader of the Government? On November 22 I asked the leader if he would obtain a copy of the agreement or the declaration or whatever it is which sets out the terms under which the Canadian troops are serving in Cyprus. I wonder if the leader could have that document for us before the Christmas adjournment.

Hon. John J. Connolly: I most certainly will. I apologize for not having had it before now. It has fallen somewhere between two stools. I will get it.

GOVERNMENT EMPLOYEES COMPENSATION ACT

BILL TO AMEND—THIRD READING

Hon. Donald Cameron moved the third reading of Bill C-184, to amend the Government Employees Compensation Act.

Hon. Jean-François Pouliot: Honourable senators, before this bill is read the third time I must remind you of what happened 29 years ago when the Civil Service Committee of the House of Commons made its report. Many suggestions were made in the report. The members of the committee were men who have occupied various positions.

The membership of the committee included: Mr. Justice Oscar Boulanger of the Superior Court of Quebec, then M.P. for Bellechase; our late lamented friend, Senator Brooks; Lieutenant Governor W. G. Clark of Fredericton; Mr. Hughes Cleaver, Q.C., of Halton, Ontario; Mr. R. J. Deachman of Huron North, the father of Mr. Grant Deachman, the present member; Mr. Justice Alphonse Fournier, who was for a time Minister of Public Works and house leader, and died as a Judge of the Exchequer Court; Mr. Speaker J. Allison Glen, Q.C., of the House of Commons; Senator W. H. Golding; the Honourable Howard Green, who was a roommate of Senator Brooks and is a former Secretary of State for External Affairs; Dr. D. J. Hartigan, of Cape Breton South; Mr. Justice Joseph Jean, of the Superior Court of Quebec; Mr. Wilfrid Lacroix, architect, the member for Quebec-Montmorency; Mr. Angus MacInnis, the late husband of Mrs. MacInnis who represents the same constituency of Vancouver East; Mr. C. G. MacNeil, C.C.F. of Vancouver North; Mr. J. A. Marshall, Social Credit, of Camrose; Chief Justice Donald A. McNiven, Regina City, who was called a very humane judge lately in the House of Commons; the Honourable W. P. Mulock, Postmaster General; Mr. Eric J. Poole, Social Credit, Red Deer; Senator Jean François Pouliot; Mr. David Spence of Parkdale, Ontario; the Honourable H. A. Stewart, a former Minister of Public Works, of Leeds; and Mr. W. R. Tomlinson of Bruce. They were members representing various political parties, who reached unanimous agreement on the reforms to be made to the Civil Service which at that time was composed of 50,000 civil servants, whereas now they are 200,000.

The first recommendation of that committee was made by Mr. Justice Fournier, then the member for Hull, who had a great deal of experience in civil service matters. It was for the appointment of a permanent standing committee on civil service of the House of Commons, such as the one we have in the Senate, but with this difference, that according to the instructions to be given by the Government any civil servant could have come before that committee to lodge his or her grievance under the protection of Parliament. That was the best manner by which to protect the civil servants against favouritism. Unfortunately, that recommendation was never put into effect.

There were several other unanimous recommendations made by that group of men of outstanding ability. I speak of my colleagues on the committee.

After the committee had completed its sittings, which took place regularly during four months—and the record of the proceedings of the committee was about a foot high—Mr. Mackenzie King, the Prime Minister, asked me if I would continue to be chairman. I answered him: "Mr. King, you wanted to have a unanimous report from the representatives of all parties in the house—from our own party, the Liberal party, from the Conservative party, from the Social Credit group, and from the C.C.F. group. You have it, and you have good recommendations. If you start to put those recommendations into force I will agree to sit once more as chairman; if not, I will try to remain as an ordinary member of the committee." He said: "We will see what we can do."

The reform of the civil service was offered to him on a silver platter, and for one reason or another nothing was done. The following session the same committee composed of the same men with the exception of one—he was a very able colleague who died accidentally —adopted the very same recommendations. That was in 1939, but because of the war everything was postponed until later on, and nothing was done.

Honourable senators, these were good recommendations. This is the only copy of the report that I have left, but to give you an idea of the size of the third and final report of the committee I will say it can be found at pages 1551 to 1555 of committee *Hansard* of that day. I am not pressing the matter, but I wonder if you would like to have it printed as an appendix to our *Hansard* of today.

Before I close I will mention an incident to you. The committee asked me when the recommendations would be ready and I said, "Next week." The following week they again asked me when they would be ready and I replied that it might take a few days. Finally I told them my report was ready, and I took scraps of paper from all my pockets and read them. I said, "These are the suggestions that I want to make for the report." I remember that Mr. Howard Green told me, "This is not the way to make a report. You must say, 'This committee recommends this and that'." Consequently, I suggested that it could be arranged. Dr. Maurice Ollivier, Q.C., the very able Law Clerk of the House of Commons, was there, and I said, "I will abstain from joining you. Go with them and make your own report. It will be your report, not mine." To my great surprise and pleasure they adopted all the recommendations on the scraps of paper that I had read to them.

I wonder if honourable senators would have any objection to the publication of this report as an appendix to today's *Hansard*?

Before concluding I should like to tell you one more thing. During the four months that the committee sat, the Civil Service Commission was unable to fire any incompetent employees. Incidentally, I discovered that a girl employed as a stenographer Grade 1 by the Mounted Police had failed her examination five times. I asked Mr. Nelson, who was the chief examiner for the commission, "Can you not fire her?" He said, "I will see what I can do." The day after that he fired the girl, but one day later he said to me, "Do you know who has protested against the firing of that girl?" I said I did not, and he told me that it was her chief. It shows that she probably had hidden qualities to enable her to keep her job.

Having said that, I wonder if honourable senators will agree to the publication of the report in *Hansard*.

Hon. John J. Connolly: In view of the references that Senator Pouliot has given to documents that are already on record and easily obtainable, I think it would be unnecessary to add to our *Hansard* of today's date, which will be of considerable length in any event. In view of the fact that he has already given the references to this report in his remarks, I would think that any honourable senator who is interested would be able to find them in the places indicated by him.

Hon. Mr. Pouliot: I have mentioned only one recommendation in the report. There are many others and they may help my honourable friend Senator Cameron, who is Chairman of the Senate Standing Committee on Civil Service Administration.

Hon. Mr. Connolly (Ottawa West): May I ask the honourable senator a question? Has he not referred to the places where the report is to be found?

Hon. Mr. Pouliot: It is in my hand.

Hon. Mr. Connolly (Ottawa West): But the official document is in print.

Hon. Mr. Pouliot: Yes, but it is in the House of Commons *Hansard* of 29 years ago, which I have in my office.

Hon. Mr. Connolly (Ottawa West): The point is, it is a matter of record and can be turned up if anybody wants it.

Hon. Mr. Cameron: It is a matter of record and I agree that we do not need to reprint it. As chairman of the Standing Committee on Civil Service Administration, I will make it a point to look up this reference. I would also say that, as a member of the Special Joint Committee on the Public Service, of which our colleague Senator Bourget was the very distinguished co-chairman, with Mr. Richard of the House of Commons, we sat for forty-eight days last year on problems of the civil service, including the grievance procedures and discipline. This reference may be of some value and I will certainly look at it. We will be having a meeting of the civil service committee again in the not distant future.

Hon. Mr. Connolly (Ottawa West): Very good.

The Hon. the Speaker: Honourable senators, in my opinion, there has not been unanimous support for the request to print the report. Therefore, would the honourable senator, under the circumstances, withdraw his request?

Hon. Mr. Pouliot: Honourable senators, I am not personally interested in the publication of the report. It is not for me; it is for you. I have passed my copy over to Senator Cameron and it will end there. I made a suggestion to have this published as an appendix to *Hansard*; it was for your benefit, and if you do not want it, you do not have to read it.

The Hon. the Speaker: Honourable senators, is it your pleasure to adopt the motion before the house?

Motion agreed to and bill read the third time and passed.

DEPARTMENT OF CONSUMER AND CORPORATE AFFAIRS BILL

THIRD READING

Hon. David A. Croll moved the third reading of Bill C-161, to establish a Department of Consumer and Corporate Affairs.

Motion agreed to and bill read third time and passed.

FISH INSPECTION ACT

BILL TO AMEND—THIRD READING

Hon. Donald Smith moved the third reading of Bill S-27, to amend the Fish Inspection Act.

Hon. Jacques Flynn: Honourable senators, I should like to say a word on the third reading of this bill. You will remember that, when it was discussed on second reading Senator Blois commented on the change provided by clause 3, which amends the former section 10, to replace the words "unless the fish is wholesome and fit for human food" by words indicating that the fish must not be "tainted, decomposed or unwholesome". He referred to a definition provided by the regulations, which gave to this word "unwholesome" the meaning "aesthetically offensive to man", a rather subjective definition.

When this matter was discussed in committee it appeared to be the view of the members that this definition in the regulations should be made clearer. I think it is useful to note before this bill is given third reading that such was the view of the committee and we hope that the definition will soon be amended to clarify the word "unwholesome".

Hon. Mr. Connolly (Ottawa West): Yes.

Motion agreed to and bill read the third time and passed.

INDUSTRIAL DEVELOPMENT BANK ACT

BILL TO AMEND—REPORT OF COMMITTEE

Leave having been given to revert to Reports of Committees:

Hon. T. D'Arcy Leonard, for 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 C-164, intituled: "An Act to amend the Industrial Development Bank Act", has in obedience to the order of reference of December 12, 1967, 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. Leonard: 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. Lang moved that the bill be placed on the Orders of the Day for third reading at the next sitting.

Motion agreed to.

CRIMINAL CODE

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

The Senate resumed from yesterday the adjourned debate on the motion of Hon. Mr. Croll for second reading of Bill C-168, to amend the Criminal Code.

Hon. Joseph A. Sullivan: Honourable senators, in rising to participate in the debate I do so with some degree of trepidation on my part. Events of the last few weeks have compelled me in my conscience, to use Senator Croll's word, to do so.

It is only right, and I trust it will not be considered perfunctory, if I congratulate the sponsor of the bill Senator Croll, Senator Roebuck, Senator Choquette, Senator Aseltine and Senator Cameron. I believe each and every one of them spoke with conviction and sincerity, and I trust that when I am through you will feel the same way about me.

To introduce my remarks, a heading in the Montreal *Gazette* this morning saved me some time. Referring to a plea by the sponsor of the bill it reads: "Abolish whole sorry process." It compels me to speak on a subject that I was going to speak on at a later date, if and when a certain bill comes to this house. I trust that the sponsor will show the same lofty principles, if and when the bill on abortion comes to this house. The social, economic, and moral reasons advanced favouring abortion—rape, rubella, socio-economic, health—while praiseworthy, are but arguments that the means justifies the end. They can be applied equally to euthanasia, eugenic race improvement, and genocide.

As rational beings, we must accept the dictates of our conscience, however inconvenient they may be. The alternative is civilized bestiality.

There are some means which no end can justify, and one of them is murder.

I agree wholeheartedly with the young professor from the University of Ottawa who appeared before the committee in the other place. His remarks are so propitious at this time that I quote them:

> Is there not a strange, sophisticated, unreasoned, unexplainable madness in a body politic intent on the abolition of capital punishment because of the sanctity of life of the premeditated murderer, yet at the same time intent on the destruction of human fetal life because it is unseen and indefensible?

I wish to put on the record a definition of a few words that I will use through my discourse.

Psychiatry: that branch of medicine which deals with disorders of the psyche, that is the mind, which includes both conscious and unconscious processes. Psychology: that branch of science which treats the mind and mental operations, especially as they are shown in behaviour. Sociology: the science of social relations and phenomena. Neurology: that branch of medical science which deals with the nervous system, both normal and in disease.

When I use the term neuro-psychiatry, you can rest assured that it adds weight to what is being expounded.

"The fear of the Lord is the beginning of wisdom." Well, it happens to be true. For a man at the outset of life to think of himself as Lord of the Universe is to behave like a conceited fool and a fool doomed, in the end, to a terrible fall.

The power of death is the supreme power of temporal rule; it belongs to God and is delegated to man. The Lord killeth and the Lord maketh alive. If that offends your sensibilities, I am sorry. That is the way of it. And that is what it means, that human life has a high price in our civilization.

The big drive is on all over the world to abolish capital punishment. When it is done the whole concept of crime is gone and the world state is a necessity: socialism is an accomplished fact awaiting only the intervention of Christ Himself and the end of the world.

The whole function of government—and now I am relying a great deal on the Doctors of the Church—is to protect and to advance the common good, the welfare, of the civil community as a complete entity. This it does by legislation through the exercise of civil authority, both in the making of laws for the common good and in seeing to it that the laws are kept by means of adequate and appropriate sanctions. Moreover, since man is by nature, and not simply by choice, a civil animal, and his nature as such is from God, then God also is the source, in this sense, of the civil authority without which the common good and, consequently, the individual good of the citizen, cannot be achieved. Civil authority, then is the exercise of Divine Authority in the civil sphere. It was for this reason, for example, that St. Paul—and I go back to him, Senator Roebuck—could tell his people to be subject to their rulers.

Now, since the Government is charged with the duty of protecting and defending the common good it has, then, the right to use whatever legitimate means are required to preserve the common good which, after all, can only be the physical, emotional, moral, and intellectual welfare of the civil community as a complete entity. Consequently, it is obvious that the Government has the right and the duty to defend the civil community from aggression from without as in time of war or from aggression from within as from treason and the like. And this is so even though such a defence of the community may involve the taking of the life of the aggressor. For surely, if by way of the just defence of his own individual life, a given citizen may take the life of one who is unjustly attacking him, *a fortiori,* the civil community, through the agency of government, may do the same when the life of the community is so endangered. A murderer is precisely that—an unjust aggressor with regard to the community—for in taking into his own hands the unlawful execution of another human being in this fashion, he has, thereby, made an attack on the life of the community itself.

It should be clear now that there are two main points with respect to this question of capital punishment: whether the Government has the right to exact such a penalty; whether it should or must exact such a penalty even if it has such a right.

The answer to the first question has already been given, at least in part, when I explained the role of government with regard to the defence and the promotion of the common good of the civil community. The Government would then have the right to use the death penalty if it can be shown that such a form of legal sanction, by its very nature, is adequate protection for the civil community against the crime of murder. The answer to the second question would depend upon whether the Government could find another form of penalty—as, for example, life imprisonment—that would protect the community as adequately as capital punishment.

It is my view that the death penalty by its very nature is a kind of sanction which does in fact act as an adequate and effective deterrent for the protection of the common good of the civil community against the crime of murder. And I hold, moreover, that it does this more effectively than does life imprisonment which is usually offered as an alternative in this matter and which does not always mean what it says. I maintain this position in the light of the fact that human beings, at least for the most part, consider life as their most precious possession; they will go to almost any length to preserve it. Even in those situations where life itself is not particularly pleasant, I wonder how many of you have been at the bedside of a dying person and has seen him struggling to stay alive. For example, prisoners condemned to death will do their utmost to have their sentence reduced to life imprisonment, although this might mean long periods in solitary confinement and the like.

In this matter, also, it is of value to note that police officers are practically unanimous in agreeing that the death penalty should be retained. And J. Edgar Hoover, for so many years director of the FBI in the United States has, on many occasions, insisted that capital punishment be kept in force. Closer to home, quite recently, the majority of the attorneys general of Canada agreed that the death penalty should not be abolished. And in the last poll which was taken recently in Canada, the majority of Canadian citizens endorsed this view. All of this is certainly worthy of consideration in this matter.

It should be noted that the case for or against capital punishment stands or falls on its being or not being an adequate deterrent against the crime of murder, viewed in the light of the value that human beings place on their own individual life. I do not think that it is of much value to appeal to statistics to try to show in this way the effectiveness or the ineffectiveness of the death penalty.

There are too many variables involved; changes in circumstances and in conditions, from one period to another, to make it feasible to compare on a statistical basis abolitionist and non-abolitionist communities. Moreover, quite often in this matter attention is paid only to those who actually commit murder even though countless others may have been deterred from the crime of murder out of fear of the death penalty. These are not considered at all. In the same way there are people who believe in hell as a place of eternal punishment but who lead lives of serious sin anyway; but, by the same token, there are a great many others who are kept on the path of virtue precisely because of the fear of hell as this kind of penalty. These, too, must be considered.

We are told by the abolitionists that the death penalty removes the opportunity of rehabilitating the individual convicted of murder. I will have more to say about this question of rehabilitation and psychiatry later on. However, this is not the point at issue. What is to the point is the legitimate defence of the community. And here again the common good must prevail. The citizens must decide whether they are more concerned with the welfare of the community as a whole than with the possible reformation of a given person who may have been found guilty of murder. Also the question of rehabilitation is an after-the-fact sort of thing; whereas, we have been insisting that the whole value of the death penalty is in its intrinsic worth as a deterrent based on the value that human beings place on life.

The death penalty is said to be of little value as a deterrent because so many people commit murder anyway. The same thing might be said of hell as a sanction for the moral law with respect to those who believe in it as a place of eternal punishment. Some of these people lead lives of serious sin—but a great many others do not.

In this age of psychiatry and with our emphasis on mental illness we are told that all murderers are insane. I will enlarge on that. It is easy enough to make a statement of this kind; the burden of proof, however, rests with those who make it. It certainly is not borne out by an examination of those who have been sentenced to life imprisonment for murder; nor has it been established in the case of all those who have been sentenced to die for this same crime. What then is the basis for such a position? It would seem that here the abolitionists would like to have their cake and eat it too. For it does not seem likely that if insanity is the basis of the murderer's action he will be able to be rehabilitated to the extent of again being allowed to move freely in society.

We might also note that the circumstance of mental instability at the time of the crime of murder is already covered in the law by the allowance of a plea of temporary insanity where there is a basis for such; but it is an unwarranted generalization to maintain that everyone who commits murder is mentally incompetent. This whole matter is also taken care of in the distinction between capital and non-capital murder; we do not have to abolish capital punishment to handle this problem.

Some will argue, as did Erle Stanley Gardner—whose detective novels I enjoy—in his book *The Court of Last Appeal*, that the death penalty should be abolished because there is so much miscarriage of justice in the bringing of a man to trial, in the trial itself, and so on, that innocent people can be the victims of this. Once again, if this be so, you do not have here an argument against capital punishment but rather an argument against the administration of justice.

The solution of the problem is not to abolish the death penalty but to clean up the enforcement of law. This kind of argument is like saying that because the radar officers may be operating illegally, therefore we should abolish all speed laws. The answer to the difficulty in this case should be obvious.

I point out that I agree with the distinction made in 1959 by the Canadian Government as between capital and non-capital murder, but I would also point out that the death penalty should be retained for capital crimes. Those convicted of such crimes should not, as a general practice, have their sentences reduced to life imprisonment because it usually does not do what it says it will do; and such a way of acting would in fact nullify the whole meaning of capital punishment. I agree with the majority of the attorneys general of Canada.

In a House of Lords debate on the bill that abolished capital punishment, Viscount Dilhorne read a letter he had received from a criminal presently serving a four-year sentence:

> My next complaint deals with your hanging bill. You may not be aware of it but long-term prisoners are laughing now because it seems in future that ex-cons will be able to shoot their way out of any tight spot and not be hanged for

> it. I myself was arrested with a gas gun after a police chase. I did not use it on the police because the gas could affect the heart and kill one of them. However, I can assure you quite frankly that if I ever get in a cornered position again I will not hesitate to shoot to kill because you won't be able to hang me. . . . There are many prisoners even now talking about how they will be out as soon as hanging becomes illegal because it will remove all the deterrent. . . . I am a man of no politics personally but even I feel I must protest at the people who advocate no hanging. Why don't you sort out the country's real problems instead of playing mummies to prisoners? You all need a shaking up. In fact, sirs, you all deserve shooting.

When I hear psychiatrists pontificating and giving dogmatic opinions in regard to the abolition of capital punishment for murder, particularly two psychiatrists, then I often wonder how many have ever read the works of one of the world's great men, the autobiography of C. G. Jung, called *Memories, Dreams and Reflections*. This extraordinary book will come as a revelation to those who know Jung only from his massive contribution to neuropsychiatry and to psychology and to the art of healing. More clearly than any of his scientific writings, it demonstrates how very much his unique insight and his theory rest on an empirical—I stress that word—function.

Let me quote from this memorable treatise, at page 145:

> My patients brought me so close to the reality of human life that I could not help learning essential things from them—encounters with people of so many different kinds and on so many different psychological levels have been for me incomparably more important than fragmentary conversations with celebrities.

That is why, as a medical man for 35 years, attached to a teaching hospital of over a thousand beds, and coming in contact with various types of people over the years, operating on these thugs and their victims when they arrive in the emergency of the hospital, having to care for the mangled bodies of their victims, if they survive, for the rest of their lives, I can come to no other conclusion but that this legislation should not be put into force. I have just about reached the end of my tolerance with the way our society at the present time seems to have sympathetic concern only for the misfit, the pervert, the drug addict, the drifter, the ne'er-do-well, the maladjusted, the chronic criminal, the murderer. How about us taking an interest, for a change, in the victims of this latter group?

Surely, in a society which now seems to be diligently seeking out and providing for everyone who is not making enough money—even those who could probably earn enough if they tried a little harder—there is some room for compassion towards those who have been brutally dealt with by thugs? And these victims are likely to grow larger in number, because there is an ever-increasing crime rate, quite possibly brought on partly by our present "do-gooder" attitudes towards those who break the law. And, by the way, after such individuals have gone through some course of rehabilitation, it is most difficult to get the same psychiatrists to state whether these people are safe to be allowed to go out into the world again. Do not forget that fact. The ease with which a psychoanalyst establishes his authority over a patient derives from the fluidity and indecision of anxious states of the mind. Men are good but imperfectible, which means they are also bad and must at least take care to keep the two qualities in balance, or at best a-tilt on the benign side.

Penfield, writing in his latest book *The Difficult Art of Giving*—and he describes the life bibliography of Alan Gregg, one of the outstanding trustees of the Rockefeller Foundation—states:

> I am inclined to question the degree of self-acquired personal power that already confronts psychologists and psychiatrists. That temptation will increase with any increase in their skill. Lord Acton's opinion—

which I have used before—

> "Power tends to corrupt; absolute power corrupts absolutely," applies starkly and gravely to psychologists and psychiatrists, whether they have chosen their profession for the sake of power or for the sake of knowledge. For knowledge moves to power. That cannot be denied or avoided, and I commend to your ruminant leisure the observation of Alfred Stern, "There is only one evil: to deny one's freedom in order to evade the responsibility it implies."

Penfield continues:

> If psychology and psychiatry are likely in the next decades to pass from curiosity to research, from research to greater knowledge, from greater knowledge to great power, and from greater power to proportionate responsibility, then the interest of psychiatry and psychiatrists calls for a substantial advance in the information needed by the laymen to whom the psychiatrists will be answerable.

As a physician, I am not engaged in any popularity contest or vote-catching scheme, whatever it may be, but I would like to read from a report from the Roman Catholic bishops of the United States entitled "Unchanging Duty in a Changing World." This was reported in the Report on Services for Children and Youth with Emotional Difficulties and Behaviour Problems, Windsor, and in the Community Fund and Welfare Council of Greater Windsor, March, 1961.

The bishops stated:

> Ignorance of moral principles and the rejection of the very notion of morality are on the rise today and threaten to undermine our nation and its most sacred traditions. The evidences of our moral decline are everywhere to be seen: in the alarming increase in crime, particularly among the young; in the sensational treatment of violence and sexuality in literature, on the stage, screen and television; in the disclosures of greed and cynicism in Government, labour and business; in the stubborn continuance of race prejudice and injustice; in the multiplication of divorce and the rapid disintegration of the family; in a harsh and pagan disregard of the sacredness of human life concealed under the mantle of pseudo-science.

Now let me say something about doctors and the criminal lawyer. With all due deference and humble respect to my learned friends of the legal profession, I wish to elucidate on a point that I do not feel has ever been, at least to my knowledge, openly expressed or stated. Human nature being what it is, there is no question in my mind that, with a murder suspect, it is a case of a battle of the wits to use the law, one way or the other, to champion what may be a questionable cause. Doctors and lawyers who become involved professionally—and I have—in saving the life of criminals, may incidentally acquire knowledge that justice is or is not being done in a given case, and this experience may well colour their approach to the law. It is an experience which enters into their very being, where it may be used in promoting legislation. I think that the criminal lawyer may well have great experience which should make his opinion on these matters particularly valuable.

One of the most eminent of neuro-psychiatrists in the United States, writing in the book, *The Circle of Guilt,* published by Rinehart & Co., Inc., 1956, pp. 133-134, states:

> Wertham has stated in a vigorous and forthright manner his conclusion, as a neuro-psychiatrist, that there is no foundation for the concept of the irresistible impulse "in the facts of life or science."

The medico-legal theory of the irresistible impulse is advocated only by laymen and by psychiatrists who are scientifically not sufficiently oriented. It lends an air of scientific literalness and accuracy to a purely legal definition without any foundation in the facts of life or science.

In the royal commission investigating the criminal law in relation to the sexual psychopath, Chief Justice McRuer, in a summary statement, commented as follows:

> Psychiatrists find it difficult to distinguish between an uncontrollable and an uncontrolled impulse.

The arguments for the legal use of the death penalty seem to me to be the following:

1. That the penalty has long been employed, and that it has been accepted as normal by the teachers and leaders of ancient Israel and of the Christian church, to name only two illustrious instances.

2. That there is a material and strict justice in allowing society to take away the life of a man who has taken a life away from society; that is, that the use of the penalty is not a vindictive but a just act.

3. That the desire to abolish the penalty proceeds from a current "permissiveness" which is a weakness in contemporary men and destructive of order and which has penetrated all areas—child raising, education, social relations—to man's hurt.

4. And finally, that the use of the death penalty is a powerful deterrent.

The proponents of liberalization must be as well aware as I am of the remark attributed to Albert Einstein:

> When the Nazis came to power, I expected the German political parties to resist. They did not. Then I looked to the great German press to resist. It did not. Then I looked to the German intellectuals and German universities to resist. They did not. Until at last the Churches stood alone.

Credentials can be meaningless. Even sanity, as the world defines it, can be meaningless. Thomas Merton in "A Devout Meditation in Memory of Adolf Eichmann" captures this truth when he writes:

> The sanity of Eichmann is disturbing. We equate sanity with a sense of justice, with humaneness, with prudence, with the capacity to love and understand other people. We rely on the sane people of the world to preserve it from barbarism, madness, destruction. And now it begins to dawn on us that it is precisely the sane ones who are the most dangerous...
>
> We can no longer assume that because a man is "sane" he is therefore in his "right mind." The whole concept of sanity in a society where spiritual values have lost their meaning is itself meaningless.

Honourable senators, in short, we have become technological giants and moral pygmies, thrilled by every scientific advance, and intimidated by every demand for moral courage.

The honourable sponsor of this bill used the word "conscience." When this word is used, let me just say that I too have a conscience. As one who has been dealing with the living, helping some to keep alive, and helping others to die peacefully all my professional life, my conscience tells me I cannot sincerely support this legislation.

Three or four weeks ago the Emeritus Professor of Otolaryngology at McGill University, Montreal, Dr. W. J. McNally—a man well know to the honourable Leader of the Government and one of my greatest and closest personal friends, one who practises what he preaches and who goes to Mass every morning—at a quarter to seven on a Thursday morning went out to his car to find two individuals ransacking it. When they saw him approach they let him have it with a gun. Had it not been for his left arm he would have been dead today. The surgeons had to remove 40 inches of his large bowel. His left side and his elbow were shattered. With the great advances made in modern surgical care he is going to live. This is why I am speaking today.

That is what happened to this noble, Christian gentleman. His fortitude, his sacrifice, his fidelity to his family and nation, the serenity and the faith he displayed and practised, were an example to all who knew this godly man. In a true sense, he was Newman's gentleman.

I leave it to the sponsor of the bill to say what should be done with those two men who attacked him.

Honourable senators, I thank you for your kind attention to my remarks.

Hon. Hartland de M. Molson: Honourable senators, everything for or against this bill has already been said. There is no reason or excuse for me to cover again the ground that has been the subject of millions of words, both written and spoken. All of us in this chamber have read books, magazine and newspaper articles, and dozens of speeches covering every argument for both points of view. However, I intend to vote on this bill and, therefore, I believe that I should make my position clear. I shall be very brief.

It is my belief that the points of view of those who favour abolition of capital punishment, and those who favour its retention, are both valid and honest. All that has been actually proven to date is that the choice is not susceptible to statistical proof. The choice is one of personal belief or conscience.

Bill C-168, however, does not offer a clear-cut alternative between maintaining the death penalty and its abolition. It is a compromise, and I seriously question whether it should have been introduced. It raises far more questions than it answers.

My first question is: Why was it introduced so soon after Parliament had decided—just last year—to retain capital punishment? Was it because the Government felt unsure of its policy of commutation, which is not contemplated by the law as favoured by the majority of the electorate? Many, many people in this country believe that the commutation of sentence for murderers like Dion who strangled little boys, Marcotte who machine-gunned to death two police officers, and others guilty of particularly brutal and repulsive murders, was uncalled for and unjustified.

This brutal type of criminal is a "mad dog" killer, whose only fear is that of physical violence to himself. Surely, the power of commutation under the present law is supposed to be used with discernment and discretion, and not on a wholesale basis regardless of facts and circumstances.

Another question is: Why was this bill introduced at this time? The other place spent eight days on it, worrying about a few dozen people convicted of the most serious crime against society, when millions of people in Canada have problems which should be demanding every waking moment of Parliament's time. There is inflation, unemployment, poverty, pollution, lack of housing, a rising crime rate, and a host of other things which affect the future well-being of every person in this country. These should have priority. If there is time to spare, we could then consider how best to deal with murder sentences.

A further question is: What is the difference between a policeman and a uniformed guard at a bank or other establishment? Both wear blue suits. Both have metal buttons and Sam Browne belts. Is one better than the other? What do you say to a bank guard or to one of the men on a Brink's truck? Are they of lesser value?

Do not misunderstand me. I am in favour of giving all the protection and encouragement possible to policemen and prison guards. They do not get half enough support and recognition from the public they serve. But I see no reason why the same status should not be given to all those who protect the life and property of themselves or others.

Why are we not spending the time worrying about the innocent? Armed robbery is increasing at an alarming rate, and it causes a considerable number of murders and near murders.

Why are we not bending every effort to reduce the use of firearms? Nobody carries an unlicensed revolver except for some sinister purpose—the purpose of crime and the sort of crime that may end in murder. We should be concerning ourselves not about the handful found guilty of murder, but about the thousands—and the figures can be seen in the criminal statistics—who every year are subjected to injury or robbery, or much worse, as the result of inadequate laws, insufficient protection, or poor enforcement.

I have just two last questions. If the death penalty is to be abolished in most cases, why was not imprisonment for life made mandatory? And I mean imprisonment for the rest of the natural life. I do not believe a substantial majority of Canadians consider the present life sentence, ending in release in a few years, to be satisfactory. Finally, who can be convinced that those convicted of killing policemen or prison guards would ever under this new bill be executed? With the Government record since 1962 it just is not credible.

To sum up, honourable senators, in my view Bill C-168 is badly timed, is discriminatory, gives no assurance of any change from the practice of the last five years in the final disposition of cases, gives no greater, and possibly less, protection to the public, and lastly and most importantly is an unsatisfactory compromise on principle—a most important principle involving execution or prison, life or death—in my judgment not a matter very suitable for compromise.

Holding these views, as I do, I feel I must vote against the bill.

Hon. John M. Macdonald: Honourable senators, I must agree with Senator Molson. At this stage of the debate I do not suppose any new arguments or any new reasons can now be placed before you, either in support of the bill or against it. I too promise to be brief, but I also want to make my views known.

Since this debate began, strong arguments have been advanced, and advanced with force, clarity and conviction, by those speaking in favour of the bill and by those speaking against its adoption. I am sure we have all been impressed by the high quality of the speeches made and by the respect shown by the various speakers for the points of view different from the one they were supporting. Personally, while I have been impressed, I was not surprised at the high quality of the speeches to which we have listened, for after all in this matter we all have a common purpose and a common objective. As I see it, that objective and that purpose is to protect and safeguard the sanctity of human life. Nothing can be more precious than the life of a human being, be he a revered saint or be he a notorious criminal, and the protection of human life is the first and highest duty of the state.

I think we agree that the state has the right to take the life of a murderer if it feels it is necessary for the protection of society as a whole. So do I believe that in the consideration of this bill each of us must ultimately decide whether or not we think that the

sanctity and sacredness of human life is better protected and better safeguarded by the state taking the life of a murderer. Personally, I am not convinced that human life is better protected and better safeguarded by the state taking the life of a murderer.

I realize that the murderer is not entitled to consideration. He has shown that he has no regard for human life—and I have no sympathy for him. Indeed, as has been pointed out, in many cases his crime is so repulsive and so shocking that there may well be a general opinion that the murderer is not fit to live. Yet even in such extreme cases I think that if the state takes the life of a murderer it lessens rather than increases respect not only for law and order but for the value in which human life should be held. I do not believe that anything is gained by society demanding the life of a murderer, or that anything is lost by allowing him to live.

Honourable senators, even if it should be admitted that capital punishment is some protection to society, I believe there are good reasons why it should not be used. To my mind there is always the danger of a miscarriage of justice. That danger may be remote, yet it is there—the danger of an innocent person being convicted and executed. After all, we know that judges and juries are not infallible, and I think that the risk of a miscarriage of justice is greater now than it was in the past, because nowadays the machinery for news gathering and news dissemination is so effective that it would be most difficult, if not impossible, to select a jury in a capital murder case whose members had not been influenced to some extent, unconsciously of course, by what they had heard, seen and read.

It has always been a matter of pride to us that in the administration and enforcement of the criminal law we have been guided by that great principle that it is better that 99 guilty men go free than that one innocent person should be convicted. In the case of capital punishment, if one innocent person should be executed there is no way by which that mistake can be corrected. I do not think we should take the chance. I believe it is better that those guilty of capital murder should escape execution rather than run the risk of an innocent person being put to death.

I think too, honourable senators, it should be remembered that the execution of a murderer by the state has always been called "capital punishment." It is a punishment inflicted on the murderer for his crime. The indirect result may be to deter some others from committing a similar crime, but first and foremost it is a punishment, and to my way of thinking it has become a most cruel and unusual punishment. I know it is not so regarded in the sense of a cruel and unusual punishment which is prohibited by the Canadian Bill of Rights, though I do not think it is far removed from it. Yet in actual practice I think the element of cruelty must be taken into account in the consideration of this bill.

To show you what I mean, I ask you to think for a moment of the procedure which follows the imposition of the death penalty. There is an appeal; probably a stay of execution is granted somewhere along the line; a new trial may be ordered; there may be a further appeal. All these procedures take time. I read a news item in the paper of November 29 concerning a person convicted of murder who was granted a further stay of execution. He had been convicted on May 10, 1966, and sentenced to death. Since then there have been appeals, new trials, and more appeals.

It seems to be inevitable that there is a long delay between the time the sentence is imposed and the actual date of execution. The condemned man spends months and perhaps years under that dreadful sentence of death. This, I believe, is a vicious form of mental cruelty. The passage of time must be composed of periods of hope, of fear, or of despair, for the condemned man. And then, if the sentence is finally confirmed, there is the appeal for clemency to the Governor in Council; and for some reason or other the result of such appeal is rarely announced until shortly before the date set for the execution. I believe this long period, this terrible period of uncertainty, is mental cruelty in a most advanced form and can only be abolished by the abolition of the death penalty. We should never forget that cruelty, be it practised by the state or practised by individuals, is an awful thing which seems to grow, as it were, by feeding on itself. The result is that people become indifferent to it and cease to be shocked at its practice. Surely the history of our times has taught us that cruelty practised by the state results in a coarsening of the moral fibre of the people, a lowering of their ethical standards and a lowering of their moral values.

Honourable senators, while of course this bill does not mention the point, I should state

that I am one of those who believe society owes a debt to the dependants of a murdered person. It owes such a debt because it has failed in its obligation to protect and safeguard the lives of its citizens. The compensation cannot make up the loss of a husband or father, but neither can the execution of the murderer bring him back to life.

Honourable senators I would have liked to have seen this bill go further and abolish capital punishment altogether. I think it is illogical to retain it in part. By so doing we will be retaining in part the unfortunate results that I believe are an inherent part of such punishment.

However, on balance, I think the bill is deserving of support.

Hon. Norman A. Mackenzie: Honourable senators, like the two previous speakers, I propose to be very brief.

I am very interested, as a study of human nature, in the concern which Parliament, and apparently the country itself, seems to have in this issue we are discussing. There seems to be strong opinions about it, and people are prepared to spend a great deal of time upon it.

Like the rest of you, I come to this particular question after having read many things about it and having listened to many speakers dealing with it. In this connection, I would like to congratulate all those who have spoken on this matter in this Chamber and on the contribution that they have made, pro and con.

In the final analysis, for one like myself, as Senator Molson said a moment ago, it is not a question of statistics; it is not a question of the arguments, of the pros and the cons, it is a question of individual judgment and opinion as to what one should do or should not do, as to what one should support or not support. For myself, I feel there are other things in society and in life more important than this bill with which we are dealing.

Like all other honourable senators, I have a high regard for the sanctity of human life. But, honourable senators, I spent four and a half years of my life—from the autumn of 1914 to the spring of 1919—with a rifle and bayonet as my constant companions. My function and purpose in life was to do what I could to kill or otherwise incapacitate as many Germans as I could—most of them fine young men, the elite of the German nation.

I contend that it is and should be a matter of far greater concern to the members of this Chamber, to Parliament and to the nation, that we should see to it, in so far as we can, that no more young men are put in the position that I and my companions were put in and that thousands of others were put in and are being put in. I believe we should concern ourselves about the prevention of war and of violence. In this connection, I want to record my pride in what Canada has done and is doing to this end, particularly since the end of World War II.

I am aware, too, that the numbers of those murdered is far less than those killed and maimed on our highways. During any holiday weekend in our country there are far more fatal accidents on our highways than all of those who may lose their lives as a result of murder in a year's time. Nevertheless, while I believe that highway safety and the prevention of war are matters which our Government—the House of Commons and the Senate—should concern itself with and should pay close attention to, capital punishment is the matter before us and we have been asked to express opinions about it.

Honourable senators, I intend to support the bill and to vote in favour of the abolition of capital punishment. I do this not because I have any particular regard for those who commit murder. Society would be better off without some of them. I will vote in this way because, as Senator Macdonald said a moment ago, I believe that capital punishment does not advance the good of the society we live in. I hope that other and better ways of dealing with this problem and with crime generally can be worked out in society and by society, so that my children and my grandchildren may be assured of a better country and a better life than that which the rest of us have known.

These, honourable senators, are the reasons why I propose to support the bill.

Here may I express the hope that the Government and Parliament will give as much attention and as great concern to the victims of murderers, particularly the wives and children bereaved, as they are now doing the murderers.

These, honourable senators, are the reasons why I propose to support the bill, and in doing so I return again to the two or three points that I am making. I hope that Parliament will give greater attention than it has to date to the increasing number of highway accident cases, and to the brutalizing effects and the terrific losses occasioned by war and to ensuring that the dependants of

those murdered are provided for. In brief, I urge that, while we deal as we are now dealing with an immediate problem, we do give attention and show concern for these matters that I feel are more important and more urgent.

Hon. Malcolm Hollett: Honourable senators, I too will not keep you long. I have no notes, but I have a soul. I am asking every member in the house this afternoon this question: what would you do under circumstances where some hoodlum raped your child or your grandchild and then killed that innocent person with a knife or gun? What would you do? Just ask yourselves that question. I did and my answer was that if I had been anywhere near I would have shot or stabbed or killed him by some means. And I think I would have done what was right. I am talking about a murderer who can break into the happiness of your family life and destroy it forever.

Are you just going to put that miserable creature, that brainless oaf, into a penitentiary for not more than 10 years in all probability? And when those 10 years, or less, are up and you meet that murderer on the street, what are you going to do? When you meet the person who killed your loved one, what will you do? Do you think that that individual is ever going to be fit again to come out into the open? And if you are still around are you not going to be incited to murder also? Just ask yourselves that question.

I am, as you know by now, against the abolition of capital punishment. I know I would not like to be in the position of the honourable Senator Roebuck, who had to hire a hangman. I would not like to do that, but, as a servant of the state, we have to do some things that we do not wish to do. But it is my opinion, honourable senators, that no murderer—and I mean the man who designs and plots to kill—should be allowed his freedom again on this earth. If the good God wants to give him his freedom up above, that is not our affair. But we have to look after society. We have to look after our children and their parents. We must protect society.

If all you men who went overseas in World War I had said, "No. I am not going to go. If the enemy wants to shoot us and drop bombs on us, let them do it. I will not go." I ask you what you would think of such an attitude? We were members of the state and we had to carry out the duties that the state must perform in order to protect society. I put it to you now, that although hanging or electrocution or some other form of execution is not pleasant to think of, you and I have to do unpleasant things if we are to protect society.

Just recently, on the last occasion that I was at home in St. John's, Newfoundland, the Bank of Montreal there was entered by a young man who, incidentally, came from Ontario. He walked up to the teller, a young lady of about 18, drew a gun and demanded her to keep quiet and to pass over some money. The gun was pointing at her chest. Over on one side of the bank was a police officer who, although not in uniform, was on duty. He saw what was happening, but he realized that one wrong move on his part would very likely result in the death of someone. So nothing was done, except that the teller passed over the money, about $2,-300, and the gunman fled from the building, jumped into a car which was at the door and running, and escaped for the time being. He was caught about a week afterwards, and I believe he was sent back to Ontario somewhere after he was sentenced.

Now, I ask you to consider this matter. If that police officer had made a wrong move and had been shot, well, the felon would most probably have been hanged, whereas if he had killed that innocent teller or an innocent bystander he would not have been hanged and in all likelihood would have been out of prison after 10 years.

Just consider these things. I ask you to think of the miserable creature in the United States who recently killed eight young women. Are you going to let that animal go at large after 10 years? You say, "Oh, he must have been berserk." Maybe he was. Is not every murderer berserk? Particularly every murderer who plans to take a human life?

Honourable senators, I am not going to keep you any longer, but I want each one of us to consider what we are doing with this bill. I think we should have more time to consider this problem. We should have more examination into it by men such as some who have spoken during this debate. It is a serious problem. None of us likes the taking of life. Some of us have had to do it in carrying out the duties of state. But take a murderer who has planned the death of a relative of yours or mine in order to get a few miserable dollars or to satisfy his lust, are you going to let that murderer out after 10 years? And are you going to meet him on the street and say, "How do you do? Aren't you the man who killed my grandchild?"

Honourable senators, I know that we have a free vote on this question, but I do ask you to consider these things before you cast your vote. I will not be here tomorrow when perhaps the vote will be taken, but I wanted you to know how I feel about the issue and I want you to think it over very carefully.

I also want to congratulate all honourable senators who have spoken, both for and against this bill. Thank you.

Hon. J. Harper Prowse: Honourable senators, I too would like to thank all those who have preceded me in this debate and who have expressed as best they were able their honest beliefs as to what should be the proper disposition of the bill before us. And I speak to this question as one not without some knowledge of what is involved.

For six years before the war I earned my living as a reporter on the police beat, in a metropolitan daily newspaper in a western city where it was my responsibility or perhaps bad fortune—not my privilege—to meet murderers, to go to the scenes of murders, to see people who had been recently bereaved, and for the cause of news to steal photographs of even the murderer or of the person who had been killed, or from the family when they were not looking, so that we could have a picture for the paper.

For the next five years I was trained to kill, and for one month in a very intensive course in the mountains of Scotland at the Commando Training Centre, and was supplied with a particularly beautiful little piece of machinery called a commando knife. There I was told it was my duty as an officer when we went on raids, if we did, that wounded men were not to be left behind as wounded men; they were either to be carried off or it would be my responsibility to see that they remained as bodies and not as wounded men. No matter what their resolve, wounded men deserted by their comrades, might unconsciously and unwillingly and unintentionally betray a secret which could lead to the death of other men later. Perhaps it is to my shame, I do not know—the thought came to me then, and it remains in my mind to this day—but I doubt that I could have carried out that kind of an order.

But, honourable senators, hundreds and thousands of young men were trained to kill; millions of men from this continent lived for years with death as their daily companion. Life became tremendously cheap, and yet the murder rate did not go up when those men came back. Why? Because basically, instinctively, in the normal human being there is a reprehension against taking the life of another human being which prevents him from even really seriously considering doing it.

Ah, yes, we can read the murder story; we can watch the man on television with the fastest gun; we can revel in the fantasy, but could we press the trigger? Could we break the capsule in the drink? I think not. And not because we are afraid that somebody might take us by the neck and hang us until we are dead, but because we could not live with ourselves if we were to be so presumptuous as to deliberately and cold-bloodedly destroy this remarkable mechanism which is the human body and which at least we believe is the highest creation of God.

It may not be wrong at this point, honourable senators, to remind you of when God himself was responsible alone for the administration of law and order on this earth—and I say this to you who say that you have taken the view that the state accepts from God the right to destroy that which He has created. The story has been told already: It has been told in the fourth chapter of Genesis, the story of Cain and Abel. You know the story; I need not read it all.

> 9 And the Lord said unto Cain, Where is Abel thy brother? And he said, I know not: Am I my brother's keeper?
>
> 10 And he said, What hast thou done? the voice of thy brother's blood crieth unto me from the ground.
>
> 11 And now art thou cursed from the earth, which hath opened her mouth to receive they brother's blood from thy hand;
>
> 12 When thou tillest the ground, it shall not henceforth yield unto thee her strength; a fugitive and a vagabond shalt thou be in the earth.
>
> 13 And Cain said unto the Lord, My punishment is greater than I can bear.
>
> 14 Behold, thou hast driven me out this day from the face of the earth; and from thy face shall I be hid; and I shall be a fugitive and a vagabond in the earth; and it shall come to pass, that every one that findeth me shall slay me.
>
> 15 And the Lord said unto him, Therefore whosoever slayeth Cain, vengeance shall be taken on him sevenfold. And the Lord set a mark upon Cain, lest any finding him should kill him.

And if the human being was too precious a thing for God to take his life in punishment without any other reason, who dares have the impertinence to stand in the councils of reasonable men and claim that man has some right greater than that which God ever gave to himself! The right exists, of course, provided right is synonymous with power. We have the power to kill these people.

Now let me remind you, honourable senators, that seventeen men now sit in our prisons under sentence of death, and this can save them at the present time. Section 656 of the Criminal Code says:

> (1) The Governor in Council may commute a sentence of death to imprisonment in the penitentiary for life—

That can save them. But we in this house can kill this bill and that section may still save them, but it will be no doing of ours.

Now let me ask this of you who think that we ought to take the life: how many of you are prepared to learn the gentle art by which you weigh a man, you measure him, you study his bone and muscular structure, and then you carefully calculate in a scientific way the precise kind of knot and the precise amount of slack in the rope that will ensure that the drop will be sufficient to break his neck and kill him instantly so that the hangman does not have to clutch his feet and drag him down and strangle him, as has happened, and yet not give too great a drop so that the body is decapitated, as has happened? How many of you are yourselves prepared to learn these gentle arts? How many of you are prepared to stand and strap behind him the hands of the wretch who has been sentenced? How many of you are prepared to walk with him to the scaffold, put the black cap over his head, tighten the noose with a carefully measured rope which you decided ought to be used, and then pull the lever? If you are not prepared to do it, what right have you to ask somebody else to do that filthy kind of thing for you? And in what name of decency can you demand that this thing should be done in cold blood by any man in his right mind?

You talk of premeditated murder. There can be no premeditation so deliberate, so awful, or so terrible as the deliberation which we are making here now. We are not judging men who stand here in front of us, where we can see them blink, where we can hear the story of their lives, and where we can draw some conclusion, pitiful and imperfect though that conclusion may be, as to why the man stands where he is. We are laying the ground for what is called a judicial killing, if we defeat this bill; and, my friends, we do not believe in judicial killing, and we have not for years.

In 1908 England passed the Protection of Children Act. Let me read to you from our Criminal Code:

> 12. No person shall be convicted of an offence in respect of an act or omission on his part while he was under the age of seven years.

We are a civilized, progressive and advanced people, because we could not leave it quite there.

> 13. No person shall be convicted of an offence in respect of an act or omission on his part while he was seven years of age or more, but under the age of 14 years, unless he was competent to know the nature and consequences of his conduct and to appreciate that it was wrong.

We have come a long way!

> It was not until 1908 that Acts relating to children were put on a sound basis and consolidated.

This is from the book *A History of Capital Punishment,* by John Laurence. You can get it out of the library.

> Under the Act of this year a child is defined as being a person under the age of fourteen. A child under the age of seven is considered incapable of committing any crime, and between the ages of seven and fourteen he or she is considered *doli capax.*

They can commit a crime if they know what they are doing.

> ... Under the Act the death sentence is abolished for all persons under the age of sixteen.
>
> Cases are on record of children of ten and even eight years old having been hanged. ... In the early part of the nineteenth century, however, age mattered little where the death penalty was concerned, and the legal infant, who was held to be utterly incapable of knowing what he was doing when he signed his name to a receipt, or gave an order for goods, was considered perfectly equal to understanding the heinousness of every offence against the law of the land...
>
> As late as 1831 a boy of nine years was publicly hanged at Chelmsford for

> having set fire to a house at Witham. In the days of George II it was no uncommon thing for children under the age of ten years to be hanged, and on one occasion ten of them were strung up together, as a warning to men and a spectacle for the angels. In 1833 the death sentence was passed on a boy of nine for housebreaking, but at the earnest solicitation of the people of Maidstone the sentence was not carried out. In 1808 Michael Hamond and his sister, aged seven and eleven respectively, were hanged at Lynn for felony.

And 222 crimes called for capital punishment were punishable by death. As someone else said, they had public hangings. They boiled them in great pots, where people could come and watch and listen to their cries. They burned witches. Strange, we do not burn them today. But do you know that section 308 of the Criminal Code says:

> Every one who fraudulently
>
> (a) pretends to exercise or to use any kind of witchcraft, sorcery, enchantment or conjugation, . . .
>
> . . .is guilty of an offence punishable on summary conviction.

We can only give them two years or a $500 fine for pretending now. And yet, honourable senators, if we were today bringing in a law to say that we would no longer burn people for witchcraft, we would hear the same arguments we have been hearing from the other side.

Let me tell you this. You think that something strange has been happening in the last while? Well, I have news for you. Juries have been refusing to convict people for murder for a long, long time. There are honourable senators in this chamber who are as old as or older than I am, and I remember as a police reporter sitting in the police court, and time after time people were brought in on charges of drunk driving. The court's attitude towards drunk driving in those days was about the same as the army's attitude towards a soldier being drunk, as summed up by a sergeant major. When somebody pointed to a man lying in the gutter and said, "That man is drunk, why don't you take him in?" The sergeant major replied, "Him, drunk? He just moved his finger!" Magistrates were not going to convict reasonably decent citizens when the minimum punishment was to send them to jail for seven days and make them jailbirds.

Many of you sat in the House of Commons and will recall that it was to get around that situation, and to provide an alternative to the courts that they brought in section 223 on impaired driving, which allowed them to charge a man with driving while impaired, under which the penalty was a fine, with a jail term for repeated offences.

Let us see how we have been doing with murder, because I think you will be a little surprised when you find out. Between 1954 and the end of 1966 there were 2,286 murders reported by the police in Canada, and in that same period there were 135 cases in which the accused was convicted of murder under the section of the Code that provided for the mandatory death penalty. So the cases had to be reviewed by the Governor in Council, and with what result? About one in twenty of the murders committed or reported by the police, —in the neighbourhood of 5 per cent—ended up with somebody being sentenced to death under the mandatory death penalty; and of that 135, 40 were executed.

Why do you suppose there was this tremendous difference between the reported murders and those found guilty of the charge of murder—this figure of one in 20? Well, let us take a look at the English figures, because they may tell us something too.

This is section 58 of the Report on Capital Punishment prepared for the British Government. During the 50 years from 1900 to 1949, 7,454 murders were known to the police in England and Wales, and in 1,674 cases the suspect committed suicide. During the same period 4,173 persons were arrested on a charge of murder, and of these 3,129 were committed for trial. Of those committed for trial, 658 were acquitted or not tried, 428 were found insane on arraignment, and 798 were found guilty but insane.

Of those convicted of murder, 35 were sentenced to penal servitude for life, or to detention during Her Majesty's pleasure, and 1,210 were sentenced to death.

Of those sentenced to death, 23 had their conviction quashed on appeal, 47 were certified insane, and 506 were reprieved. There remain 621 men and 11 women, for a total of 632, who were executed for murder. There was, therefore, only one execution for every 12 murders known to the police.

In Scotland the proportion was even lower. During the same period 612 murders were known to the police, 59 persons were convicted of murder and sentenced to death, and 22 men and one woman were executed.

The simple fact of the matter is that juries are just not convicting people of capital murder. In these days it is in only the most flagrant kind of case that a conviction for capital murder is possible.

If you will think about it, honourable senators, you will understand that no penalty is going to deter the insane. No penalty is going to deter the person who acts out of passion, whether it be jealousy, fear, or because something happens suddenly, because such a person does not have time to think, and if he did think his guts would just churn up until he was insane. In spite of what my good friend, Senator Sullivan, had to say, if he seriously considers that there can be no person who acts under irresistible compulsion, then he has lived a very sheltered life.

When we quote Jung and Freud we begin to get to the nub of the thing, because I think you will all agree that every time we read about one of those revolting or particularly brutal slayings we ask ourselves: How could a human being be that cruel to another human being? We think that that person, in order to be able to do those things, must be different from what we normally are, and different from anybody we know. But, honourable senators, they may not be different from the secret you and I, who only you and I know about.

Why does one man murder when another man walks away? When I was a young romantic, and about 19 years of age—and I was young, and I was romantic, and I was 19, and I was in love—I was talking to a couple of older fellows who were a little more skilled, sophisticated, and blasé about the world than I was. They were talking about exploits which to me no decent person would think of indulging in. I expressed the opinion at the time in front those people that the one man I would kill, if I ever caught him, was the man who was messing about with the woman I loved. One of the men I was speaking to was older than I, and he was slowly dying of an incurable and irreversible disease, although I did not know it at the time. His wife had gone away with another man. He looked at me and said very wisely, "Harper, the world is a big, big place, and there is room in it for everybody."

One man will meet the situation in that way, and another man will meet it with murder. I defy the honourable Senator Sullivan, I defy the honourable Senator Choquette, and I defy any one of you who says that mankind and society can only be protected by this judicial and legislative killing, to tell me what is the thing that makes the difference between the man who stands in the prisoner's dock facing a charge of murder, and the man who walks away and says that the world is a big place and there is room in it for every one.

Every man is the product of two things—and I need not quote Darrow and other learned authors on this—heredity and environment. I suppose there are those brave souls who will recall these lines that I am about to speak. When I was young this was my favourite poem:

> Out of the night that covers me,
> Black as the pit from pole to pole,
> I thank whatever gods may be
> For my unconquerable soul.
>
> In the fell clutch of circumstance
> I have not winced nor cried aloud.
> Under the bludgeonings of chance
> My head is bloody, but unbowed.
>
> Beyond this place of wrath and tears
> Looms but the Horror of the shade,
> And yet the menace of the years
> Finds, and shall find, me unafraid.
>
> It matters not how strait the gate,
> How charged with punishments the scroll,
> I am the master of my fate:
> I am the captain of my soul.

At 18 years of age I could believe it. Do you believe it? Does any one of us believe it? Does any one of us in this room believe for one minute that each of us as an individual is the sole reason, and has the sole responsibility, and is entitled to all of the credit and all of the blame for the total complex creature that each of us is?

How happy would you be if what you know about yourself were to be flashed across the television screens of the world for the whole world to look at? I am sure you would be no happier than I would.

When a woman was taken in adultery our Lord said:

> He that is without sin among you, let him first cast a stone at her.

Honourable senators, I am not broken up by sympathy for the man who murders. I am broken up and confused with wonder as to how he could murder, with wonder and amazement at how he could take another life. But I know this, that I can be broken up with sympathy for the man who has been

killed; I can be broken up with sympathy for the man who was shot and nearly killed; I can be broken up with sympathy for the children who must grow up in a home where there is no father or no mother, as the case may be.

The honourable Senator Hollett asked, "How would you feel if your granddaughter, or daughter, or a small child were taken by a rapist and then killed?"

Hon. Mr. Thorvaldson: Tell us that you also sympathize with the murderer. You sympathize with all these other people, so what about the murderer?

Hon. Mr. Prowse: I thought I was talking in a chamber where we were devoted to sober and careful thought on legislation and not in a discussion in which we were going to wonder whether we should pull the rope and string the guy up a tree—but if you want to play it that way, we can.

Hon. Mr. Flynn: Try.

Hon. Mr. Thorvaldson: Who is "we"?

Hon. Mr. Prowse: I will answer your question.

Hon. Mr. Flynn: It does not sound like it.

Hon. Mr. Prowse: While we are talking about sympathy for the people who have been bereft by murder or hurt by murder, let me take the honourable Senator Hollett's answer. What could you do to the murderer that could give back that child her innocence and her virginity, let alone her life? What would you do to him?

Hon. Mr. Thorvaldson: Would you do nothing to him?

Hon. Mr. Prowse: Would you impale him on a narrow stake and let him die?

Hon. Mr. Thorvaldson: Tell us what you would do with that murderer.

Hon. Mr. Prowse: I will tell you what I would do with him.

Hon. Mr. Flynn: Come down to earth.

Hon. Mr. Prowse: Let the mob cry, because we are beginning to understand something of the nastiness that makes people hang other people: We will hang him because we hate him, because he killed somebody, because he frightens us. Do you imagine that murderer is prevented from murdering because he is afraid of death? He never thinks of it. When you kill the man what does it do for the person who was murdered? What does it do for the family? What does it do for the state that takes his life?

We have killed 40 people in this country since 1956, and we have killed none since 1963. Before that it was a couple a year, although the murders were over 200 and they stayed practically constant.

Hon. Mr. Flynn: Nobody has said that.

Hon. Mr. Prowse: Do you mean to say that this world will not go on? The choice is simple, gentlemen. The choice is this. Are we going to continue to be ruled by the prejudice of the past? Are we going to be ruled by the kind of minds that burned the witches? Are we going to continue the kind of thinking that thought that to protect the state and the purity of religion it was all right to kill everybody who wanted to worship a different god from mine, or worship the same god in a different way? Those were hard things to get rid of.

You say to me, "He killed. Why cannot the state take his life?" I say to you that the state is in pretty poor shape when all it can do to justify its action is to arrogate to itself the same standard of behaviour that it criticizes in its criminals. That is the argument. The choice is simply this. If you agree—and I am sure science will tell you it is true—that no man molds himself; we are in every way the product of the multiples of characteristics that have gone into our beings going back millions of years, combined with the effects of the total environment in which we have moved and the interactions between these things are not understood. Perhaps if we could keep the murderer alive we might come to understand him.

In answer to the honourable Senator Thorvaldson, for whom I have the deepest respect, as to what I would do, let me say this. Loeb and Leopold, two 18- and 19-year old boys from millionaire families in Chicago, took out a 13- or 14-year old boy, stabbed him with a chisel, stuffed his body in a culvert and thought they had committed the perfect crime, but they were caught. Darrow was brought in for the defence and he pleaded them guilty to murder. Then he sought to try to keep them from being hanged, and instead of being hanged they were finally sentenced to 99 years.

Loeb was killed in prison about eight years later, I understand in a fight arising out of homosexual activities. Leopold was kept in

prison for nearly 35 years and finally set free. But while he was in prison Leopold was to establish a brilliant educational system for incarcerated men, as a prisoner in prison. When he got out he left the United States and went to the Dominican Republic, or Haiti, or Puerto Rico—one of the islands down there—where he now works as a hospital orderly in medical research. Surely it was worth saving one of two lives in order to get the benefits from him.

Then there was the case of Caryl Chessman. The honourable Senator Macdonald talked about how tough it was, what a terrible thing it was, that some men had to wait two years to die. Honourable senators will remember the celebrated Chessman case in the United States, lasting ten or twelve years. The Californian courts sentenced the young thug who killed a man who had learned law, and probably citizenship, the hard way. It was ten or twelve years later that they took him out and put him in the room and somebody broke the pill into the acid.

So, my friends, I plead with you to go this one step. Let us prove that we have come out of the jungle. Let us show that we have some hope for the future of mankind. Let us put these men where they can be studied and perhaps give us some key to understanding human conduct, so that we may have some hope of preventing further crimes.

What a pity it was perhaps that Ruby killed Oswald, because if Ruby had not killed Oswald we might have had the answers to a lot of questions that are worrying people in many parts of the world today. Nothing can ever be gained by taking a life, but only God knows what benefits may come from sparing it.

Hon. Gunnar S. Thorvaldson: Honourable senators, I know that all of us discern this bill as one of very serious import, and a debate on it should not be entered into lightly but in serious vein. Indeed, one's view upon the subject of capital punishment must be a very personal matter for every individual, and consequently I believe that everyone's opinion should receive careful respect.

I wish to say at the outset that I oppose the enactment of the bill and will vote against it.

In November 1938 there appeared a book under the title *Problems of War and Strategy* by Mao Tse-Tung, in which he made this significant statement:

> Every communist must grasp the truth that political power grows out of the barrel of a gun.

This was, and is, of course, the core of the political philosophy of Mao Tse-Tung. But it is also the personal philosophy, in his everyday life, of the mobster, the gangster, the dope peddler, the robber and other cold-blooded killers of human beings, namely that power grows out of the barrel of a gun.

In the case of the bank robber who points his gun at a little girl in a bank cage, grabs her cash, and then shoots her dead—I do not call it social progress to release that killer from the legal penalty of death for that planned and premeditated crime.

Whatever we do or say in regard to this bill, it should not, in my judgment, be confused with social advancement. I might say here also that I do not call it social progress that the only punishment for the crime of premeditated murder should be, as it is in Canada today, a sentence to prison based on the probability of incarceration for eight and one half years.

I believe that in the light of the worst period of gangsterism which we are witnessing in Canada today, it would be utter folly for Parliament to relinquish the community's final weapon in its war upon crime, namely, the death penalty.

In my judgment, the Senate of Canada owes a duty to the people of Canada to defeat this bill, and I honestly believe that a considerable majority of Canadians look to us to do just that.

I have said that it would be folly to approve this legislation. One sober proof of such folly lies in the fact that only 18 months ago the other place voted by a majority of 143 to 112 against the basic principle of this bill—if indeed it has any principle—and has now reversed its former verdict upon a smaller vote, caused by absenteeism in that chamber. How can sensible people so change their thinking overnight, except perhaps as the result of a wave of emotionalism or of some hidden reasons of which we in this house are not aware?

The central fact is that both last year's and this year's bills deal with the same basic problem, namely, the abolition of capital punishment for the crime of wilful murder.

In the light of these turn-abouts, I deem it of some purpose to give a brief review of the

inquiry made by the Parliament of Canada in recent years on this important subject. I submit that the thought processes of Canadians and especially parliamentarians on this subject within the last ten years or so cannot have altered very greatly, in so far as there have been no circumstances in Canada which would lead us to any different conclusions now than then, and especially in the light of the fact that crimes of violence have been increasing at an extraordinary rate in our country during this period of time.

Anyway, this is what has happened in regard to the subject in recent years. About 12 years ago a Joint Committee of the Senate and the House of Commons was appointed to study capital punishment and this committee issued a report on June 27, 1956. This committee did not recommend abolition of capital punishment, nor did it recommend a redefinition of murder as capital and non-capital, as was done a few years later.

The next step was the amendment to the Criminal Code in 1961 which redefined murder into the two categories of capital and non-capital, and in this respect it followed the provisions of the 1957 Homicide Act of the United Kingdom. The United Kingdom had already done this, namely, to redefine murder into the two categories, capital and non-capital.

That is the law now in effect in Canada, and its provisions are known to us all. In general terms capital murder is a planned and deliberate homicide, and the killing of police officers and jail guards. All other types of homicide are described as non-capital.

The punishment prescribed for capital murder is a sentence of death and the punishment prescribed for non-capital murder is life imprisonment.

To make this brief summary more complete, this much more should be said, there has been no execution in Canada, even for capital murder, since December 6, 1962. From that date to the present every conviction for murder has been commuted—except, of course, for a few who may be now in jail awaiting execution, but whose dates of execution have not arrived. Anyway, between December 6, 1962, and the present time I am informed that there have been a total of 27 commutations in Canada.

Honourable senators, may I ask you to consider this fact. During the period of five years in which 27 criminals have been sentenced to execution, according to law, for the offence of planned and deliberate murder, the Government has seen fit to flout the law as laid down by Parliament. I deem this to be an intolerable breach of the laws of this country as enacted by Parliament. This view, I am sure, is concurred in by a large majority of Canadians.

Honourable senators, may I read an extract from an editorial in the *Calgary Herald* of some time ago in reference to this point:

> This is shocking and inexcusable government conduct. It constitutes an abuse of the cabinet prerogative of cummuting death sentences. Occasions, of course, do arise when extraordinary circumstances dictate that a death penalty should be changed to life imprisonment. Ottawa, however, chooses to extend its powers of commutation in every case.

It may be argued, of course, that despite the amendment of 1961 the Governor in Council is still clothed with the prerogative of mercy, but I am quite convinced that it was never intended that the prerogative of mercy should be extended to the worst criminal types among us, namely, cold-blooded and deliberate slayers of innocent men, women and children.

I want to state as my belief that the 1961 amendment to the Criminal Code which redefined murder into capital and non-capital was an eminently sensible solution to the problem of the punishment for murder in our present state of society; that was the consensus of the other place eighteen months ago, and I am certain that it is still the consensus of the people of this country generally.

I have read a great deal of material—arguments pro and con—in regard to capital punishment, and as a result of this reading and from my own thinking processes I am absolutely convinced that it is a great danger to our society to now abolish capital punishment as provided in this bill.

In regard to the argument frequently used by persons who favour the abolition of capital punishment, that capital punishment is not a deterrent to murder, let me say this: that argument is, in fact, defeated by this very bill. As we know, this bill does reserve capital punishment for the murder of police officers and prison guards, and it is these very people who have the greatest knowledge of any of us as to the deterrent effect of the gallows. Indeed, I can quite believe that it would be impossible for law enforcement authorities to continue to hire either policemen or prison guards for the difficult duties

they must perform if a sentence of death were abolished in respect of themselves. The fact of retention in this case is a clear admission that capital punishment is a deterrent—and if it is a deterrent to the murder of police officers and prison guards, it is surely also a deterrent to the murder of other people, be they men, women or children.

To me, the person who deliberately plans to murder another and then proceeds to do so in cold blood—no argument nor sense of compassion can persuade me that this criminal should not suffer the fate of his victim.

We hear a lot about the compelling power of compassion in regard to this difficult subject of capital punishment. I yield to no one in my own sense of compassion for persons in trouble or victims of misfortune. But I submit that, in the exercise of the criminal law, compassion must be related to the compelling need of protecting the lives and property of individuals and, indeed, the safety of the state itself. Let us not, therefore, speak of compassion and human sympathy in general terms only, but let us relate these to the known facts in relation to crime and the criminal.

You all know the type of murderer I am speaking of, who is, under the present law, subject to capital punishment. What is he like? He is not really a human being. He is, as Senator Molson aptly said a moment ago, a mad dog—a gangster-type criminal; he is devoid of all human sympathy, devoid of any of the decencies which we associate with human beings. The best that can be said of him is that he has the form and shape of a human being, but that is all.

Take the classical case of the bank robber. What are his mental processes? What does he do? He arms himself with a revolver, a sawed-off shotgun or a machine gun. He plans to point a loaded weapon at an innocent young bank clerk in a teller's cage in a bank. From the very beginning he intends to kill such person if he or she does not hand over the money, and even then he may kill in any event and often does. What about the victim. What about the victim's brothers, sisters, parents? Perhaps the victim is only maimed for life—shot through the spinal cord!

A most interesting letter was published in the Montreal *Gazette* of November 20, referring to a victim of such a case, a man who will never walk again. It refers to him as a quadriplegic. He was completely paralyzed but for his mind. The letter goes on to speak of the person who committed the crime upon him, having served eight or nine years in jail and then being subject to the most generous compassion of the state and of others while his victim will remain forever paralyzed.

It is just an example of why, occasionally, we should think more of the victim than of the murderer.

Surely such a person has by his own will become an outlaw and, on the facts, unworthy of human pity, sympathy or consideration. On those facts no argument can induce me to believe that the phrase "the punishment should fit the crime" should not be applied by society to this case. The same reasoning applies to the criminal who deliberately plants a bomb in an airplane to collect his victim's life insurance, thereby killing or maiming scores of people. That was the situation in the Guay case some years ago when there were 23 victims of such a murderer.

The same reasoning also applies to the criminal who bombs a bridge or a building, or does any of those deliberately planned vicious acts that result in the taking of human life. Such a person is wholly devoid of the slightest sense of morality, sympathy or humanity, and is in fact bereft of any decent human traits whatsoever.

I was referred today, for instance, to what was known as the Wendover case in the early thirties. Here are the facts, and you tell me if the murderers in that case were entitled to sympathy or compassion. The case—which is reported in the Law Reports—is to the effect that a couple of farmers hired young boys to work for them on their farm near Wendover, which, by the way, is only 20 or 30 miles east of Ottawa. They hired the boys to work on the farm, and used to tell them about one horse being vicious and another not being vicious, and so on. Then the farmers were found to have clubbed these boys to death with crowbars and to have placed their bodies in the stalls of the so-called vicious horses. They got away with two murders of that kind, the incentive being that they had covered these boys with large amounts of insurance payable to themselves. Their conspiracy was discovered in the third murder and they were arrested and faced trial for murder.

That is just one of the many examples where, I submit, there should be no sympathy or compassion: a cold-blooded, deliberately-planned murder of innocent people—in this case young boys.

I repeat that I think it is completely contrary to my sense of justice that this type of deliberate murderer should be molly-coddled by the state or society to the extent of such a criminal not suffering the same fate as his victim or victims.

It is right here that the argument to the effect that the state or society has no right to take human life falls down, because for one thing, this person is not really a human being. He has put himself beyond the pale of humanity. He is a criminal of the worst type and, if not caught, will do the same tomorrow as today.

It is well to talk about the rehabilitation of murderers, but I submit that this type of murderer—the deliberate, calculating murderer who makes it a business in life to kill other human beings—may be rehabilitated but only if caught. If not caught, he will continue to kill. That man is in the business of murder.

Let me state some other reasons why I am opposed to this bill. I believe that the first and basic requisite of the criminal law is the protection of society, namely, law-abiding people, from being robbed, maimed or murdered by other members of society. Therefore, no amount of either theoretical argument or statistics can induce me not to believe that the greatest deterrent to the vicious and murderous criminal elements of this or any other country is the consciousness of the penalty of death being carried out in his case.

Let me say a word about another type of argument used by so-called abolitionists in regard to the word "deterrent" as an element in the crime of murder. They plead that the onus is on the so-called retentionists to prove that the death sentence is a deterrent to the crime of murder. I disagree with this view completely. In the first place, it is my firm conviction that the sight of the gallows actually is the greatest deterrent available in regard to this crime, and, secondly, I have not seen and I do not believe there are available any reliable statistics in any part of the world to prove that the death penalty is not the main deterrent to this crime.

To me, there is no validity to the argument that just because some jurisdictions in the world have abolished the death penalty either on a temporary or permanent basis, hence the death penalty should be abolished in Canada in respect to wanton and deliberate killers. In fact, although the subject matter has been to a large extent a battle of statistics during recent years, many who plead for the abandonment of the death penalty admit that statistics are of no great value in the debate over capital punishment. But what I do believe to be of value is the majority consensus of the Canadian people, who I am convinced are opposed to this bill and regard the 1961 amendments to the Criminal Code sensible and reasonable.

It should be of some interest to us to know what is the tenor of debate in other countries concerning this subject. Two years ago the British Parliament passed an act providing for a five-year provisional abolition of capital punishment. We in Canada have, of course, often been told that we should follow the course of this progressive nation in the matter of social reform. However, it has recently been reported that although the British experiment is now only two years old, nevertheless a petition to bring back capital punishment is gathering 5,000 signatures a week. The reason given is that both the murder rate and the incidence of violent crime have risen alarmingly since the abolition bill came into effect.

As to our country, I seem to observe that violent crime, including murder, has been galloping by leaps and bounds during the last few years.

Speaking of other countries, I further understand that of the 14 states in the United States which abolished capital punishment prior to 1962, eight have brought it back.

Surely these facts must all be considered as a warning to us to defeat this bill and thereby retain the very sensible solution to the problem of capital punishment, which was enacted by Parliament in 1961.

Hon. M. Wallace McCutcheon: Honourable senators, it has been said, I believe, that the clergyman saves no souls after he has spoken for half an hour, and I am not standing here with the thought in mind that anything I may say is going to influence any individual senator's vote this evening. Senator Molson said we have heard all the arguments; we have read them all both for and against.

If I were to adopt any of the arguments, I would adopt those of the honourable Senator John Macdonald and would be happy to have them recorded as my own. On the other hand, I should say that I could find it very easy to vote against this bill. It is illogical, it fails to carry through the principle, which principle, so far as there is one, is that capital punishment should be abolished. It is a bad compromise. It is the sort of compromise that in the other house those who were in favour of

abolition voted against 15 months or so ago. It would take very little persuasion for me to vote against it simply on that ground.

I believe in the abolition of capital punishment, the total and complete abolition of capital punishment. I do not think you can draw a distinction, as was said in the other place, between the Governor General and the sentry in the box at the entrance to Rideau Hall, or, as Senator Molson said, between the policeman on duty and the guard in the bank or on the Brinks truck.

Unfortunately that compromise is what the Government decided to put before us, possibly in the hope that at least one step might be made. But there is always a danger that we will never make the second step once a bill like this is adopted. That is what concerns me and makes me think that it would be better to vote against the bill and defeat it and to wait until a bill with real principle is put before us.

In the event, however, and after not an easy time with myself, I have decided that the lesser of two evils is to vote in favour of the bill.

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

The Senate adjourned until 8 p.m.

At 8 p.m. the sitting was resumed.

Hon. Chesley W. Carter: Honourable senators, before coming to the substance of the remarks I wish to make on this bill, I should like first to compliment all the previous speakers on the excellence of their presentations, and to say a special word of congratulations to Senator Croll for the very able manner in which he introduced this bill to us.

Bill C-168 retains the death penalty, although it restricts its use and, consequently, those of us who favour abolition find ourselves in the position of supporting a bill which embodies a principle—or, in my case, principles with which I do not entirely agree. I said, in my case, "principles" because in addition to retaining the death penalty this bill implies that the life of a prison guard or peace officer or police officer is different from and more precious than the life of other individuals. That, to my mind, is foreign to the concepts upon which our society is based.

Should the death penalty be abolished? I doubt that in recent years there has been any question that has caused more soul searching among Canadians than this one. Between the years 1957 and 1960 there were a number of bills introduced in the other place which generated a debate on this subject. In 1961 the Government of the day introduced a bill amending the Criminal Code to set up two different categories of murder: capital murder, and non-capital murder.

Eighteen months ago five members belonging to different parties in the other place introduced a bill and, after a debate of some four or five days, I believe, on Government time, the principle of the bill, which was the abolition of capital punishment, was rejected by a vote of 143 to 112.

The bill that we now have before us is a Government bill which embodies, I believe, the greatest possible consensus of all the different viewpoints that have been put forward in all these previous debates. And I believe the Canadian people will sigh with relief if we dispose of this bill, one way or the other, so that they can have a respite from this question for at least another five-year period.

This bill, C-168, has three main features. The first is that it amends the amendment of 1961 by redefining "capital murder", which it restricts to cases in which a person is convicted of killing a police officer, a prison guard, a peace officer or permanent employee of a prison when they are engaged in the carrying out of their duties.

The second feature is that it provides that a convicted person whose sentence has been commuted to life imprisonment cannot be released except with the approval of the Governor in Council. This takes care of one of the objections that has been raised in the debate, that in the past a person who has been sentenced to life imprisonment serves on the average only eight and a half years of his sentence. I think this feature commends itself to the Canadian people. It certainly commends itself to those who are in favour of retaining the death penalty.

The third feature is that the bill expires after five years, which makes it mandatory that this whole question be revived again by Parliament at the end of that period.

Inherent in a decision on this bill is a decision on the wider question of capital punishment. Should the death penalty be abolished? This is a question that touches the hearts and consciences of all Canadians, but in coming to a decision on it we have very little evidence of a factual and positive nature to guide us. This makes it necessary for us to take what I would term a subjective approach to the question.

I find subjective approaches very unsatisfactory because our reasoning is based on opinions rather than facts. Our opinions, in turn, are determined by our interpretation of all the evidence that may have been put before us or that we may have been able to gather, and what weight we assign to the various factors involved. Since we are all different individuals, and since our opinions are coloured largely by our feelings, emotions, and experiences, it follows that every person is going to make a different assessment of the factors involved, and have a different idea as to how much weight should be given to each of these various factors.

That, in my case at least, leaves no room for a dogmatic approach to this question, because I believe that since we all see and feel things differently we can all come to different decisions in a very honest and sincere manner.

I can understand and respect the opinions put forward here yesterday and today which are different from mine, and I realize that they could very well be just as near the truth as mine. But that does not absolve me of the responsibility of trying to come to my own conclusions in the best way I can, and in a way which will suppress my emotions as much as possible. I realize the limitations of the subjective approach in accomplishing this.

I have therefore tried to look at this question from three separate viewpoints, the first being the practical viewpoint. We are told that the death penalty is necessary because it protects society, and it protects society because it is a deterrent. Some have gone so far as to say that it is the best deterrent available. There is no conclusive evidence one way or the other on the value of the death penalty as a deterrent. Statistics can be adduced on both sides of the argument, but I for one do not believe that in cases like this statistics are very meaningful, because there are so many unknown factors, so many intangibles, which make almost every crime different from others. The circumstances are different, the backgrounds are different, and it is impossible to take these differences into account in any meaningful statistics.

However, I would be prepared to concede that the death penalty is a deterrent. I would even go so far as to say that it is perhaps a better deterrent than anything else we have. But having said that, I think we have said everything that can be said in favour of retaining the death penalty. Even though I would be prepared to concede that the death penalty is the best deterrent available, I still hold the opinion that the death penalty should be abolished.

The reason I say that is because the death penalty is not the only deterrent. There is an alternative, namely, life imprisonment, to which many members have referred. Under this bill life imprisonment will have a much more literal meaning than it has had in the past. So, as an alternative life imprisonment will have greater deterrent value. I put life imprisonment on the scales opposite the death penalty, but in weighing one against the other I would have to take other factors into consideration, and they would all go on the scales along with life imprisonment.

The first factor I would put on the scales is that our justice is very unevenly administered. I think it was Senator Cameron who pointed out last night that only seven or ten per cent of convicted murderers are hanged. I suggest that if those seven or ten per cent were analyzed it would be found that for the most part they are the poor people, those who are not able to employ the best counsel. The rich can very often avoid the death penalty merely because they are rich and can afford experienced and learned counsel who can find loopholes in the law to get them off, even though they are as guilty as the others. Even in the cases where both sides have learned counsel, it could happen that one counsel has perhaps a little more experience and is a little more clever than the other. The difference in experience, in the capacities of counsel available to the convicted man, is a very slim thread, in my opinion, on which a person's life should be allowed to hang.

Again, there is the danger—and, my friends, we know it is a fact—that sometimes innocent people are hanged. That has happened. That alone, in my opinion, more than offsets any advantage that the death penalty may have over life imprisonment as an alternative. So much for the practical viewpoints. Let us look now at it from the sociological viewpoint.

A child is born into this world. The child is either a normal child or a defective child. If the child is defective and becomes a criminal, is he to be punished because of the defects that he has inherited from his ancestors?

On the other hand, let us suppose the child is normal. If the child is normal and grows up to be a criminal, then it must be the result of his environment. Who is responsible for the environment? Certainly, it is we who are responsible—you and I. If we permit an

environment that tends to produce criminals, surely we too have a measure of guilt.

I cannot see that society can calmly wash its hands, like Pilate, and say "his blood be on somebody else" when we ourselves as a society are partly to blame.

I would like to read into the record an editorial which has a bearing on this point. I have in my hand the December issue of a magazine called "Pace" printed in the United States. It is a young peoples' magazine, printed and published by young people for young people. The editorial is about the murder of two teenagers in the United States. And is headed: "The Hippies and the Hypocrites." I would like to read most of the editorial because I think it has a very important bearing on our discussion here tonight. It reads:

> Two "love children" pursuing their passion in the grimy stench of a Greenwich Village tenement house cellar are murdered, faces smashed beyond recognition. Their nude bodies are discovered lying in their own blood on the trashlittered stone floor. One, a socialite dropout from Greenwich, Conn., the other, a hippie hero called "Groovy."
>
> Drug-induced violence is not new to hippie havens. Murder, suicide and rape committed under the influence of drugs is becoming more frequent. Yet the savage double killing has sent a shock of terror through the land of hippiedom. But what of suburbia from where so many flower children stem?
>
> What is wrong with a society that has turned some of its youth—its richest resource—into freak-outs, a side-show where sight-seekers rub elbows with reporters and cameramen gawking at the pathetic shallow-faced kids, some failures, some phonies, some perverts and some just ordinary kids who copped out. Once was the time people paid to look in on the inmates of mental institutions—a perverted pastime that has obviously not passed out.
>
> The rash of beautiful colors contributed by hippie art set off a craze that manufacturers, publishers and TV photographers have cashed in on. Dresses, posters, pot and periodicals have been sold at their expense. Some magazine editors have fraudently lived among them even talking "trips" so as to depict more glamorously in their prose the hippie abnormalities before the public for circulation gains.
>
> The hapless hippies have all but had it, whittled down by choromosome-destroying drugs, venereal disease and criminal assault. But who has cared enough to take them beyond their degrading welfare state and hot-hash hand-outs? The hippies need help, in some cases shock treatment, but have gotten mostly permissive toleration.
>
> What does this say for our shiny affluent society?

I skip a few paragraphs.

> Hippies are unable to see life or themselves objectively and consequently project all manner of malice towards those who sentimentally try to help them.
>
> Why do the parents tolerate this tragedy? Why this reluctance to let fly at their kids' deadly delinquency? Don't they really care? Why don't they lower the boom, lay down the law?
>
> Is it fear in the parents—a feeling of guilt that they are not living in any way that gives them the authority to speak out? Are they frauds living an empty existence with nothing to give their kids?...
>
> What's wrong is that the parents are leading hollow, empty, shallow lives and not giving their children anything to hold on to...

So, honourable senators, I do not think society itself can wholly wash its hands of the crime when murder takes place, and if society itself has a measure of guilt, surely we should exact the whole penalty from the other part.

The third viewpoint from which I look at this question is what I might call the philosophical viewpoint. We talk of protecting society as though it were something impersonal. But society is people—we, our friends, our families, our neighbours. Canadian society is founded on a concept of man taught by the Judaeo-Christian religion. That concept teaches that man is a created being, not only a physical being with physical needs but a spiritual being with spiritual needs. Man is a moral being, and as such is responsible to and dependant upon his Creator for help in the solution of his problems.

Associated with this concept are other concepts of love, redemption, mercy and grace—the same kind of grace that led John Bunyon

to say: "There but for the grace of God go I." And concepts like these which are the very foundation of our society leave no room at all for revenge, or for punishment for punishment's sake.

Furthermore, since man himself is bound by the moral law, surely society itself must be bound by the same law that binds the individual, otherwise we would be arguing that a society is above the law. That, in my opinion, is contrary to the foundations of our society. Surely society in developing its machinery for law and order must maintain the values on which it is founded and from which it draws nourishment.

So, honourable senators, on these three grounds—on the practical ground because there is an effective alternative, on the sociological ground because society is not in itself entirely blameless, and on the philosophical ground which binds society to the same laws that govern the individual—and bearing in mind that the crime of murder not only brutalizes society when the crime is committed but society is further brutalized when the death penalty is exacted for it, my conclusion is that the death penalty should be abolished and I intend to support this bill as a further step in this direction.

Hon. Edgar Fournier: Honourable senators, once again I give you the assurance that I will be brief.

After listening to the debate this afternoon, I can express my sentiments by telling you a short story, and a true one, about a man who took his son to the city for the first time. As they walked along they visited public buildings, churches, museums, government buildings and finally they went to the court. As they walked in the court was in progress, and the little boy was asking questions and the father was trying to explain what the court was. He pointed out where the judge was seated on the throne and where the prosecutor was and where the defending counsel was, and then the little fellow asked. "What are those twelve men doing up there?" The father said, "Those are the men who will decide which side has the best lawyer."

Honourable senators, my situation is rather like that of the little boy. After listening to the debates I would be reluctant to have to decide which side has the best speakers. The speeches, in my humble assessment of the law, were on a very high level and it is not for me to pass judgement on them. However, I must say that some speeches reminded me of the little boy in the court where the defendant and the prosecutor put too much emphasis on the protection of their clients and not enough on logic. We are being told that this bill is "an issue of conscience". I might add that in my case it is "an issue of confused conscience".

While I repeat that all the debate has been on a very high level, to me Senator Molson made the speech which will guide my conscience. The honourable senator was very brief, but as usual he was right to the point. I shall not attempt to repeat what he said but in a very short time he told us a lot.

I am one who does not wish too much to take away a human life by regulations; however, I am of the opinion that all the public should be protected. We live in a free country where freedom is the basis of our society. The path is clear, but freedom sometimes includes obligations and one of the obligations is to let my brother live. If I am not ready to accept the rules of freedom and keep them, the price is my own life. And honourable senators, this is not an act of revenge, but a punishment for a crime or crimes I preferred to commit, knowing very well all the circumstances and the after effect. Here I make allowance for the irresponsible and mentally-ill murderers who are not in full control of their actions. My remarks concern the expert murderers who plan and even practise for months the execution of their plan, with a firm determination to shoot to kill any obstructionist, regardless of the consequences.

Honourable senators, I am always interested in and sometimes amused by people talking about the brutality of capital punishment, about its being inhuman, medieval torture, and so on. If I were in a position where, because of my own free will, I found myself having to pay the price of my life, having taken away my brother's life, for me the real punishment would be the passing of the sentence, not its execution. True enough, the execution leaves much to the imagination, and let me tell you, honourable senators, that should I find myself subject to such a sentence, I would prefer hanging to the pain and time-consuming of the firing squad, the burning of the electric chair, or the torture of the gas chamber.

In my political life I have assisted as an

In my political life I have assisted as an official witness in the carrying out of the tainly it is not what I have heard or read about. All I will tell you is that the two I saw were painless, and that at the drop death was instantaneous. From the time we walked

into the dark chamber to the drop I would say consumed less than 10 seconds. The hands were already secured behind the accused's back. The walking of the accused to the platform and the tying of the feet by a belt took less than four seconds. Placing the hood over the accused's head took about two seconds. Feeling the noose around the accused's neck took one second; and in less than another second the lever was pulled and the drop took place. In both cases I tried very hard to observe if any movement of the condemned occurred or if there was any sign of discomfort, but there was no such evidence.

In closing, I have to say that I will vote against this bill, as I cannot accept it as a compromise. I think that this matter is too important for compromise, and if we are not ready to do the best, then we should take more time and be sure we do the right thing. If we are to abolish capital punishment, I would like to know what we are going to do to protect all members of the public, and what we are going to do with the criminals who remain a menace to society and their keepers.

Before I sit down, I would like to give just one example. A few years ago there was a man who was convicted of killing one of his brothers and he was sentenced to suffer capital punishment, which never took place. He was sent to a penitentiary. Two years later, when the prisoners were having their lunch, he told his fellow inmates. "I am going to kill the first son of a bitch who comes near me!" Five minutes later a guard walked by, the prisoner stood up and drove a knife through the guard's heart, and five minutes later the guard was dead. There was a second trial, and he was again sentenced to death, but the execution never took place. This man became a menace to all the keepers in the institution. He was a menace to all the inmates, everyone was afraid of him, and each had the feeling that he might be the next victim. This man is no longer a problem, because a couple of weeks ago he took his own life.

[*Translation*]

Hon. Cyrille Vaillancourt: Honourable senators, since all those who took part in the debate up to now on Bill No. C-168 have spoken in English, I shall speak in French.

I have never been more puzzled before about a bill such as the one now under consideration and entitled "An Act to amend the Criminal Code". Among the arguments put forward in favour of the bill, it has been said that hanging a criminal—even though hanging is now a thing of the past—is medieval barbarity. By the same token, I would ask criminals to be less barbarous themselves and things will go much better. However, you know that true criminals are not always killers, because all those movies seen on television and at the cinema and everywhere show how to kill, how to murder. In my opinion, this is one of the first problems we should try to solve.

All the other arguments invoked puzzle me. Last night, Senator Roebuck asked which one of us would offer his services as hangman, who would accept to do so. I can tell you that I would not be willing to do that job. That argument somewhat shook me. That is one of the arguments. There are others of value, from my point of view. In spite of all the care we take today to avoid errors, we can still make mistakes.

Essentially, this bill protects criminals; but what about the victims? Who stands up for them?

I have 45 to 50 years of experience with caisses populaires. I have heard of murders committed in all kinds of ways. One example: we are now paying insurance to the widow and the six children of the manager of a caisse populaire who was killed during a holdup. But nothing is said of those. They speak of the protection of criminals. I am very much afraid of that.

Criminals who are in penitentiaries today are well treated. A year ago, I visited a new penitentiary near St. Vincent de Paul. The criminals have cells; they eat well; they have organized games, movies, etc. After some time, the criminal is released and sent back into society. He has difficulty in finding a job because not everyone is ready to hire a criminal released from a penitentiary. Then he gets into trouble again and is sent back to penitentiary. For him, it is much better than to have his freedom. Furthermore, I say to myself: If only those who are sentenced to life imprisonment actually served their sentence. As things are today, they serve only 7 or 8 years; after that period they go back to society, commmit another crime and come back to the penitentiary where they are well housed and well fed. Every effort is made to protect the criminals. They come in for a lot of sympathy. However, nothing much has been said in speeches about the victims and their dependents.

I will now tell you what happened to me one day, twenty years ago. One morning, I had a phone call from Colonel Lambert,

director of the provincial police in Quebec City. Colonel Lambert said: "Two or three days ago we arrested an individual who robbed one of our caisses populaires; that man made a confession; he told us that he had decided with another man to raid your caisse centrale. Could you come to the provincial police office? You will see that young man and you can tell us if you recognize him." I went to the other end of Quebec City, to the provincial police headquarters, and then I saw that young man in a cell. So, I told the policeman that I knew this fellow, I knew his father particularly well, and he was such a good man. Then, I spoke to him, and he knew me also. I did not try to convert him. After I had asked him a few questions, I told him: "When you did that hold up in Hull, you fired a revolver, and you could have killed somebody; if you had been caught then, as you are now, you might have had the rope." And then this young man said: "when we pull a hold up, our guns are usually loaded with blanks. If they are loaded with bullets, we shoot at the ceiling or the floor, because we know we would hang if we were caught." Hearing that, I thought to myself that fear was the beginning of wisdom. That conversation was forever impressed in my memory. Now, I would conclude that the reason why the death penalty does not deter criminals from killing, is that those people who commit armed robbery use drugs or "goof balls" which make them reckless and remove their fear of doing what they have in mind. That is why, nowadays, even the death penalty is no deterrent upon criminals.

Therefore, society must be protected. If this bill provided for imprisonment for 25 years, at least, before granting parole—7 or 8 years is not a long time, really—it would seem to me to be a lesser evil. In that case, I do not know what I would do if the bill were amended along those lines. At this time, I feel that I cannot vote in favour of this legislation.

[*English*]

Hon. Orville H. Phillips: Honourable senators, a great deal has been said in this debate. We have had a number of very informative speeches but I doubt very much if anyone's mind has been changed, despite the fact that many of the speeches were quite lengthy. My mind was pretty well made up before the debate began and I think most honourable senators feel the same way. For that reason I will not speak at length. However, the sponsor of the bill (Hon. Mr. Croll) almost changed my mind in one regard.

I used to have sympathy for the victim of a cold-blooded calculated murder. There was a case in New York two years ago of a nurse going home in the small hours of the morning who was attacked and stabbed. She cried for help, numerous people in the area heard her cries but refused to call the police because they did not wish to become involved in a murder case. She was attacked three times and eventually died from the stab wounds. My sympathy was with that girl, but after listening to the sponsor of the bill I begin to wonder if I was wrong in my sympathy. Maybe I should have been thinking of the murderer. If I was wrong in that regard I shall continue to be wrong and place my sympathy with the victim.

The sponsor of the bill ended his speech in his usual elegant way with a plea for the new society of which he likes to speak, and I thought, "I have heard that song before." It never was very popular in my "hit parade," Senator Croll, and as far as I am concerned this bill will not make the hit parade.

One aspect of this debate is that there is a new approach to this legislation. Those who are supporting the bill say to me, as a retentionist, that it is up to me to prove that capital punishment is a deterrent. I find this rather strange, and I ask them what basis they have to say that I must prove that capital punishment is a deterrent. I am perfectly happy with the law as it now stands. We have capital and non-capital murder. We have a very elaborate court system, we have provision for recommendation for mercy, by the jury. We also have a review by the Cabinet. I find it rather strange that I, who am happy with the legislation, am expected now to prove that the others are wrong.

Senator Roebuck said that there are 17 men awaiting execution. I think the honourable senator is wrong. If he checks his information, he will find that those sentences have already been commuted. The senator also referred, in comparison, to the execution of those men being like the days of Hitler and Stalin. I am sure the honourable senator, with his history, his experience and his gentlemanly ways, did not mean to leave that impression. He knows as well as I do that the executions in those two regimes were for political reasons and not for murder.

Throughout the debate, the abolitionists have placed great emphasis on rehabilitation

of the murderer. I ask this question: how many of those convicted of murder have had a previous conviction? How many of these have served a penitentiary term?

I remember a case which occurred about five years ago where an individual was convicted of bank robbery. He served a term in penitentiary and was paroled early. He promptly committed another bank robbery, but this time he murdered one of the bank employees. If rehabilitation is so important and is so successful, why did it not prevent this individual, on his release, from committing murder?

Let us consider the means within our penal system for rehabilitation of prisoners.

Honourable senators, we are sadly lacking in means of rehabilitation. I can recall one case of an individual from Halifax who was sentenced to penitentiary for forgery. The prisoner retraining authorities decided to select a course for this particular individual, who had been convicted of forgery and they came up with the decision that this man should be trained in penmanship. This was the last thing in the world the man needed: it was his penmanship which brought him into trouble in the first place.

Honourable senators, I would point out that the bill makes no provision for rehabilitation of anyone. I find it rather strange that throughout the debate we have heard so much about the rehabilitation of the murderer.

Honourable senators, so much has been said that I do not want to feel I am repeating the excellent remarks which have been made. However, as honourable senators know, I like to check up on lawyers occasionally. I have noticed that emphasis is placed repeatedly on the fact that there can be a miscarriage of justice. This can work in two ways. It is possible that an innocent man may be convicted, but no one has mentioned to my knowledge, in the debate, that many men who are really guilty have won acquittals through technicalities, probably through the ability of their lawyer. This is also a miscarriage of justice. I have found that the lawyers have been very reluctant to mention this fact.

Senator Sullivan this afternoon said he was becoming very tired of the attitude that all misfits in society must receive special consideration and treatment. I heartily endorse his viewpoint. I would like to point out that there are many law-abiding citizens in Canada and surely, if we pass legislation, we must give some respect and some protection to those who obey the law.

In reference to capital punishment being retained for policemen and prison guards, I agree with Senator Molson in the remarks he made this afternoon. He was very careful to make it clear that he did not wish to be misunderstood, but he emphasized that it was essential that this be retained. I say I agree with him. I also agree with him that we are creating two classes of victims.

Senator Vaillancourt has referred to a bank robbery, and I would just for a moment like to consider this possible case. A bank robber can go into a bank and murder every employee and every client in the bank without facing the possibility of being hanged. But if a policeman—a man who is trained to protect himself—appears on the scene and gets shot, the criminal is then subject to capital punishment. I find this distinction rather strange.

The bill makes no mention of multiple murders. Here the bill is deficient, because I feel that an individual who murders more than one person is in an entirely different class from the individual who murders one person.

Children should also be in a different category. Surely someone under 16 is entitled to special consideration and protection under our laws.

Several senators have mentioned that life imprisonment should mean exactly what it says: life imprisonment. This I agree with, and I would hope that any person sentenced to life imprisonment can expect that, and not just six or eight years imprisonment.

I understand the bill will be going to Committee of the Whole. It is not very often these days that we get the opportunity to congratulate a Cabinet minister, but I would like to congratulate the Leader of the Government (Hon. Mr. Connolly, Ottawa West) in this regard and add the hope that the Senate, if it will not reject the bill—as I would like to see it do—will at least make amendments to improve it and provide wider protection for our citizens.

Hon. Jean-François Pouliot: Honourable senators, the high tone and solemnity of this debate has impressed everyone. The matter which is before this chamber deserves such consideration when human lives are at stake.

I have been practising as a lawyer for many years, during which time I have had occasion to be in touch with some criminals,

and if you permit me I will converse with you with regard to the matter we have to decide.

In the first place it has been said that this is a free vote. I do not believe that there was a free vote in the House of Commons. When capital punishment was left to the Solicitor General, after the Minister of Justice renounced his old prerogative to report to the cabinet with regard to death sentences, it was something most unusual. From the time of Confederation until lately the Solicitor General dealt with offences that were minor to murder and manslaughter, while in the case of murder and manslaughter it was the duty of the Minister of Justice himself to read the whole file and then, that being done, he had to report to the Cabinet. This is what was done by the Ministers of Justice that I have known until lately when the tradition was changed. And those who have known Sir Allan Aylesworth, who was one of the most learned and distinguished members of this house and who was the Minister of Justice of Laurier, those who have known Mr. Justice Doherty who was the Minister of Justice of Sir Robert Borden, those who have known the Honourable Ernest Lapointe who was the Minister of Justice of Mr. Mackenzie King, and those who have known Mr. Hugh Guthrie who was the Minister of Justice of Lord Bennett and those who have known Mr. Louis St. Laurent who had been the Minister of Justice of Mr. King also, and those who have known Mr. Fulton and Mr. Fleming who each served as Minister of Justice of Mr. Diefenbaker, must remember them as men of duty and of very high character. They were just as good as those who favour the abolition of the death penalty. They were outstanding Canadians. They had a duty to perform and they performed it to the best of their ability.

I wonder if honourable senators have read a book written by a well known journalist, Mr. Ray Brown, of the Canadian Press, entitled *From Where I Sat*. In that book he tells us that once he went to call on Mr. Lapointe in the East Block—he was Minister of Justice at that time. There were three women in the ante-room and one of them went into Mr. Lapointe's office and came out at once. The second woman went in and she also came out. Then the third woman went in and she did not come out. The journalist asked Mr. Lapointe's secretary "Who are those three women?" And he replied, "They are the wives of three men who were involved in a holdup in Montreal. They have been sentenced to death and will be executed tomorrow." Then, as the bell rang, they went into Mr. Lapointe's own office. The third woman was lying on the floor. She had fainted. Mr. Lapointe had told her what he had said to the two other women "I cannot change my mind, after having read the evidence. Your husband is bound to die tomorrow. I regret to tell you so." Mr. Lapointe was as white as a sheet. I knew him well. When he had cases like that to study he did not sleep for two weeks, but he did his duty without fear or favour.

The eminent men, the eminent Ministers of Justice who were the heads of that department when it was so high that is was next to the Prime Minister's office—those men have left a name that is remembered, I will say, with gratitude and admiration by the Canadian people, because when they headed that department it meant a great deal to the Canadian people.

The greatest tribute that I have paid to a friend is the one I have paid to the present Leader of the Government, when I suggested from my seat that he should be the Minister of Justice of Canada. I could not say more. I expected him to be appointed to that position and to reform the Department of Justice, a thing that has not been done—far from it. I have nothing to say about the present Solicitor General. He seems to be a good minister; he is a young man in politics; he apparently does his best.

I do not appeal to your personal, sentimental feelings. I appeal only to your memory in order that when the time, the solemn time comes for you to vote, to make your decision, you will be in front of your consciences and you will not have the right to forget the facts that I have mentioned to you.

Now, coming back to the freedom of the vote. It is not true that the vote in the House of Commons was free. There is only one place under the roof of the Parliament Buildings where the vote is free: it is in this very chamber. The people of Canada who have been informed by the French and English television and radio networks that tonight we are discussing the important problem of the death penalty—have their eyes on the Senate of Canada, and the majority of them have made up their minds. They expect the Senate not to miss this opportunity to rehabilitate itself against all the propaganda that has been carried on against us.

I say that the vote in the House of Commons was not free, and I will prove it to you.

Honourable senators will remember that last year there was a free vote in the House of Commons on a bill sponsored by a member of the Opposition. Some cabinet ministers voted for it, but the bill was defeated by a substantial majority. What shocked me was what the Government did in spite of that majority vote in the House of Commons—I do not speak with animation; I speak under the stress of indignation—in favour of the maintenance of the death penalty. What did the Government do? The first thing they did was to pass an order in council suspending all death sentences because they were expecting to have later on a majority vote for the abolition of the death penalty. This is a personal opinion. You may disagree with me, but I find that that is not the way to act in a democratic country.

When the representatives of people from all parts of Canada, without distinction of party, are against, by an impressive and imposing majority like the one there was last year, a bill to abandon the death penalty then there was only one thing for the Government to do, and that was at least to remain quiet and do nothing. In spite of that they passed an order in council commuting all death sentences.

There was some propaganda in the press and elsewhere to the effect that it was a good thing; that it showed the right kind of feelings that one should have with regard to the poor people who had committed murder; that it did not amount to too much, and that they will be punished more by life imprisonment than by capital punishment.

That propaganda was carried on in the press, and some people were impressed by it, and others, who had been in favour of maintaining the death penalty, changed their minds. Why? For a very good reason. If it was a free vote how is it that the cabinet voted together, with two exceptions? Was that not done to impress their own members, the supporters of the Government, in the House of Commons? I cannot agree with that; it is contrary to my understanding of democracy in a free country.

After that was over, it was not a member of the Opposition who sponsored the bill which is now before this chamber. It was a member of the cabinet, the minister who has the responsibility for the death penalty on his shoulders. Naturally, it was decided by the cabinet, and it was done to impress the members of the House of Commons.

I have been a Liberal all my life. I believe in democracy, but I do not believe in that sort of thing.

Hon. Mr. Choquette: Hear, hear.

Hon. Mr. Pouliot: This is one aspect of the matter. There was no free vote in the House of Commons, at least for the supporters of the Government. The Conservatives may have done what they wanted to, and the members of the other parties as well. It was a free vote for the Opposition but not for the Government supporters. When all the ministers voted one after the other, and after the propaganda and the buttonholing of each member, it is not at all surprising that this bill should have been passed by the House of Commons. That is my first point.

My second point is that the Senate of Canada is the only place where there is a free vote, a free vote without any party consideration, because if the staunchest Liberal votes against this bill it will not affect the fate of the Government in the other place.

Here we do not have the same reasons for voting in favour of the bill. Some members may have thought that by voting against the majority of the members of the Government they would be given the cold shoulder, or that they might suffer in respect of matters on which they were dealing with a cabinet minister. I do not say that to depreciate the members of the House of Commons. I have the utmost respect for them; I know them and I believe that they deserve the sympathy of the public, but they were not free.

On the other hand, here in the Senate of Canada we have a great superiority. We are free and we have not the same reasons for supporting the bill, because our votes will not change anything for the Government except to remind the Government that it has to assume its own responsibilities instead of evading them.

Having said that I will pass to another matter, that is, the excuses that are given for this bill. There are no arguments for it. There are only excuses. The excuse of mental disability is one; the excuse of not being cruel is another, and there are many others which I will deal with in turn.

First let us consider mental disability. There is one matter which has not been considered as much as it should have been, except by Senator Sullivan today. It is said that a murderer should not suffer capital punishment if he has a mental disability. Who proves the mental disability? It is the psychiatrists who are paid to give evidence

in favour of the defendant and with enough money you can have psychiatrists use a white brush to paint the criminal in white, or a black brush to paint him in black.

Then the psychiatrist comes and, if the defendant has no money, here comes the John Howard Society "to save that man and rehabilitate him in the future," and they pay the fees of the psychiatrist. If the defendant is rich, if he has stolen enough money in holdups and burglaries, he can have many psychiatrists to give evidence that could not be contradicted, because he would hire the services of all of them to declare that he was *non compos mentis*, that is, on account of the disability of his great grandfather, who was insane, the defendant himself must suffer from it. They do not take into consideration the goof balls and the barbiturates that may have been found in the man's pockets. They just say, "He is a mental case. He should not be punished otherwise than by being sent to a hospital," and he is sent to the hospital and treated like a millionaire, until he has a chance to escape.

This is a point of view. Let me tell you honestly that I do not believe in psychiatrists. I have said that already in the House of Commons and I have repeated it in the Senate. They are exploiters of human incredulity. It is known to all, and it was proved just as clear as spring water this afternoon by Senator Sullivan, who is one of the most eminent members of the faculty of medicine.

Who will come to tell that it is not ridiculous to give so much importance to psychiatrists? If I were to meet psychiatrists in private and ask them all what they think of those members of the House of Commons or of the Senate who invoke their own evidence, probably there would be an immense roar of laughter from the psychiatrists. They would laugh and they would laugh at those who believe in them.

Honourable senators, there is another side to the picture. It is that the human race is naturally kind but has a very short memory. People forget very easily what happened last year, or last month, the day before yesterday or even yesterday. It is forgotten. When a murder is committed people read the details in the press and are shocked, because they find that it is awful to think that a brutal man has killed somebody in a bank or has killed some constables or has killed anyone, for that matter. Yes, they are shocked, but as time goes on they forget and soon they change their minds so that all their sympathy is directed towards the victims of the murderers and they give their sympathy to the murderers.

Besides that, when at a trial an accused, with guards, comes before the tribunal he has the right, at the present time at any rate, to choose trial by judge or trial by judge and jury. That is his own choice. And what is a trial by judge and jury? It is the old English justice at its best. Some people consider that those who do not belong to a profession or who have not got a classical education are not qualified to give an opinion on the innocence or guilt of a man who has been accused of murder, but the British system of justice is remarkable in the sense that a murderer is considered not guilty until he is found guilty by a jury.

Naturally, precautions have to be taken in order to keep him in custody to prevent his escaping the hands of justice, but you cannot tell a murderer, even if he has been caught in the act, that he is a murderer. He is entitled to have his trial before a judge and jury and, personally speaking as an old practising lawyer, I can tell you that I trust a jury, because I trust the honesty of 12 honest men who must agree together in order to have a valid sentence. Sometimes those men are humble men and sometimes they occupy more important positions in life. They may be bank managers or men of high standing in their community, and often are, but those men are independent, and if they are not independent the attorney for the accused can challenge them and prevent them from serving on the jury.

Once I was shocked upon reading an article in a periodical by a well-known journalist who has recently been in the limelight. He was driving with a taxi driver and he said to him, "What do you think of the recent murder of the constables by the man costumed as Santa Claus?" The taxi driver replied, "I find it shocking". And then the cultured man asked the driver "Why do you say that?" And he replied, "Because according to the teaching of my church, which is in conformity with the ten commandments that were given to Moses on Mount Sinai, there is an obligation on man not to commit murder, but if he does, he shall be punished by murder—an eye for an eye, a tooth for a tooth." Then the cultured gentleman asked, "What do you think should be done with those men who killed constables in the bank?" The taxi driver said, "They should be hanged." And afterwards the cultured gentleman said that the reason the taxi driver had spoken as he

had and had said that the murderers should be hanged was that he had no culture. If he had been cultured, he would have been in favour of imprisonment for life.

What will you do when the time comes to vote tonight or tomorrow? Will you think of all that? Will you be impressed by the very able speeches that have been made in favour of this bill? Will you give a power of attorney to the Government to continue in that direction? I believe it is time to stop and warn the Government that they should be very careful with their legislation and that they should not take every opportunity to run after contentious legislation.

As Senator Molson has put it, and very rightly so, there are more important matters to deal with; and apparently his speech has met with the approval of all of you.

Time flies, but I ask you only one thing. I ask you not to suffer from amnesia when the time comes to make perhaps the most important decision that you have ever or will ever make in your political career. We have to protect society. Police constables are protected to a certain extent, because those who murder a constable will suffer the death penalty. But, speaking on behalf of all other Canadians, who can be murdered deliberately by anyone, sane or insane—I have no particular power of attorney, but I find that it is for an old lawyer to follow in the footsteps of Senator Choquette, Senator Molson, Senator Sullivan, Senator Aseltine and the others who have spoken against this bill; and you will have the satisfaction of having done your duty in protecting society.

I come to another point, and I will use a comparison to make myself well understood. There was a mother living in the City of Quebec and working in a store. She had a young child. She entrusted that child to a family in Sillery which was keeping a lioness as a pet. It was foolish of the mother to do that, but she did so, and the lioness played with the child and killed her with its claws. What happened? A constable came and shot the lioness to get rid of it because it was a danger to the public.

This is a very important point, and one that has been mentioned by other senators. It is a question of whether we should have sympathy for those who constitute a constant danger to the public at large—to you, to your family, to your neighbour, or to anyone from coast to coast. That is the point. Speaking for myself, when a man who has no conscience commits a murder then I believe if the evidence is clear enough—and the evidence must be clear in order that there be no miscarriage of justice—society should be rid of him.

On the program "Front Page Challenge" on Monday of this week there appeared a man who had been a member of the jury at the trial in the United States of Richard Speck, a man who had killed several nurses. He was asked how long the jury had deliberated, and he replied in a calm voice: "Seven minutes". When asked what the verdict was, he replied, "We found him guilty".

That was what was said by an honest American who had accomplished a duty that was repugnant for him to perform. It is not a pleasure to make a charge against a man, even if he is a murderer, and it is not a pleasure or a joy for the members of a jury to decide whether a man should live or die. That is a very hard thing to do. But, one must think of his or her obligation to society, to his or her fellow citizens. If the Canadian people have their eyes on the Senate of Canada tonight it is because they consider that in this place is their last chance to be protected. I have nothing else to day. I have spoken to you wholeheartedly. I do not know if I have changed the mind of any person. I came to you as one who wants the truth to prevail, and who wants the evil to stop. At this time there is a crisis of authority. There is no authority in this country. No one understands what freedom means. Everyone has his mouth filled with the words "freedom", "human rights", "liberty", and all that—

Hon. Mr. Choquette: That is what the communists want everywhere.

Hon. Mr. Pouliot: Yes, all over the world. But, if the Senate defeats this bill it will be a place where common sense prevails, and where justice prevails, and you will have the satisfaction of having done your duty.

Hon. Allister Grosart: Honourable senators, when the discussion and debate on this bill began some time ago I had no very strong opinions one way or another on the question of the abolition or retention of the death penalty in cases covered by the bill. After listening to the debates, reading what material I could and considering the evidence, I must still say that I have no very strong opinions one way or the other. However, it is my intention to vote against the bill, largely on the basis of the arguments that have been put forward by those in favour of it.

I say immediately that there is no question in my mind of the sincerity of purpose, the integrity and honest conviction of all who have spoken on both sides on this very important and serious subject. I do not think there has been undue emotion displayed. There has been some exaggeration, but I have been more impressed with the arguments against the bill than those in favour of it. This is largely because of the extreme statements that have been made, for some reason that I find difficult to explain, by those who favour this bill. It is those favouring abolition who have accused others of supporting something that is barbarous. We have heard it said that if some of us believe that the law should be carried out on certain persons who have been convicted of murder we were supporting Hitlerism. This statement was made in this house.

We have been told that if we believe that the penalty for the crime of capital murder which has been in force for many, many years, which we have supported in this Parliament and as a people, should be continued, we are supporting something barbarous. I must say it is this kind of argument which makes me hesitate to support a bill that is supported by that sort of extremism. It has been my experience that when you get this kind of extreme argument, when you get argument that accuses those who disagree with you of bad faith and bad intentions, the argument lacks reason. I think that is the case here. We have had that kind of extremism, but I have not heard it on the part of those who support the continuation of the law as it stands.

A good deal has been said about deterrence. It has been said over and over again that this bill stands or falls on the question whether capital punishment is a deterrent to murder or not. I believe that argument has been greatly exaggerated. That is certainly not the whole question. After all, the law has other functions than to deter. The law has the function to punish. Personally, I am always a bit surprised when I hear magistrates and judges say when passing sentence, "I am taking a severe view of this case. I am handing out a serious penalty as a deterrent to others." I do not think this is the business of any magistrate or any judge. He is there to administer the law; he is there to make the punishment fit the crime.

I was surprised to hear Senator Croll say that there was something wrong in the principle that the punishment should fit the crime. Surely this is the basis of our whole legal system. Surely this is what we aim at in every law, to enact a punishment, a maximum and a minimum punishment within which the sentence can punish properly and adequately the crime which has been committed.

Perhaps too much focus has been placed on the deterrent question. We have had many statistics put before us. In his excellent speech in the introduction of the bill, the Solicitor General made a fine statistical presentation for the fact that in historical cases there was no certainty that capital punishment was necessarily a deterrent. We should be very wary of those statistics, however, because if you examine them you will find that they refer only to the simplest aspect of the problem. Those statistics do not tell you whether the abolition of capital punishment has resulted in more crimes of violence. They do not say whether it has resulted in more people committing other crimes or carrying guns. The statistics do not tell you whether the abolition of capital punishment has resulted in more individuals carrying guns for their own protection. None of these appear in these statistics. They are simple, crude statistics that should not be given too much weight in this argument.

I was particularly impressed with one point made by Senator Sullivan. He said that those of us who are against the abolition of capital punishment are being accused of supporting something that is barbarous. I would hope, as he said, that those who feel that way, would have exactly the same feeling when we come, as we will, to discuss the matter of abortion. Because, if the word "barbarous" applies in one place, it seems to me it applies in the other.

The compromise that is suggested in this bill is a good one, particularly as it applies to guards in prisons. However, I was disappointed to hear the sponsor of the bill in this chamber tell us that this was merely a device to get this bill through. I think I would have been rather inclined to vote for it had I not been told that this house is being subjected to a very clever device. "We are going to get you to vote for this bill, because there is this exemption, but in due course we are going the whole way."

I do not like that kind of legislation. I compliment the sponsor on his frankness in telling us so.

We were not told this when the bill was introduced originally by the Government.

This disturbs me, because if I were ever going to vote for abolition, one of the exemptions that would seem to me absolutely necessary is an exemption in respect to a guard in a prison.

I am not going to speak of policemen generally at this particular point. But surely, if a guard in the prison does not have the additional protection that the penalty of capital punishment will give him, there is nothing to prevent any murderer having firearms smuggled in to him and shooting his way out of prison as often as he can get the firearms. And we know that there is evidence that it is apparently not a very difficult thing in certain prisons for murderers and others to have firearms or knives and other weapons smuggled in to them. If we do not have this exemption, surely we are going to encourage the murderer to keep on murdering in order to get out of prison.

So I say on this point that we are told that this exemption is merely a temporary device to palliate some of those who might otherwise be opposed to the abolition.

My final remark is that I am convinced by the evidence, honourable senators, that public sentiment in this country is not at the present time in favour of the abolition of capital punishment. Senator Cameron made a very good point in that respect. I think he is inclined to admit that that might be so, but nevertheless he said it is our job to lead public opinion, to be in advance of public opinion in the legislation that we pass here. I do not happen to agree with that.

My belief is that we are under a system of democracy, and one of the fundamental things about it is that it is a system of government intended to give effect to the will of the people as it stands. If that is not what democracy is, I do not know what it is. If democracy means that we should in this house deliberately say we are going to lead public opinion, that public opinion is too slow, and that we do not care what the will of the people is, do not care what the polls say, that we are going to give the people what is good for them and not what they want, then I say there is no more dangerous course for the government of any country to embark on than an action based on such a theory.

Democracy, I assert with all the fervor that I can command, is a system of government the purpose of which is to give effect to the will of the people.

I have studied the evidence and I am still convinced that the public of Canada is not today prepared to support the abolition of capital punishment. I think the public might be at some time in the future, and when that time comes, if it comes, I will vote for the abolition of capital punishment. At the moment, honourable senators, I stand on the democratic principle of casting my vote on this bill to give effect to what I believe to be the will of the people of Canada.

Hon. Muriel McQ. Fergusson: Honourable senators, there have been so many excellent speeches made in this debate that I will not attempt to refer to any of the individuals who made them. I believe that all of those speeches express the convictions of the speakers and I congratulate each one of them for the very high quality of the contributions which have been made to this debate.

As honourable Senator Molson has said, the matter of the abolition of capital punishment has received so much publicity, and so many arguments have been made and repeated, so many books have been written in this country and other countries, and so many speeches have been made in the House of Commons and in the chamber on the subject, that there is nothing new that I can say to enlighten honourable senators. However, my very deep conviction that capital punishment is a repulsive and uncivilized proceeding forces me to take part in this debate and express my support for the bill.

I have not always been opposed to capital punishment, although my support of hanging as a method of carrying it out was deeply shaken by the unfortunate case of Benny Swim who in 1922 was convicted in New Brunswick and sentenced to be hanged. He was hanged on October 27, of that year. He was cut down before life was extinct, and about half an hour later he was hanged for the second time.

From reading the report of the commissioner who was appointed by the Attorney General to investigate the circumstances of that case, I gather the distressing occurrence was due to the inefficiency of the hangman and to the lack of equipment. With the lack of instruction or training for hangmen in Canada, of which we learned in the Joint Committee on Capital and Corporal Punishment, there does not seem to be much possibility of improving those conditions, if this method is to continue.

I was very much interested in Senator Fournier's (Madawaska-Restigouche) description of the hangings he had witnessed, but the descriptions he gave differ very much from the distressing account of such events given by witnesses of executions—doctors, ministers and jail officials—who gave evidence before the joint committee which sat in 1954, 1955 and 1956. Having been trained as a lawyer and having had some experience in criminal courts, and knowing how horrible and revolting capital punishment was, before I sat on the Joint Committee on Capital Punishment, Corporal Punishment and Lotteries I was also of the opinion it was necessary as a deterrent to the crime of murder.

When planning what I would say in this debate I had intended to refer to the proceedings of that joint committee. However, speaking on a question of privilege last evening I have already read into the record my own speech of June 29, 1965 which contained some of what I intended to bring to the attention of honourable senators regarding the committee. I would also point out that the decision of the committee to retain capital punishment was a majority and not a unanimous decision.

In case I have not made myself perfectly clear, I want to state that when the vote was taken in the joint committee on July 21, 1956, I, as did Senator Roebuck, voted for abolition and I certainly have not changed my mind since. From the evidence given at the meetings of that committee I, and I am sure a number of other members of the committee, formed the belief that there is no proof that capital punishment is a deterrent to murder. If it were, honourable senators, that would be the only reason I could see in justification for retaining it.

Senator Aseltine stated that there were 30 members of that committee, whereas I had said there was 28. There may have been 30 when the committee was appointed in 1954, but in the session of 1956 when the committee was set up, 18 members were appointed from the House of Commons and 10 from the Senate.

Honourable senators, I certainly do not presume to compare my intellectual processes or my ability to form a balanced judgment with those of Sir Ernest Gowers, the Chairman of the British Royal Commission on Capital Punishment, 1949 to 1953. There is, however, one similarity on which I pride myself. It is that although we both began an intensive study of the subject as supporters, we both ended our prolonged studies as strong opponents.

Sir Ernest Gowers has written a book on the subject called *A Life for a Life*, from which I would like to read a few exerpts. In that book he expresses in better words than I can some of my own thoughts on the subject. On pages 64 and 65 of the book, he quoted from a speech made in the House of Lords by Lord Templeton in the debate in 1948 on the subject of capital punishment, as follows:

> It surrounds with an atmosphere of unhealthy melodrama, a particular form of crime . .

And it

> . . . leaves the mark of Cain on the family of the executed man.

Elsewhere he has summarized the grounds of his opposition to the death penalty:

> However carefully the death penalty is inflicted, a state execution is a repulsive proceeding. Capital punishment is objectionable because, first, contrary to the modern developments of penal reform, it abandons the possibility of reforming the murderer, secondly, being irrevocable, it gives no opportunity for reversing a wrong sentence, thirdly, it places a hateful duty on all who take part in an execution, and fourthly, it lowers the moral standard of the whole community.

Its only justification, he added, would be if it could be proved that it was an indispensable deterrent against murder and that public safety would be endangered if it were abolished. In that case he would be willing to reconsider his position. But he was convinced, on the contrary, that the experience of abolitionist states showed both that it can safely be dispensed with and also that murderers can be reformed, and that even the longest terms of imprisonment need not be either demoralizing or inhumane. He deprecated excessive deference to what is supposed to be the popular view, in these words:

> I think public opinion would accept a change. I think if one looks back . . . one finds that there was a very large body of public opinion against any of the penal reforms that are now accepted as almost axiomatic, and I think the same would be the case with capital punishment.

The words of Lord Templeton, which are quoted in Sir Ernest Gowers' book, express succinctly my own feelings on this subject.

Other speakers who support the bill have elaborated on these points, and it is not necessary for me to prolong this debate at this late hour by repeating their arguments.

Again, on pages 59 and 60 of the same book Sir Ernest Gowers quotes the view of Mr. Justice Frankfurter of the Supreme Court of the United States of America expressed before the British Royal Commission. He said:

> I am strongly against capital punishment for reasons that are not related to concern for the murderer or the risk of convicting the innocent and for reasons and considerations that might not be applicable to your country at all. When life is at hazard in a trial, it sensationalizes the whole thing almost unwittingly; the effect on juries, the Bar, the public, the judiciary, I regard as very bad. I think scientifically the claim of deterrence is not worth much. Whatever proof there may be in my judgment does not outweigh the social loss due to the inherent sensationalism of a trial for life. I am speaking about my country, not yours.

He, of course, was referring to the United States of America. But, honourable senators, I think this is true of our country as well as of the United States, and I am not speaking academically. I remember vividly the most unpleasant sensation caused in my own City of Fredericton when in 1949 two men convicted of murder were hanged in the yard of the jail. The effect on those involved and on the general public was most distressing. Many hours before the execution took place, people crowded windows and roofs of buildings hoping to get even a glimpse of the scaffold. I witnessed this scene, and can only describe it as deplorable in our small city.

The argument about public opinion polls does not impress me. So far as public opinion goes, how many people have really studied this matter and given a judgment based on mind and conscience, rather than a judgment which is the product of their emotional reaction?

Certainly, I venture to say that the majority of those who contributed to the vote taken at Expo had not studied evidence on both sides of this question and, therefore, their support of retention has, for me, very little meaning.

As for the vote taken by the Honourable Mr. Bell, I do not know how complete an educational campaign, giving both sides of the question, was carried on in his constituency. But, unless his constituents had an opportunity to know the facts of both sides, I do not feel that the vote in favour of retention should be given much weight.

Before hearing the evidence given to the British committee, and learning the facts, even Sir Ernest Gowers, that outstanding proponent of abolition, would have voted for retention, whereas with more knowledge he would have abhorred doing so.

I should like to point out that, although those in opposition to this bill claim that supporters of abolition of the death penalty are swayed by sympathy and emotion, most of the emotion displayed, especially in the earlier speeches in this chamber in this debate, seems to have been displayed by those who have opposed the bill. In case anyone discounts my ideas as being the product of the exaggerated sympathy of a woman, I assure such person that in the past I have prosecuted criminal and quasi-criminal offenders against the law, and I was never accused of letting such a bias interfere with my duty.

I would also remind honourable senators that when Donald Gordon was Chairman of the Wartime Prices and Trade Board, he set up the Consumers Branch of that board for the purpose of getting public support for the legislation necessary to control inflation during the war period, and he said that the reason he was seeking the help of women was because they were the calm thinkers.

Hon. Mr. McCutcheon: He was a great diplomat.

Hon. Mrs. Fergusson: I prefer to think that he was being honest, and was expressing his real opinion.

I certainly feel that the decision which I have reached after much reading and listening to evidence and studying is an objective one and the result of calm thinking.

Honourable senators, before closing I should like to quote again from Sir Ernest Gowers' book. At pages 104 and 105 he says:

> As was pointed out to the Royal Commission by one of their witnesses, the countries that have found the death penalty unnecessary are very varied. They include countries large and small, industrial and agricultural, countries of Latin, English-speaking and other races, and countries in Europe, North and South America, Asia and Australia. The witness said he was puzzled why it

> should be supposed that Englishmen are so peculiarly brutal by nature that they need some special deterrence from murder, unnecessary elsewhere. In Belgium, the European country most like ours, the results are said to have been so conclusive that further argument has been silenced, and the lesson seems to have been learned that the best way of inculcating respect for human life is to refrain from taking it in the name of the law. Such, at least was the testimony given to the Select Committee by the Belgian Minister of Justice.

Honourable senators, many countries have made the experiment of abolishing the death penalty, and we, to our shame, I feel are not in the vanguard, but are one of the very last civilized countries to follow that example. Personally, I would prefer a bill for total abolition of capital punishment. But, as Senator Croll said, this bill is a giant step forward, and I will support it.

Hon. George S. White: Honourable senators, I understand I am the last speaker tonight and I can assure you that my speech will be the briefest of all the speeches made so far.

I think that this is a bill on which each honourable senator will have to make his own decision as to how he votes. I doubt if any speech has changed the views or opinions of any senator. I have listened to all the speeches, and while I do not agree with many of the views advanced I have every respect for the various senators who have advanced those views. I am sure they have put them forward with every sincerity.

I regret that during the debate certain words and phrases have been placed on the record which to me would indicate that those who are opposed to this bill and are not going to support it believe in medieval torture, that they wish to wreak vengeance for murder, that they approve of an uncivilized practice that is unworthy of a twentieth century Canadian, because it is argued that hanging is nothing less than cold-blooded murder or legalized murder. Those words were used by the honourable senator who introduced the bill. The same senator used these words at page 599 of the record:

> It is the object of the state to promote human dignity and respect for human life.

No one is going to quarrel with that, but it is also the duty of the state to protect the citizen of the country.

All honourable senators are old enough to remember that in two World Wars the total human and material resources of this country were mobilized. In the First World War hundreds of thousands of young Canadians were instructed in the art of killing and the manner in which to kill and destroy human beings. As was mentioned by the honourable Senator MacKenzie today, the Canadian soldier had no quarrel with the German soldier, yet they killed each other. In the Second World War the methods were much refined and expanded; they were further refined in the Korean War, and today we have reached the ultimate in killing our fellowmen.

It seems to me that it is the first duty of the Government to protect the citizens of the country. I should like to repeat only two matters to which many people have referred.

In my opinion a man who goes out to rob or steal, taking with him a shotgun or pistol, and in that robbery shoots and kills a citizen, or the man who murders a child or a woman, has lost any rights in this country.

I am opposed to this bill, and in my opinion the Senate of Canada can render a great service by refusing to give it second reading.

[*Translation*]

Hon. J.-Leopold Langlois: Honourable senators, I join enthusiastically with the previous speakers to congratulate my colleagues who have up to now participated in this debate. I wish to point out particularly the excellent speeches made by honourable Senators Choquette and Cameron who, like the mover of the bill, have set the style of the discussion.

You may perhaps be surprised to see a lawyer used to the rather cold depths of maritime law taking part in a debate liable to generate strong emotions and probably lead to overstatements. This is the reason why I want to reassure you immediately by expressing the hope that this debate will proceed in a peaceful and reflective atmosphere, so that we may conclude it with maximum lucidity and objectivity.

In fact, our decision involves too serious repercussions to allow us to use emotional arguments and resort to sentimentalism which leaves no place for serene reflection. That is why I shall try to limit myself to a brief and concise examination, as much as I can, of the bill now before us.

Moreover, emotional arguments prove absolutely nothing and convince nobody. We have read or heard speeches on the present bill during which abolitionists and retentionists have succeeded in accusing each other, with equal conviction, of sentimentalism. Is this not proof of the futility of those arguments based on sentiment rather than reason?

When I heard, during the day, certain speakers describing the horrible tortures once inflicted on persons sentenced to death, this reminded me of a notice of reward which I saw when I recently visited the Royal Exchange in London. Of course, it was an outdated notice, which was kept only as a museum piece. It was dated June 24, 1802. A reward of £100—a very large amount of money in those days—was offered to whoever would communicate to the Royal Exchange Insurance group information that could lead to the indictment of anybody guilty of arson. This notice had particular reference to burning of crops. The notice in question reproduced in part Statute 9, George I, Chapter 22, of which I am quoting an extract:

> That, if any person or persons shall willfully and maliciously set fire to any house, barn, or outer house, or to any hovel, cock, mow, or stack of corn, straw, hay, or wood, they shall be adjudged guilty of felony, and shall suffer death without benefit of clergy.

What struck me at first was the severity of the sentence, but I was even more strongly impressed by the fact that in addition to that the culprit was to be denied the last rites of the church before being put to death. This shows how severe was the law at a time which after all is not so remote, especially when we consider how much our criminal legislation has been softened since those days. Nor should we forget in that respect the recent changes in our legislation on parole and what we are doing for the rehabilitation of delinquents.

Such have been in recent years, these changes or softening of our criminal law, that it is tantamount to revising our legislation from top to bottom.

This revision was marked especially by the recent amendment to the criminal code about six years ago, establishing the categories of capital and non-capital murder. This amendment was the main step in making our criminal laws less stringent. And, today we are called upon to add the abolition of capital punishment to this already fast-paced and significant evolution.

Honourable senators, I feel that it is difficult, if not completely impossible, to foresee what the impact of such a grave, profound and rapid change will have on the incidence of crime in our country. It might be wise not to underestimate the scope of such an impact. We may be judged severely by society, and rightly so, if we go too fast and too far.

And speaking of society, this brings me to point out that in this chamber and elsewhere we have, I feel, spoken very little of that protection of society which must be the sole concern of the legislators. In this case, should it not be our duty, our urgent duty, to seek such protection diligently and firmly. We ought not abstain from doing so under the false pretext that we are reverting to barbarous practices and cruelty. No one can claim that there are members in this house who are inclined to barbarity or to seek vengence or retaliation. I have too much regard for the members of this chamber not to believe firmly that their sole concern at this time is to ensure good order, peace and good administration of justice within our society, a guarantee of its protection and survival.

Consequently, it is useless and futile to look for quotations in the Bible or elsewhere to demonstrate that the state has or does not have the right to punish murder by capital punishment. What matters is not to provide a penalty comparable to the crime, but adequate protection for society by taking all possible means, even those that appear to be painful and severe, to prevent crime and its repetition. For, as I said, the point is to protect society by preventing the sacrifice of human lives at the hands of criminals.

It is therefore in order to ask oneself if the bill before us achieves that object. I have asked myself the question. I weighed the arguments put forward for and against the bill. As I am no criminologist, I reviewed our statutes on the matter. I consulted experts in criminal law. I read the parliamentary debates of six years ago on the amendments to the Criminal Code with regard to capital murder and non-capital murder, as well as the debates of 18 months ago on the bill then introduced in the House of Commons for the complete abolition of the death penalty. After that research, those consultations and that study, I was forced to conclude that the bill before us, in its present form, gives no guarantee, not even a minimum guarantee, that society would be adequately protected

through its adoption and that, moreover, this bill is based on inconsistencies. Let me speak first of all of the lack of logic in the concept on which this bill is based. To my mind, it is illogical, because it rejects capital punishment in almost all murder cases, but retains it in a few.

Indeed, if capital punishment is a vestige of barbarism, it is so in all murder cases, without any exception. Indeed, if capital punishment is not an efficient deterrent to discourage murder, it also stands that it cannot be an efficient one in the exceptions provided for in this bill.

Indeed, if capital punishment is contrary to the Divine precept, "Thou shalt not kill", this also applies to all categories of murder, and all the more so because in this instance it applies, not to real categories, but to artificial ones created through a fiction of law by the 1961 amendment to the Criminal Code.

And it is so, honourable senators, with all the arguments put forward by the abolitionists in support of their theses. They all abide by a principle they choose to finally discard in exceptional cases. Answers to this argument have been or will probably be put forward, such as working compromise, or the art of the possible in politics, or even—to mention their own words—the dubious wisdom of being content with half a loaf when one cannot get a whole loaf.

These arguments are totally inconsistent and moreover, fall short of being merely convenient since their fallacy is grossly obvious and convinces nobody; it does not even impress on those who formulate them. No, there is definitely no possible compromise where principles are concerned. Half-enforced principles breed half measures which, in addition to being inefficient, conceal within themselves the germ of their eventual rejection.

Secondly, the bill does not provide for the protection which the society has a right to expect from legislation intended to repress crime. On the contrary, the adoption of the bill may contribute to render futile the considerable efforts which are made at present to eliminate crime in Canada.

We must not forget, honourable senators, that certain experts in the field of criminology, some of whom are senior officials responsible for the enforcement of the laws of our country, have recently expressed the opinion that Canada—especially in the large cities of Montreal and Toronto—is about to become the best organized centre for crime in North America. The abolition of capital punishment, if it is not accompanied by legislation providing for adequate compensation, will not result in the reduction and surely not in the elimination of the crime wave now spreading over the country.

The abolitionists themselves have admitted that capital punishment has at least a certain value as a deterrent. Once this disappears, what will remain to act as a deterrent on our future criminals? I may be told that there will still be life imprisonment. I will answer immediately that the present bill in no way guarantees that a man found guilty of murder and sentenced to life imprisonment will not be released in a few years and given the occasion to repeat his crime.

Indeed, we are not only abolishing capital punishment for the majority of murder cases, but, by passing this bill, we are reducing considerably the value which the prospect of life imprisonment can have as a deterrent for the prospective murderer, while at the same time making it possible for this same prospective murderer to be released sooner or later.

I am dealing here with an aspect of the bill which did not receive enough attention during the debates to which I referred a moment ago. Indeed, not enough stress has been placed on the fact that by substituting life imprisonment for hanging, the power of reducing this sentence is given to the National Parole Board, which will base its decision mainly on the behaviour of imprisoned murderers and on their chances of rehabilitation.

It will probably be argued that the Governor in Council, following the adoption of this bill which would amend section 656 of the Criminal Code, would have to approve the release of all prisoners whose death sentence might be commuted or who were sentenced to life imprisonment as a minimum sentence. However, this means that we would be depriving the cabinet of the initiative as well as of the responsibility of making the initial decision and of conducting the serious study it requires. The cabinet would then be limited in the future to exercising control over a decision made by a body which is supposed to be independent according to the legislation creating it. This decision would be based on conclusions and considerations which no member of any cabinet would be able to control effectively since, as has been pointed out, these recommendations would be based mainly on the testimony of experts, which is understandable by very few people.

Hon. Mr. Pouliot: Hear, hear.

Hon. Mr. Langlois: I think the result will be that very soon, if not immediately after the passing of the Bill, life imprisonment would simply mean about ten years incarceration in most cases. Was not the Cabinet compelled to intervene in 1964, by way of a regulation through an order in council, to prevent the possibility of paroling those who were convicted of murder before they had served ten years at least? But there again, the possibility of release, even after ten years, considerably weakens the deterrent value of life imprisonment, and might also render same ridiculous at the same time. Moreover, this ten year period has been established by an order in council which can, at any time, be rescinded. I hate government by order in council, and this feeling is indefinitely multiplied when the administration of justice is concerned. I hate this so much the more since, during the last six months, my legal office was able to convince tribunals to declare two orders in council as being ultra vires of the legislation under which they had been made; fortunately these orders in council had nothing to do with criminality, although they deprived Canadian citizens of rights they had acquired.

I am truly convinced that this bill does not protect society in the least against the disastrous consequences of criminality. Had it been the wish to continue to maintain the respect of our laws and of the administration of justice while ensuring the protection of society, the bill should have provided that any person sentenced to life imprisonment for murder could not be paroled before serving his sentence, subject to the exercise of mercy in some very specific cases. I am not too much in favour of granting mercy, because I consider it as a vestige of the feudal system, when the lord had the power of life and death over his serfs.

Besides, this bill provides a five year trial period, and it will always be time, after that period, to further relax the provisions of the law if the experiment has proved successful.

During this debate, a further safeguard has been suggested against early releases, that is, the serving of a minimum term of 21 or 25 years, before the granting of any parole. I will add that such a term, if it is really to deter the criminal and protect society, should be fixed by the act itself, not by order in council which, as I said before, can be annulled without notice or prior publicity.

I think that this suggestion is worth while, but it does not go far enough in my view. However, although there are serious defects in this bill, I might consider voting for it if there was a guarantee that the life imprisonment penalty would not be a dead letter in our statutes by becoming an unused provision in our criminal legislation. If no assurance is given of an amendment to that effect, I shall oppose the passage of this bill.

[*English*]

On motion of Hon. Mr. McDonald, on behalf of Hon. Mr. McGrand, debate adjourned.

STANDING COMMITTEE ON TRANSPORT AND COMMUNICATIONS

NOTICE OF CANCELLATION OF MEETING

Hon. Mr. Connolly (Ottawa West): Honourable senators, I wish to announce that the meeting of the Standing Committee on Transport and Communications scheduled for two o'clock tomorrow afternoon has been cancelled. It will be called again for sometime next week.

The Senate adjourned until tomorrow at 2 p.m.

THE SENATE

Thursday, December 14, 1967

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

DOCUMENTS TABLED

Hon. John J. Connolly tabled:

Copies of background papers prepared for presentation to the federal-provincial conference on Housing and Urban Development. (English and French texts).

Copies of additional background papers for the federal-provincial conference on Housing and Urban Development—

Water quality recommendations,

The BEAM Programme.

(English and French texts).

Copies of a communiqué issued following the high level meeting of contracting parties to the General Agreement on Tariffs and Trade held at Geneva November 22-24, 1967. (English and French texts).

Copies of the text of a press communiqué issued following the meeting of the Ministerial Council of OECD held at Paris November 30-December 1, 1967. (English and French texts).

Copy of a Press Release, being the opening statement by the Prime Minister to the federal-provincial conference on Housing and Urban Development, Ottawa, December 11, 1967. (English and French texts).

INDUSTRIAL DEVELOPMENT BANK ACT

BILL TO AMEND—THIRD READING

Hon. John J. Connolly, for Hon. Mr. Lang, moved the third reading of Bill C-164, to amend the Industrial Development Bank Act.

Motion agreed to and bill read third time and passed.

CRIMINAL CODE

BILL TO AMEND—SECOND READING

The Senate resumed from yesterday the adjourned debate on the motion of Hon. Mr. Croll for second reading of Bill C-168, to amend the Criminal Code.

Hon. Fred A. McGrand: Honourable senators, I wish to take part in this debate, for I have been interested in this subject ever since I began to practise medicine over 40 years ago and first became involved with people and their emotions. I do not speak often in this chamber, and if I take half an hour of your time I hope you will understand.

The problem of protecting society from the vicious criminal has been with society for a long time, and has never been successfully coped with. Murder has haunted the human race since the beginning. At one time killing was only murder when it was within the family. Later it was murder to kill anyone within a tribe, and later, to kill anyone within the nation. Now, murder is to kill another human being.

So, today we take a wider look at this problem as society undergoes social change. We must take a look at the anatomy of crime and murder. Every man in a sense believes he is his own social scientist, and social science is the stuff of every day life. Therefore, we must decide on a plan of justice and not just snuff out the life of the occasional offender.

There is ample evidence that the death penalty is not a deterrent to crime and never was. Today the death penalty is on trial and this chamber is the jury. It is not only capital punishment that we must consider, but capital vengeance as well.

Joseph Catton, psychiatrist and Professor of Medicine at Stanford University, in his book *Behind the Scene of Murder,* says:

> Society's demand for vengeance is not unlike the motivation of certain individual killers.

As long as an archaic society believes that capital punishment is a deterrent to crime, it will retain capital punishment as a weapon of defence. Those who seek shelter behind capital punishment as a deterrent to crime are in a similar position to those in France who believe the Maginot Line was a deterrent to invasion. It is time we did away with this Maginot Line type of thinking if we are to protect society against murder.

When we do away with an institution that has been with us for a long time it is necessary to put something better in its place.

When we think of murder it is necessary to think of that large number of people who live in that grey world that is neither sane

nor insane, and most of them live behind a mask of sanity. This is the large group with a psychopathic personality, usually called, for want of a better definition, the psychopaths. They are not recognized in the communities in which they live as abnormal people because they are neither sane nor insane. Most of them do not realize their abnormality until one day a murder takes place and society has another murder on its hands. These are the people who live with negative emotions, fear, hatred, anxiety, anger prejudices and a thirst for revenge—an inheritance from the early days of man on earth before history was recorded and of which we know so little.

The murderer often cannot say why he did it. He generally says, "I blew my top," or "He had it coming to him," or "I got him before he got me." He cannot explain what he means by "blowing his top," or the reason for the outburst of his emotional mechanism that made him do it. But those who knew him best will say that he was always a selfish person and not the good neighbour type, wanted more than his share of mutual understanding, borrowed but seldom cared to lend, was unkind and even cruel and got pleasure from his cruelty.

That is the description of the psychopath, the group from which murderers are recruited. They are the sick people who are always with us, and what has the death penalty done to eliminate the psychopath from society? It discourages efforts to try to find out who the psychopath is, how to identify him, how to recognize his illness and give him treatment and prevent those with psychopathic tendencies from becoming full-grown psychopaths.

The death penalty did not eliminate witchcraft in the Middle Ages. Modern science did in the 18th and 19th centuries. The same research can be done in that grey world behind the mask of sanity that breeds murder if we are ready to stop hiding behind this Maginot Line type of thinking and come out determined to fight the causes of crime. That is why capital punishment is on trial today in this chamber.

The term "psychopath," like arthritis or heart disease, is not a word that describes an exact condition that is the same in every case, but is a term which describes a group of people with similar ailments. The psychopath has many characteristics. He is not dependable; he is unpredictable; he has no deep feelings of love for anyone and often deserts his family; he does not trust others, has no remorse, does not have guilty feelings or a sense of shame; he is usually selfish and lonely. As a group they lack incentive and ambition; they lack creativity; they tend to be lazy and indolent; frequently change their job and place; they are untrustworthy and usually dishonest; they want the fast and easy solutions, and seldom plan for the future by serious or sustained effort. They organize their lives without reference to social values. They could be emotional drop-outs before they become social drop-outs, as man developed from a primitive cave dweller to a sophisticated society.

Medicine has learned much about the human being but very little about the human mind. Physically we start out as one cell, too small to be seen by the naked eye, a little drop of protoplasm that is 90 per cent water and contains all the elements of life and from this is developed all the different tissues of a complicated body. Some cells become arrested in their development and never belong to mature tissue. These are the drop-outs and from them may come malignancies.

Primitive man may have had less emotions, or somewhat different emotions before he developed the lever and the wheel, and he may have had even less before he developed the club. His emotions may have developed with his needs. The theory that his emotions have not changed over the centuries may be wrong. There may be arrests and even drop-outs in his emotional development.

Senator Prowse put his finger, so to speak, on an unknown element of his nature when he spoke of one man who was prepared to kill and the other man who walked away.

Maladjusted people may be those with emotional arrests, a leftover from primitive man, or it may be something that has developed in his nature as he emerged from his primitive origin, where he shared the world with other primitive creatures, including the primitive horse, no larger than a fox. Somehow, along that road he developed the habit of killing other people—the difference between the man who kills and the man who walks away.

Did the ability to kill, and the permission to kill, outside the family or the tribe give one a separate status? This may have been

the motivation of the emotional drop-out who said he was going to kill the first person who walked past and then stabbed the prison guard.

They are usually school drop-outs, because they lack the will to work hard; they want success without the toil. The fact that they have no sense of guilt or shame or remorse comes from the fact that they have no social conscience. They have no remorse because they do not have a guilty conscience. They cannot tell right from wrong; they are sometimes called the man without a conscience; they enjoy the sufferings of others, and anything in pain.

If you were to take a poll among psychopaths on this question, most of them would vote for retention and most of them would be pleased to watch a hanging. Professor James Mehorter, Professor of Psychology in the Department of Education at the University of Vermont, in an address which I listened to at one time, said this:

> I often urge my students in mental hygiene to tune their television sets to a boxing bout for a firsthand study of manifest hostility and aggression. I suggest that they ignore the boxers and closely observe the spectators; for here is the almost perfect example of the raw disintegrative emotions at work. I suspect that the spectators at such events as bullfights, chicken fights, dog fights, rodeos, and other decadent pastimes afford an equally interesting study. Of course, these spectators are not all psychopaths, but the basic psychopathic pattern is there; and it is conceivable that a sizeable number of the spectators could be diagnosed as prepsychopathic.

Psychopaths do not lack intelligence; some are very intelligent. They lack the power to make the best use of intelligence. They can learn new skills quickly but as a rule they are not innovators. They are not original enough to invent or create something. They lack innovation but are parasitic enough to make use of someone else's knowledge.

They can make use of the skills they learn in the prison workshop to open a vault in a new venture in crime when they return to civic life. They never develop maturity and believe that crime will pay if they can do a better job and if they are smart enough. They do not arrive at conclusions by logic or reason.

A prisoner with only two weeks to go to complete a two-year sentence in prison, seizes a gun from a guard and shoots him and then tries to make his escape. Had he given it any serious thought he would have known he was certain of arrest and further punishment.

In younger children delinquency is clearly a form of play. A disturbed child watches violence on T.V. or other sources of entertainment where brutality is shown, and believes he has found the answer to his fears and anxieties. Little children live on the fringe of the adult world. Even a small child has fears. He clutches a toy rabbit because it is a companion he can trust.

Dr. Karl Stern said recently that the foundation of anxiety begins in infancy: "The danger period is between six and eighteen months," and they carry these anxieties over into adult life.

A delinquent usually is a normal but neglected child; as he develops his abnormal habits, or his psychopathic personality deepens, and as he learns the violent pattern of thought and action, he is on his way to becoming a psychopath.

How do they get that way? There are no born criminals any more than there are born musicians, poets, mechanics or alcoholics. No one can inherit a crime any more than he can inherit a poem or a song.

At birth a child has no knowledge or experience. He has intelligence and a will. From there on he is the product of his environment. Usually he learns from what he sees and hears. The most contagious thing in the world is example, good or bad. He is taught by the example set by his family and those he is in contact with. He is the product of society— often its victim.

It is well to know something about the anatomy of crime and murder. The psycopath is sometimes called the man without a conscience because he has no remorse for what he has done; no sense of guilt; cannot distinguish between right and wrong. He never learns from experience. Somehow he lacks the insight that enables normal people to distinguish between right and wrong. He has been pushed out of the mainstream of society into the delinquent subculture where he forms new associations.

Delinquency is something that happens to an individual, not something he does. It become his way of life because he knows no other. The person who can speak only one language is one who has never been exposed to a second language during his formative years. The criminal knows only one language and one conduct—the language and conduct of the gang.

Children do not shape or mould the society of the world around them. They are the product of it. If they are pushed out of the mainstream and into the sub-culture of the criminal and forced to follow its rules, whose fault is it?

There has never been enough research done to determine how to recognize a potential murderer during his childhood, or to determine at what period a child can be rescued from his developing psychopathic personality.

It is hard to change the mind of a normal person with fixed ideas; almost impossible to give new ideas to a confirmed psychopath.

This research will not be done as long as we think that punishment will cure criminals; that the death penalty is a deterrent to crime. Those who are convinced that the death penalty is an answer will never seek a better one.

Would you find a colour-blind person guilty because he cannot distinguish red from green? Would you find the psychopathic murderer guilty because he cannot tell right from wrong, and has no remorse because he has never experienced guilt? If society is obliged to feed the hungry and clothe the poor, it is obliged to protect the psychopath from the society of which he is a product.

It is hard to say whether some criminals should be in prison or in a mental hospital because it is hard to distinguish between insanity and madness. Who can draw the line between madness and badness? The idea that one commits murder because of temporary insanity is not supported by many psychiatrists. It is a gimmick used by the defence. No one can be insane today and sane tomorrow. If he were insane at the time of the murder, then he was one of those who has been wearing the mask of sanity for a long time.

Some 30 years ago, psychiatrist Fredrick Wertham traced the cause of murder in some twenty cases to the influence of comic books. If comic books were a cause of murder, what about crime on television?

One hundred million dollars worth of toys that imitate instruments of killing are sold in Canada every year. Is it fair to teach a maladjusted child to have no respect for life and become a criminal, and then hang him when he becomes a murderer?

When the prisoner reaches the gallows and the chaplain pronounces the words "May God have mercy on your soul", society believes it has washed away the guilt of its own conscience. Crime cannot be controlled by imposing the death penalty for murder any more than malaria or yellow fever can be controlled by swatting the occasional mosquito. These diseases are controlled by destroying the breeding grounds and removing the cause. We cannot restrict the control of crime by destroying the occasional murderer as he comes off the assembly line.

Some time in early life the criminal can be rescued. First it is necessary to identify the psychopath at an age when his emotions can be re-directed. Cut off the sources where crime is bred and taught. Inoculate him against crime by massive doses of humane education. Teach him that life has dignity, something you can take away but can never give back.

Father Flannigan, founder of Boys' Town, Nebraska, always maintained that there was no such thing as a bad boy, and his work at Boys' Town proved it. Young criminals, guilty of all the crimes on the calendar, including murder, were taken there and rehabilitated.

Some years ago, in Ottawa, a girl of twelve was rope skipping on the sidewalk in front of her home. She was attacked by two boys of her own age, who knocked her down and began to kick her. Her screams brought two boys of similar age to her rescue. Her two attackers, armed with a switch knife, made off pursued by her two rescuers and, in spite of the threat of being slashed by the knife, they followed her attackers until the police picked them up. One would think that two such boys would receive some recognition from a grateful society. Nothing was done! Had they been members of a successful hockey or ski team they would have been feted by the city fathers and told what great honour they had brought to their city. The boys who attacked the girl were emotionally sick. They may have been jealous of the affluent society she enjoyed and wanted her to share their misery—because they were

sick. Nothing was done to reward her rescuers, because our society is sick.

Crime and murder, like the better things we have, are products of our society. The death penalty punishes the fact and does nothing to remove the cause or find a cure.

One often hears the remark, "Hanging is too good for them." This is a carry over from a medieval society that believed the death penalty would cure witchcraft and heresy. It is an excuse for the want of something better. It is a throwback to primitive man. It is not justice, but revenge. Revenge denies the best of our Judaeo-Christian tradition. Most of our wars are wars of revenge. They settle nothing.

The death penalty reflects frustration and prejudice; it settles nothing. The psychopath wants revenge on the society he blames for not giving him his share of its affluence. Capital punishment is an admission that this is so. It is a war of vengeance. There is a civil war going on in society between those in the subculture and those in the main stream. They use the same weapons, violence and vengeance.

It seems strange to me that, of all the millions of dollars spent on medical research, so little is available to do research into crime. There are psychologists in Canada anxious and ready to do this research, but not a dollar is available. At the University of Sussex in England a group of scientists is undertaking research into man's inhumanity to man; the nature and operation of human destructiveness, its methods and techniques. This research will investigate why man is the only creature on earth that kills his own species.

Some people, as individuals, deplore terror or murder, but collectively they will through hatred and prejudice carry out the extermination of any group of their own nature. This group of scientists will study the cause of crime.

Technology and ecumenicalism have changed the social structure of society. Anthropology will tell us more about where we came from and the origin of many of the anxieties that plague man. As archaeology digs up the facts and anthropology interprets them, perhaps psychology will bridge the gap between the anxieties of today and the anxieties of the ancients. For here lies the story of the origin of man and man's emotions—why one man kills and another man walks away. When that day comes, as it surely will, the gallows will have the place in the history of penology that the stake now holds in the history of heresy.

If we are going to enjoy the Great Society, there is a need for war on poverty and that poverty includes the poverty of the spirit.

Research is on everybody's lips. It has been discussed recently in this chamber. Research into what, and for what purpose? So that man can live in a more materially affluent society?

Suppose we leave outer space alone for a while and explore inner space, the relation between members of the human race and between the human race and the sentient life around it.

At the core of every religion which man has developed for his salvation there is a reverence for the sanctity of life. Without this reverence for life there can be no worthwhile civilization. Is it not time for the state to stop killing a portion of those who are mentally ill, those who cannot distinguish between right and wrong?

Suppose our churches go back to their first principles and inoculate the children with a reverence for the sanctity of life and prevent the development of psychopaths.

We do not put to death those with leprosy, or victims of smallpox, or tuberculosis, and yet a person with any of these diseases could take the lives of more people than any murderer ever has. The psychopath takes a life for his own convenience.

It is strange to me that many who would hang all murderers will condone the murder of a life before it is born, for the convenience of its parents.

A murderer is taken to court; his lawyer pleads insanity; psychiatrists testify for the Crown and for the defence; and the jury is asked to decide if he was capable of understanding what he did. Of course, he knew what he did, but he did not believe it was wrong because he had no sense of guilt and no reverence for life. No attempt is made to trace his behaviour as a child from the age of four to fourteen, the period of life when values are determined. In the examination of his past, I would like to know something about the home he was reared in, and I would like to know if he came from a home where abortions were favoured. The psychopath is a product of his environment, and should be rescued at an early age.

Lee Oswald was recognized as a psychopath at the age of 13. Nothing was done for him. The university student who shot and killed a score of people from the tower of a university had, as a child, an abnormal interest in lethal weapons. Wayne Ford, who killed his mother and entertained his friends at a party in his home with the body of his decapitated mother in the basement, should have been recognized as a psychopath at an early age.

It is easier to arrest the development of ten children with psychopathic tendencies than to rehabilitate one criminal. A child has the same right to emotional health as it has to good physical health. If children have the right to be protected from diphtheria, smallpox, tetanus and rabies, then they have the right to be protected from what may be the most dangerous disease of all, the psychopathic personality.

If children are to grow up with a reverence for life, let the state set the example. Do away with the Maginot Line type of thinking, that hanging a condemned man by the neck until he is dead is a deterrent to crime. Stop regarding murder as if it were a visitation of the curse of Cain, and start to do some research on the anatomy of murder.

[*Translation*]

Hon. Azellus Denis: Honourable senators, I shall require but a little of your time to express my objections to this bill. I shall then reduce to a bare minimum the motives behind my decision.

To reach this decision, I asked myself the following simple questions: when the alternatives are the protection of society and human life, or the death of a murderer, should we base our opinion solely on reason?

If so, should we let our personal views be overridden by the recommendations of the joint committee of the House of Commons and the Senate, which sat from 1953 to 1956, which heard, read, interrogated and discussed everything that could possibly enlighten us, from people who are more knowledgeable than you and I on the subject of capital punishment?

If, every year, thousands of criminals run the risk of imprisonment, is it possible that a greater number of them are not prevented from committing murder if they risk nothing more than prison?

Is it possible that the fear of capital punishment has spared the life of a greater number of innocent victims than a miscarriage of justice has caused to be executed?

Is capital punishment a deterrent, however small it is?

Might there not be more hired killers and revenges after the abolition of capital punishment?

Do we approve the execution of murderers found guilty and condemned for having tortured and killed millions of innocent persons during the last world war?

Is capital punishment a deterrent to prevent a repetition of such slaughters?

If we abolish capital punishment, is there any danger that we will put deadly weapons into the hands of some criminals who otherwise would use toy weapons or harmless ones as they have done in the past?

Is there a danger that the people in general will be less inclined to help the police if capital punishment is abolished?

To those questions, I answer yes, and those reasons are enough for me. By opposing that bill I submit that I am protecting society better, that I am saving more innocent victims and that the miscarriages of justice always possible are very unlikely, in view of the amendments made to the Criminal Code in 1961, without mentioning the recommendations for mercy which still exist.

I do not feel that my attitude is uncivilized.

[*English*]

Hon. Norman McL. Paterson: Honourable senators, this is the place where each man is entitled to his own opinion. I did not intend to speak on this debate, but I feel so strongly about it, after hearing some of the arguments, I feel my own opinion should be voiced here.

First of all, my opinion is that a murderer is a killer. A killer will kill again. A murderer is a coward; he does not kill unless he has the advantage. He murders children, women, old folks and unarmed men. He sees that he has the advantage in nearly every case. A murderer is a coward. A coward hates pain. A coward is definitely deterred from committing murder by the threat of capital punishment. That is my opinion.

If this act passes and we pick up our morning paper and read that someone has been murdered, I know that if I had voted for this measure I would have a feeling of

guilt, and a feeling of sympathy for the victim who might be alive today had I voted to encourage murder. If you vote for this bill and if it passes, I hope you will have that feeling—you have contributed to murder by encouraging it.

I hope some day that there will be an act on the statute books that will make a parole officer equally guilty when a murderer repeats his crime when he is out. By that I mean if a murderer is released and kills again, the parole officer who recommended his release should be made equally guilty. I hope that that some day will be the law.

That is all I have to say, honourable senators. I am definitely going to vote against this bill.

Hon. M. Grattan O'Leary: Honourable senators, I hope you will bear with me for two or three minutes while I try to explain why I shall vote against this bill.

I shall vote against this bill not because it goes some distance towards abolishing capital punishment, but because it retains capital punishment. This is not a bill to abolish capital punishment; it is a bill to authorize the state—to authorize the cabinet or the Government—to resort to hanging in certain categories of murder. In fact, this bill virtually compels future cabinets and future governments to resort to hanging.

Under the existing situation there was always the possibility and the hope among those of us who were against capital punishment that there would be a commutation of the sentence. But, honourable senators, all of us surely know that if this bill passes, if it becomes law, no government in the near future will dare resort to commutation. This bill virtually instructs them to go ahead with the scaffold.

Honourable senators, I cannot bring my conscience to believe that the state has any moral right, or any right whatsoever, to send a fellow human being to the judgment throne of God. This is not a power or right given to them.

I was especially interested yesterday to hear certain statements made by my distinguished friend, Senator Sullivan. He said, for example, that the state does this "by legislation through the exercise of civil authority, both in the making of laws for the common good and in seeing to it that the laws are kept by means of adequate and appropriate sanctions." He went on to add:

> Civil authority, then, is the exercise of Divine Authority in the civil sphere.

Honourable senators, I think all history—and if not all, then certainly much of history—challenges and denies that claim.

I have here a book which is just off the press, and which I believe Senator Sullivan has read. It is a book on the life and times of John Fisher of Rochester who, it will be recalled, was a contemporary of Sir Thomas More, and is entitled: *God Have Mercy.*

John Fisher, 400 years ago, was tried by a jury on a charge of treason against the King. He was found guilty, and this is the sentence that was passed upon him:

> You shall be led to the place from whence you came, and from thence shall be drawn through the city to the place of execution at Tyburn, where your body shall be hanged by the neck, and being half alive you shall be cut down and thrown to the ground, your bowels to be taken out of your body and burnt before you being alive, your head to be smitten off and your body to be divided into four quarters, and after, your head and quarters to be set up where the King shall appoint: and God have mercy upon your soul.

Honourable senators, the glittering parade of 400 years of English history passed in grandeur over the spot where John Fisher died, but there has been some gain nevertheless.

Do you believe in your hearts that there is a man in civilized society today whose mind and soul do not recoil from the horror and barbarism of that sentence, which was almost literally carried out. And yet, honourable senators, the scaffold as we have it today, capital punishment as we have it today, is a relic of that sort of barbarism.

And when you argue that the state, with a sort of divine power and authority, can determine that a man be hanged or subjected to some other form of capital punishment, do you ask yourselves: Who decides what is good for the community? This was the argument that my friend Senator Sullivan advanced, that the state has a right to decide

even to the foot of the scaffold what is good for the protection of the community.

I ask you, honourable senators, did the men who imposed that horrible sentence on John Fisher, one of the most learned men in all of Europe, believe that they had a mandate from Divine Authority to do it? Well, they did—and that is the trouble with that argument. This is the trouble with saying, and thus excusing ourselves, our souls and consciences, that the state has some right to protect the community, and it takes whatever steps it please.

Honourable senators, we know this was the argument used in the Bolshevik revolution. This was the argument used by Stalin in all the atrocities he perpetrated against his people—the protection of the community; the protection of the state. This was the argument used in the Congo atrocities. This has been the argument and, alas, it has too often been reinforced by particular interpretation of passages from the Scriptures, passages which have brought men to murder and to hate each other for the love of God, passages whence came all down through the centuries that dark stream of human blood which has been one of the terrible things in man's story.

The point has been argued here, and well argued. It was argued by my friend, Senator McCutcheon, when he said: I am an abolitionist, but I favour this bill. I am going to favour it because it is a step in the right direction. It abolishes certain categories of murder.

Honourable senators, I know that argument very well. That is the old argument that you must never let the perfect impede the good. But, no good is being impeded if this bill is killed. There is no good in this bill. In the first place, as Senator Molson showed so clearly, this bill is completely confused in its structure. It is unformed; it is illogical.

But, I do not oppose it for that reason. I oppose it because it is going to freeze into the laws of this nation the principle of capital punishment. I would never permit myself to go along with that, so I propose to vote against it.

Hon. Alan Macnaughton: Honourable senators, I have on previous occasions in the other place made extended remarks in favour of the abolition of capital punishment. For purposes of record, these can be found in the *Hansard* of February 18, 1960, pages 1208 and 1209, and May 23, 1961, pages 5244 and 5245. There is no purpose in repeating those comments here, particularly as we have listened to such excellent arguments put forward by those honourable senators who have spoken in this debate.

In principle, I am opposed to capital punishment for three basic reasons. First, capital punishment emphasizes the punitive aspect of justice. I think we have got beyond that. The word "punitive" of course means punishment. Punishment is a penalty imposed by the state to discourage crime. We think of it as making the criminal himself experience some of the consequences of his own act. Today, a further qualification has crept in, in that we now try to reform the criminal either by changing his outlook or working on his character. Therefore, I say that today the punitive aspect of justice really comprises five elements: that of acting as a deterrent to the commission of crimes; the element of a certain retribution, or making the person who has been convicted of a crime suffer for it; the element of reformation, or making an effort to reform the person's character or outlook; and finally, the protection of society.

It is well understood that law and justice exist for the protection of society. We incarcerate persons who have committed crimes; we put them in institutions or we lock them up in jails. It seems to me that the issue with respect to capital punishment is this: If the taking of life is wrong, does a second wrong accomplish anything positive? Is a capital sentence the best and surest way for a community to repudiate the evil action of one of its members?

Punitive justice is the oldest and most primitive form of social justice, and in my opinion it is now outmoded. It can be compared to the punishment given to a child which is supposed to mend his ways but often has the very opposite effect. I say that punishment by itself is not enough. Punitive

punishment is not in keeping with our cultural advancement as of today. If capital punishment is a deterrent, then the custom of public hangings of condemned criminals should be revived on our public squares. I think everyone in this house will admit with me that this is not only outmoded but would shock the present-day conscience of society.

The second problem we run into with regard to the matter we are discussing at the moment is the problem of human error in judgment. No man is infallible. Even under the best conditions men make mistakes. Even under the best conditions witnesses make mistakes. There is such a thing as human error. Where prejudice has already been created, due to the circumstances of the crime or to the external factors of publicity, emotion and stress, this prejudice greatly adds to the possibility of error. Once a person is executed he is dead and there is no appeal.

My third reason is based on an ethical objection. The state may not take what it cannot give. The state cannot give life and therefore it should not take a life. There is a point at which the omnipotence of the state should end.

The Belgian Ministry of Justice, in a memorandum prepared and sent to a select committee of the British House of Commons set up to study the death penalty in 1930, had this to say in part:

> The lesson has been learned that the best means for inculcating respect for human life is to refrain from taking life in the name of the law.

The state, of course, has a duty to society. I say that the state fulfils that duty when it withdraws these convicted criminals from society. When a person is incarcerated or sent up for life and kept there the state accomplishes at least three things. First, the convicted criminal is punished; second, society is protected from the danger of the criminal; and third, the state takes out of our society those persons who foul the law.

Some years ago, the Montreal *Gazette* in a lead editorial on capital punishment said in part:

> Others who favour capital punishments might say that the present tendency offers only the worst of both systems: it does not allow enough executions to be a true deterrent, and yet, by allowing some, it fails to prove that capital punishment is unnecessary.
>
> Still others questioned whether degrees of guilt may be sufficiently estimated by any cabinet, so that 80 per cent may be commuted and 20 per cent may be hanged.
>
> It may be true that the government, in increasing commutations so greatly, has been following no policy, but only exercising the power of mercy according to the sentiments of men more than usually merciful. Yet there can be no doubt that this tendency has immensely sharpened the urgency of a decision on the central question whether capital punishment should be retained at all.

Later in the editorial we read the following:

> But "a little capital punishment"—which amounts to the occasional hanging of a condemned murderer—would seem to be capital punishment in its most repellent, least deterrent, and least defensible form.

For these reasons, among others, I support the bill.

Hon. L. P. Beaubien: Honourable senators, first I should like to say that in this debate we have listened to three or four of the best speeches that have been made in this Senate over the past decade. Having said that, I hasten to add that I am not going to make a speech. I intend to vote against the bill as it stands, and I think I should say why.

As Senator Molson pointed out, I do not think it is reasonable that if I shoot this man I hang and if I shoot that man I do not. However, I would not vote against the bill on that account.

I am not sure that imprisonment for life is a sufficient deterrent to murder, but I feel that we should do away with capital punishment and therefore I would go along with the bill and would be willing to give it a five-year trial. Imprisonment for life, as I read this bill, is not necessarily life imprisonment. As I see it, a man might be paroled in something like seven years.

Hon. Mr. Croll: Ten years.

Hon. Mr. Beaubien (Bedford): Or even ten years. Does it make any sense that somebody who has committed a terrible crime for which he has been found guilty of capital murder, should be let out in a comparatively

short time? Senator Langlois brought that out in his speech last night, and recommended that a minimum of something like 21 or 25 years should be laid down by the act.

At present I do not think it makes any sense. If the honourable sponsor of the bill (Hon. Mr. Croll) would be willing to entertain an amendment to that effect, I would be glad to vote for the bill, but if the bill is to stand as it is now, whereby a man who has committed a horrible crime can walk out and start all over again in a comparatively few years, I will vote against second reading.

[*Translation*]

Hon. Jacques Flynn: Honourable senators, the subject matter of this bill is of an emotional nature and, consequently, it is most difficult to discuss it dispassionately. This kind of discussion, once again, shows that the same arguments are used to arrive at absolutely opposite conclusions. I want to avoid this danger and steer clear of emotional arguments.

The main effect of the bill would be to abolish for a period of five years in the Criminal Code—but not in fact, since no hanging has occurred in Canada since 1962—the death penalty for murder except in certain cases where the victim is a policeman or a prison guard on duty.

It is recognized that this bill involves the principle of the abolition of capital punishment. Nevertheless, nothing is less assured when the wording is considered and when present circumstances are taken into account.

I submit that the retentionists could properly vote for the bill claiming that the commutations which were granted to all those who have been sentenced to death in the past few years make it possible for him to indicate to the government by his approval of the bill that they should at least desist from commuting the sentences of those guilty of murdering a policeman or a prison guard.

On the other hand, if I am an abolitionist, I could quite properly vote against the bill, since it maintains capital punishment for the murder of a policeman or a prison guard.

In fact, the principle of the bill cannot be brought out except by the elimination of the facts and the wording surrounding it.

So I take it for granted—and in this I differ from Senator Grattan O'Leary—that a partial abolition of capital punishment is involved and so is a first step towards its complete abolition.

Now, because I am not convinced of the deterrent effect of capital punishment, because this penalty is so irremediable that it is absolutely final and definitely without appeal, because the value of the principle that grants society the right to put an individual to death may be questioned, I prefer abolition. The slightest doubt as to the principle should, in my humble opinion, dictate this conclusion.

Nevertheless, it remains that all arguments brought forward against the maintenance of the death penalty, except in cases of miscarriage of justice, are equally applicable to life imprisonment in the strictest sense.

It seems to me we should study what other punishment should be meted out for murder, the most odious crime. Now, as an example, and not in a restrictive sense, I am not opposed to the death penalty because it is corporal punishment; but I wonder if, in the case of some murders, some form of corporal punishment should not be inflicted.

I hope, therefore, that before the end of the trial period proposed by this bill, if it is adopted, the Department of Justice and all interested parties will endeavour to solve the problem of finding appropriate punishment, other than the death penalty, in cases of first degree murders and that, in any event, when the matter comes up again before Parliament, we will be presented with a measure more coherent, more logical and more realistic than this bill is.

[*English*]

Hon. David A. Croll: Honourable senators—

The Hon. the Speaker: Honourable senators realize that if the honourable Senator Croll speaks now it will have the effect of closing the debate.

Hon. Mr. Croll: Honourable senators, I am not going to review the speeches that have been made—they speak for themselves. One is reluctant to close a debate as good as this one, for I think it has been one of the best we have had in this house for years.

Hon. Mr. Aseltine: Hear, hear.

Hon. Mr. Croll: I wish to thank the participants and I wish to thank those who were prepared to speak but stood aside when they were asked to do so in order that we could get on with the bill.

The subject was fully understood by the members of this house and the speeches showed a great measure of concern. All of us, no matter on what side we were, increased our knowledge of the subject and of what motivates people.

As I said, the speeches were good. The record has been made, and this is very important from the point of view of the Senate, so that all people may come and say "There it is for all to read."

Honourable senators, this bill has no winners and no losers. I am an abolitionist, and I am disappointed; the retentionists are disappointed; but the bill contains an honourable compromise. There is a five-year trial period and at the end of that time Parliament will be required to take some action, or the legislation will lapse. We can all depend on that.

You have your doubts; we have our doubts. We must have the courage to rise above our doubts today. I am satisfied that the house is ready for the question.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

The Hon. the Speaker: Those in favour of the motion will 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 contents have it.

And three honourable senators having risen:

The Hon. the Speaker: Call in the senators.

Motion of Hon. Mr. Croll affirmed on the following division:

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The Hon. the Speaker: I declare the motion carried.

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Croll the Senate went into committee on the bill.

Hon. T. D'Arcy Leonard in the Chair.

The Chairman: Honourable senators, the house is in committee on Bill C-168, intituled an Act to amend the Criminal Code. Shall the title stand?

Hon. Senators: Stand.

The Chairman: Clause 1—"Capital murder defined." Shall clause 1 carry?

Hon. Mr. Flynn: Mr. Chairman, this clause as we find it presently does away with the distinction between capital murder and non-capital murder as it was enacted in 1961 to restrict the cases of capital murder to those where the victim is a constable or a prison guard generally. The present section 202A made the distinction between capital murder

and non-capital murder on another basis, which I think it would be in the interests of the enforcement of the act to retain especially with regard to commutation of sentences or to the discretion given to the Governor in Council to release a prisoner. I think it would be in the interest of the problems which will arise in this connection to keep the definition as it was before. Consequently I move, seconded by Senator Choquette, that clause 1 of the bill be deleted and replaced by the following:

> Subsections (1) and (2) of section 206 of the Criminal Code are repealed and the following substituted therefor:
>
> 206. (1) Everyone who commits capital murder as described in paragraph (c) of subsection (2) of section 202A is guilty of an indictable offence and shall be sentenced to death;

In other words, the present definition of "capital murder" as found in paragraph (c) of section 202A deals with the murder of a police constable, prison guard, and so on. Therefore, this proposed change would, in fact, embody the provision now contained in clause 1 of the bill.

> (2) Everyone who commits capital murder otherwise than as described in paragraph (c) of subsection (2) of section 202A and everyone who commits non-capital murder is guilty of an indictable offence and shall be sentenced to imprisonment for life.

In other words, it is exactly the same, except that for eventual reference, when we come to the commutation, we keep the distinction of non-capital murder as it now exists.

I move that amendment.

Hon. Mr. Roebuck: Are there copies available for distribution?

Hon. Mr. Flynn: Yes. There are a few errors that I must correct first.

Hon. Mr. Connolly (Ottawa West): Would the Chairman not read it until we have a copy?

The Chairman: Senator Flynn, have you a copy for the Leader of the Government?

Hon. Mr. Flynn: Yes, Mr. Chairman. I have several.

Hon. Mr. Deschatelets: Mr. Chairman, in the meantime, while some honourable senators are going over the amendment, would Senator Flynn give us some more information as to what will be the impact of his amendment on the bill we have before us. Would it change any conclusions of the bill?

Hon. Mr. Flynn: I think the honourable senator is entirely right. I had to move first the amendment of clause 1, but it is really related to clause 2, when we come to the powers given to the Governor in Council to release a convicted murderer. I do not mind standing the consideration of clause 1 and this amendment, if it is the desire of the committee to discuss clause 2, because it is related to it. I am in the hands of the committee.

Hon. Mr. Deschatelets: In other words, if this amendment is carried there will have to be a second amendment to clause 2?

Hon. Mr. Flynn: Yes; otherwise, this amendment would be useless.

The Chairman: Senator Flynn, I think it would be as well if you went ahead with your explanation before we decided whether or not to stand clause 1.

Hon. Mr. Flynn: Mr. Chairman, as everyone knows, during the debate much was said as to the fact that, when someone is convicted of murder and sentenced to imprisonment for life, very often he is released after some years, whether by the exercise of the prerogative of commutation or through the process of the Parole Board.

It seems to me that in cases of what is considered now to be non-capital murder, this prerogative could well continue to be exercised as it has been down to the present time, but that some restrictions should be included in the case of capital murder, as it now exists.

In the case of someone who is guilty of having murdered a policeman or a guard, and whose death sentence is commuted to life imprisonment, or someone who is sentenced to life imprisonment because he has committed what is now classified as a capital murder, in these two cases I suggest that either the Governor in Council should not have the authority to release him—so that life imprisonment would mean life imprisonment—or that, if any discretion is to be given to the Governor in Council, that discretion should be restricted.

I may just say that I am not moving an amendment, but someone else has indicated that he will move an amendment as to the case of a person who has seen his death sentence commuted for capital murder, as we would have it, and the one sentenced to imprisonment for life because he has committed capital murder, other than the killing of a guard or constable. In this case the Governor in Council would not have any authority to release him during his natural life. Personally, I would prefer that this discretion should be given by the wording:

> ... shall not be released during his life without the prior approval of the Governor in Council, but in no case prior to having served 20 years.

It would be a minimum of 20 years. This is my view, but I know others would want to remove that discretion from the Governor in Council.

That is the explanation of the amendment I now move, and it would have to be followed eventually by something like this second one.

Hon. Mr. Deschatelets: Mr. Chairman, I would like to ask Senator Flynn, if he would let the definition of capital murder stand as it is in the bill?

Hon. Mr. Flynn: Yes. You mean in the "law"?

Hon. Mr. Deschatelets: No, I mean in the bill.

Hon. Mr. Flynn: No, no.

Hon. Mr. Deschatelets: What is understood is capital murder in respect of the killing of a police officer, warden and so on. This is provided in Bill C-168.

Hon. Mr. Flynn: No.

Hon. Mr. Deschatelets: What I mean is this, without changing any definition in the bill, would it not be possible for the honourable senator to make his amendment by adding a few words to clause 2?

Hon. Mr. Flynn: Whether that is possible, I do not know.

Hon. Mr. Deschatelets: Of course, this has been drafted by the officers of the Department of Justice and, without giving deep thought to this, I am afraid that if we accept an amendment of the kind honourable Senator Flynn has moved, we would find ourselves in a very difficult position.

So, if the purpose of the amendment is to keep a convicted murderer in jail for a period of at least 20 years, I ask myself if the purpose of this amendment would not have been served merely by adding to, or deleting a few words from clause 2 without touching the definition?

Hon. Mr. Flynn: That is possible, but may I remind honourable senators of section 202A as it now stands.

> (1) Murder is capital murder or non-capital murder.
>
> (2) Murder is capital murder, in respect of any person, where
>
> (a) it is planned and deliberate on the part of such person,
>
> (b) it is within section 202 and such person...

and I do not think it is important that I recite exactly the wording of paragraph (b)

> (c) such person by his own act caused or assisted in causing the death of
>
> (i) a police officer, police constable...

That is exactly what we have now in section 1. We have capital murder including the killing of a police officer, and also capital murder when it is planned and deliberate on the part of any person.

I say that in these two cases—the case of a person who has planned a murder, and the case of a person who has killed a police officer or prison guard—the Governor in Council should not have absolute discretion in releasing them.

The case of non-capital murder, as it exists now, I suggest should be continued. That is why I say we do not need to change the definition as it now stands. All we have to do is provide that the penalty of death—this is the principle of the bill we have just read the second time, so I have to accept it—will apply in every case of capital murder as defined in paragraph (c) of subsection 2 of Section 202A presently. It is the exact wording which is used in clause 1 of the bill.

Therefore, it would apply exactly this principle, but it is a technique of then being able to deal with the discretion of the Governor in Council whenever you have capital murder as it is presently defined in Section 202A.

Hon. Mr. Prowse: May I ask a question, Mr. Chairman? Is it Senator Flynn's intention to move an amendment to clause 2 of the bill? In other words, these two things are combined, and what we are getting is half the package at a time.

Hon. Mr. Flynn: Yes.

Hon. Mr. Croll: What you are really doing is extending the definition of capital murder. When you say you are not interfering with the principle of the bill, I would point out that we have endorsed the principle, and you want immediately to change it by definition.

Hon. Mr. Flynn: No. With all due respect to Senator Croll, if my amendment is carried, then only in the case of the murder of a police officer or a prison guard will the sentence be that of hanging. In the other cases of capital murder or of non-capital murder the sentence will be one of life imprisonment. That is exactly the effect of the bill. But, in order to be able to deal later on with the discretion of the Governor in Council with respect to the sentence we have to keep in mind the actual distinction between capital murder and non-capital murder.

Hon. Mr. Croll: Actually, what you are getting at is really an amendment to clause 2.

Hon. Mr. Flynn: Yes, if you want to say that.

Hon. Mr. Croll: I think that it was said that the Parole Board had released some prisoners after they had served an average of eight and a half years. That was brought to the attention of the Government of the day, and an order in council was passed in 1964 enacting that there must be a minimum of ten years served, and even after that time the matter must then go to the Governor in Council for approval. So, if the Parole Board made an order then it would be ineffective until such time as the cabinet approved it.

Hon. Mr. Flynn: Yes.

Hon. Mr. Croll: That is how it stands today. Now, the second amendment, I gather, will provide for a period of time such as 15 or 20 years, or whatever it may be.

Hon. Mr. Flynn: Or no time.

Hon. Mr. Croll: What you are doing is taking away from the Governor in Council that power, and leaving it with the Parole Board only.

Hon. Mr. Flynn: No. It would take it away from the Parole Board, because clause 2 says:

> Notwithstanding any other law or authority...

These words will remain, and the Parole Board will have no authority at all.

Hon. Mr. Croll: What you are saying, in effect, is that once the sentence is life imprisonment then it remains life imprisonment, and we throw the bill away. I think that that is unacceptable, and we must oppose it.

Hon. Mr. Flynn: I was expecting that, but I suggest, Mr. Chairman, that this clause stand, and we proceed to deal with clause 2. We will then have the views of the committee on whether or not the Governor in Council should have discretion in the case of capital murder, as it is presently defined, or as it would be defined if clause 1 is carried, and, when a sentence of death is commuted to life imprisonment, whether the Governor in Council may release the murderer as provided for in those two clauses.

Hon. Mr. Lamontagne: May I ask a question, Mr. Chairman? I have no objection to the amendment, but is it the honourable senator's intention, in moving these amendments, to limit the royal prerogative?

Hon. Mr. Prowse: That is not correct, because the royal prerogative is dealt with in another section of the Code. What this does is to delegate the right of commutation which is to be found in section 657 of the Code.

Hon. Mr. Flynn: No.

Hon. Mr. Prowse: It is not really the royal prerogative? Let us get our terms correct.

Hon. Mr. Flynn: I am sorry, Mr. Chairman. It is very difficult to confine this discussion to clause 1. I should like the committee to allow me to try to make myself clearer by discussing clause 2. Clause 2 says:

> Subsection (3) of section 656 of the said Act is repealed and the following substituted therefor:
>
> (3) Notwithstanding any other law or authority...

And this includes the authority that may be given to the Parole Board or, I suggest, even

to the Governor in Council under the royal prerogative section.

> ...a person in respect of whom a sentence of death has been commuted...

That would remain the same.

> —to imprisonment for life or a term of imprisonment or a person upon whom a sentence of imprisonment for life has been imposed as a minimum punishment, shall not be released during his life or such term, as the case may be, without the prior approval of the Governor in Council.

The same idea that some have expressed is that when you commute the sentence of death that has been imposed on a person who has been convicted of capital murder, either as defined in the bill or as defined in the present law, this prerogative should not be exercised, or its exercise should be limited. That is why I suggest, Mr. Chairman, that we should discuss clause 2, in order to see whether the committee feels that an amendment can be made to clause 2. If the committee says it cannot, then I will simply withdraw my first amendment to clause 1.

The Chairman: Senator Flynn, even the Chair does not quite understand. Let me put two questions to you. In the first place, if we were to stand clause 1 and deal with clause 2, and your amendment were to carry, would not that mean it would not have any effect unless your amendment was also made to clause 1?

Hon. Mr. Connolly (Ottawa West): That is right.

Hon. Mr. Flynn: Certain amendments could be adopted that could stand without an amendment to clause 1. It all depends on the kind of amendment.

The Chairman: But clause 1 could not remain in its present form if your amendment to clause 2 carries.

Hon. Mr. Flynn: If the amendment I have in mind to clause 2 is carried, that is right.

The Chairman: So, the committee would be dealing, in effect, with clause 1 and clause 2 when it deals with Clause 2?

Hon. Mr. Flynn: Yes.

The Chairman: My other question is: If clause 1 is dealt with, are you still in a position where you can move an amendment of the kind you have in mind to clause 2?

Hon. Mr. Flynn: No, not the amendment that I have in mind, but there is another amendment that somebody else has in mind. In that case my amendment could not be moved.

Hon. Mr. Connolly (Ottawa West): Mr. Chairman, first of all, what we are asked here to do is to consider a redrafting of a clause. This clause is always a difficult problem in Committee of the Whole House. It is even difficult with a small group of draftsmen.

Let me say one or two things in a preliminary way. The history of the subject of capital punishment is a very long one. It is a history in which the ultimate death penalty over the years, indeed over the centuries, has been restricted and further restricted, until now it is inflicted only in cases in which death has been occasioned by the offender. In 1961 a further step was taken and a distinction was made between capital murder on the one hand and non-capital murder on the other, and the penalties were different. The death penalty applied only in the case of capital murder and not in the case of non-capital murder.

What is proposed by clause 1 of this bill is further to restrict the definition of "capital murder" to two cases, one dealing with the killing of a peace officer, the other the killing of a prison guard. In the interests of clarity, simplicity and making the law and its meaning abundantly clear, I think it is greatly to be desired that we have the clause in the form it is. I do not think there is any advantage to be gained by adopting the amendment proposed by Senator Flynn to clause 1 of this bill.

Now may I say one other thing. At the present time, the regulations provide that for capital murder there is no possibility of a person convicted of capital murder applying for parole until he or she has served at least a ten-year period.

Hon. Mr. Choquette: That is a change. Could we say 20?

Hon. Mr. Connolly (Ottawa West): Just a moment please.

For non-capital murder no application can be made for parole until after seven years. This does not mean that in every case the application for parole is granted. It may help

if I say it is planned to change those regulations and to provide that no application shall be made for parole in the case of either capital or non-capital murder until after ten years has been served. I am not talking now about the royal prerogative which is available under section 656 and under the instructions which are given to the Governor General, which have been on our statute books since the beginning of Confederation. That prerogative remains.

I come back to the point I think is most important, that this bill is a compromise. Whether it is a good one or a bad one has already been debated, and there are views on both sides. A year ago an attempt was made in the other place to abolish capital punishment altogether, and that attempt failed. This is a step along the way towards that objective, but it does not reach that objective because two exceptions are now made. It seems to me that we would do a disservice to the law, and indeed to ourselves, if we did not retain all the draftsmanship that we have in clause 1, which is clear to us all and will be clear to the world, as to the restriction on punishment for capital murder.

Hon. Mr. Thorvaldson: Mr. Chairman, there is one thing that bothers many of us and troubles a great number of people in this country, and it is this. When a person is found guilty of capital murder and sentenced to death, is that death sentence going to be carried out or is the law going to be flouted as it has been during the past few years in this regard? What bothers people is that we have the death penalty, and then the royal prerogative is exercised. It is certainly my feeling, and I think the feeling of a lot of others, that at the present time the royal prerogative must be limited.

I would suggest that this bill ought to be amended—and it would be a very simple amendment—to declare that the royal prerogative cannot be exercised for, say, a period of twenty years. I would prefer that in the case of the capital murderer there should be no exercise of clemency, and that he should be incarcerated for life, and a lot of people in this country feel that way. On the other hand, I would agree to nothing less than 20 years as a reasonable compromise.

After all, even if this were done, the key to the jail door is not completely thrown away, because there is always a recourse to Parliament. There could always be a petition to Parliament where the situation in regard to a condemned individual was such that the prerogative of mercy should be clearly exercised prior to, say, twenty years. There is that outlet, and that is a fact.

I think this is the substance of these amendments. It is not right or proper that criminals who are found guilty of capital murder, then sentenced to death or to life imprisonment should be given their freedom in eight and a half years—which has been the average period served over the last five years—unless Parliament by law permits it. I think we ought to see that an amendment to this bill is passed in accordance with those views.

Hon. Mr. Roebuck: Honourable senators, I think I am in the same position as nearly all my fellow members on both sides of the house in discussing this proposed amendment in that I have not read it. However, I think I have grasped the purport of my friend's amendment. Whether it is divided into two portions or is in one, it all boils down to this: the amendment aims at limiting the power of the Crown to exercise the prerogatives that have been in the Crown from time immemorial. As long as history has been written the Crown has had the right to exercise clemency under the circumstances immediately after the trial, twenty years after the trial or whatnot, depending on the circumstances, and for us to make a snap judgment of this kind, changing the course of history, would be a very serious matter indeed.

Hon. Mr. Aseltine: Have we not made it ten years by order in council now?

Hon. Mr. Roebuck: No.

Hon. Mr. Aseltine: Have we not interfered with the prerogative of the Crown to that extent?

Hon. Mr. Roebuck: I intend to come to that in just a moment. An order in council may be changed by an order in council at any moment; but the idea of calling Parliament together to pass on some detail of imprisonment—

Hon. Mr. Thorvaldson: I never suggested that. If I may interject, on a question of privilege, I did not say that this was a matter of calling Parliament together. I do not think that is fair. Parliament is sitting eight to ten

months in the year. I would not like to be placed in that position.

Hon. Mr. Roebuck: If the intention is not to call Parliament together, and if Parliament is not in session, perhaps some very important matter may have to stand for a long time until Parliament can act.

Hon. Mr. Grosart: Has it not happened that we have been doing this for divorces for years?

Hon. Mr. Roebuck: Yes, and we are going to change the divorce law completely and in a very short time. We are taking it out of the hands of Parliament and putting it probably into the hands of the officials of the court.

Hon. Mr. Pouliot: Hear, hear.

Hon. Mr. Roebuck: Let me point out what we would do, were we to limit the Crown in that way. We have had several examples in the past. One of them—not quite in accordance with what I have in mind—was the Truscott case. In that case, evidence was produced after the trial, long after the trial, that seriously disturbed the public mind and not only the public mind but that of many people in Parliament and very responsible citizens, and it disturbed the Government of the day. The matter was referred to the court. Supposing it has been found in the Truscott case that there was overwhelming evidence that the man was innocent instead of guilty, and if he had not served the 20 years would you keep him in jail until the 20 years had gone by?

Hon. Mr. Flynn: I suggest my honourable friend that the example is not too good. In the case of Truscott, he would not have been found guilty of capital murder but of non-capital murder.

Hon. Mr. Roebuck: I mentioned the Truscott case only in passing. Take a hypothetical case of someone who has been convicted of capital murder and sentenced to imprisonment for life. Then it is found, almost immediately afterwards, that the verdict is wrong. Would you keep him in jail for 20 years, or would you act on the reasonable assumption that you were wrong?

Hon. Mr. Choquette: Would you keep him 10 years?

Hon. Mr. Roebuck: You would not keep him five minutes longer than you could; you would let him out. One of the reasons we have had for a principle of this kind is that we know of the uncertainty, as I have called it, of human decision.

Take another case. Supposing you have somebody in prison sentenced for capital murder, and he is on his death bed—this circumstance arises fairly frequently. Are you going to say that the executive shall have no power whatever to deal with a question of that kind?

Hon. Mr. Thorvaldson: There are good hospital beds in the jail.

Hon. Mr. Roebuck: That is not an answer at all. I have enough confidence in the Government of this country to deal with drastic situations such as that. I would not tie their hands behind their backs. I would not change the prerogative of the Crown, to limit them entirely, utterly, to tie their hands by a bill of this kind. I do not care even if my friend's party were in power, I would not limit them in that way.

Honourable senators, I think we should not pass the first amendment, because it is really the second amendment as well. We ought to vote down that idea. It is a vicious idea. It is a wrong thing. We would seriously regret it in the future, should we pass it. I am opposed to the amendment.

Hon. Mr. Langlois: Honourable senators, I would like to correct the apparent confusion which seems to exist in the debate so far. I am afraid we are making the mistake of confusing commutation and royal prerogative, as meaning the same thing.

Commutation is covered by section 656 of the Criminal Code. But section 658 provides that nothing in the act alters or diminishes the royal prerogative, which His Majesty or Her Majesty possesses. I do not have with me here the English text of the Criminal Code, but I have the French text and I shall read section 658 in French which will be translated into English as I go along. Section 658 of the Criminal Code reads as follows:

[*Translation*]

> Nothing in this Act limits or affects Her Majesty's royal prerogatives of mercy.

[*English*]

Therefore, even if you amend section 656, or any other section of the Code, the royal prerogative remains.

Honourable senators, I have made a study of the royal prerogative and its development

over the years. As honourable senators know, the royal prerogative used to be vested in the King or the Queen alone. But this has changed, and nowadays there is nothing that the King or the Queen can do without the recommendation of a responsible minister of the Crown.

Sir Winston Churchill once remarked as follows—and this supports what I have just said:

> The prerogatives of the Crown have become the privileges of the people.

Hon. Mr. Roebuck: May I just point out one thing. A specific act such as this modifies the general terms of another act. You may have something general in the Code with respect to the prerogative of the Crown, but a specific provision of this kind amends the general provision which affects the Crown. If we pass this, any general words such as my friend has quoted, will be modified by this specific decision of Parliament and the decision follows the adoption of the general act.

Hon. Mr. Thorvaldson: May I ask if you are referring to the position if we adopt the amendment?

Hon. Mr. Roebuck: Yes.

Hon. Mr. Thorvaldson: That is what we want to do. That is why we proposed the amendment, in order to change the general law.

Hon. Mr. Roebuck: I am pointing out that the general regulation with regard to the Crown will be modified by this specific regulation now being moved.

The Chairman: Senator MacKenzie.

Hon. Mr. MacKenzie: I have just two points, Mr. Chairman. As a former student of constitutional law, I am not too happy about the use made here of the terms "royal prerogative" and "order in council." As I understand it, to all intents and purposes in the present scheme of things they amount to the same thing.

I understand from Senator Connolly that, despite what has been set out, the present practice is that no one who has been convicted of an offence of capital murder is released under 10 years. Right? And no one when convicted of non-capital murder, is released under seven years? Right? I gather that Senator Flynn's proposal is that the regulations should now be changed from ten years to 20 years in the case of capital murder, and in the case of non-capital murder, from seven years to another period.

That seems to be, as far as I can judge, the question and the problem before us. It is as simple as that.

Hon. Mr. Prowse: May I say just a word. We are overlooking the fact that section 202A, describing capital murder, refers to that type of murder which calls for the capital penalty. The amendment that you are suggesting here does away with that situation and now provides two types of capital murder; we have two different types.

Hon. Mr. Flynn: Not two types of capital murder, for in one type of murder the sentence is death while in the other it is life imprisonment.

Hon. Mr. Prowse: But this leads to a confusion and it is an improper use of the term. We would be better off talking about first- and second-degree murder, if we want to get into that sort of thing. As it is now, we are just confusing the issue.

Hon. Mr. Flynn: I have not been confusing the issue; the bill is confusing it.

Hon. Mr. Prowse: With all due respect to my learned friend, may I say that these sections have been defined for the courts over the years so that there is a great deal of certainty in the criminal law, an area in which there must be certainty.

Hon. Mr. Flynn: But not this present clause.

Hon. Mr. Prowse: And if we start to make the type of change which you are presently suggesting, we will be doing it in an awkward and involved way which will lead to complete confusion in the courts and which will take two or three years to clear up. Remember that every one of those phrases will have to be defined, right up to the Supreme Court of Canada. In jury trials, it will lead to inescapable confusion.

Now, let us be clear about this. What you really want to do—and it is your proper privilege—is to move an amendment to provide that nobody who commits capital murder will be able to be released until he has served a certain minimum term.

Hon. Mr. McCutcheon: Murder as defined in the present bill.

Hon. Mr. Prowse: You can do that with the other one. If you read section 206, which obviously my learned friend Senator Flynn has done, then you will find that capital murder is there. It becomes a minimum sentence for capital murder, does it not?

Hon. Mr. McCutcheon: It is a minimum sentence for non-capital murder.

Hon. Mr. Prowse: It is covered there now, and you merely replace the time in the section 2 of the present bill for us. This will save us and the courts of this country much time and trouble.

Hon. Mr. Flynn: Why should we have trouble? Mr. Chairman, if I may just reply to the Leader of the Government (Hon. Mr. Connolly, Ottawa West), who has indicated that this committee is not competent to bring an amendment to the bill as drafted—

Hon. Mr. Connolly (Ottawa West): No, no!

Hon. Mr. Flynn: Well, it was implied.

Hon. Mr. Connolly (Ottawa West): It is difficult to discuss the draftsmanship.

Hon. Mr. Flynn: I suggest that there is nothing to prevent the Leader of the Government from having with him officers of the minister or of the Department of Justice so that they can help him and us in the present circumstances. But again, Mr. Chairman, if I may ask the committee, in order to try to make some progress, if the committee would allow this present amendment to section 1 to stand, then I will move an amendment to section 2. And if it is disposed of, then I will withdraw my amendment to section 1. But the purpose of my amendment to section 1, again, is that I want to differentiate the power of the Governor in Council to release somebody when he has been convicted only of a non-capital murder, as is presently defined in the law. I do not, nor would I want to, make a discrimination in this respect between the case of capital murder when the victim is a police officer and the case of capital murder when the victim is somebody else. I think murder is as serious when it is planned and deliberate and the victim is not a police officer as when the victim is a police officer. That is the reason.

But again, for the sake of orderly discussion, may I beg the committee to agree to stand section 1 and stand my amendment so that we can discuss section 2.

The Chairman: Senator Flynn, I find some difficulty about that. If we deal with clause 2, and if your amendment carries to clause 2 automatically, we must amend clause 1.

Hon. Mr. Flynn: Well, we must, but not necessarily in the manner that I suggest, if the committee is not agreeable to this particular wording. Is it suggested that it would be impossible to find the amendment that would be required?

The Chairman: I am not happy about the wording of the amendment. We are dealing with clause 1, the marginal note for which reads, "capital murder defined". In your amendment you move that this section be deleted.

Hon. Mr. Flynn: Yes.

The Chairman: That automatically brings us back to the definition in the Criminal Code as it is now, which is very different from the definition in clause 1. And this raises a question in my mind, whether or not it is a sufficient change to be a departure from the principle of the bill. But, leaving that aside for the moment, your amendment then proceeds to deal with section 206 of the Criminal Code, which is not covered in the bill at all, and it adds certain subsections to that section which, in the normal course, would be the subject of a separate section.

Not being happy with that, I would suggest that the committee can continue to debate and vote, if necessary, or that we can rise during pleasure and report progress for the purpose of having the amendment considered by our Law Clerk, the Leader of the Opposition and whomever else the Leader of the Government might wish to have in to see whether or not the amendment can be changed or redrawn.

The other alternative is to do as you say.

Hon. Mr. Flynn: I have no objection, Mr. Chairman, but, if the committee would agree to let me move my amendment to section 2, then the law officers could see the whole problem. If we refer to them only the amendment to section 1, they will not know where they stand. On the other hand, once I move my amendment to section 2, we can discuss at least the principle of whether the

Governor in Council should be continued in the discretion that he has had or that will be given to him under section 2. We could at least discuss that and then the committee would not lose time and the problem would be only one of form.

Hon. Mr. Connolly (Ottawa West): Honourable senators, I can understand the problem that Senator Flynn has.

Hon. Mr. Flynn: It is not my problem.

Hon. Mr. Connolly (Ottawa West): Although I am only repeating myself and am restricting my comments entirely to clause 1 of the bill, it really seems to me that the purpose of clause 1 of the bill is to make very clear that capital murder shall only be applied to two types of crimes which are therein described. This is clear, and I think it is the basic element in this measure. For that reason, and because it departs from the provisions of clause 1, I feel that the amendment as proposed should not be carried.

The Chairman: Is there any further discussion?

Hon. Mr. Pouliot: Mr. Chairman, I wonder if I could translate into popular language the technical explanations of the bill that have been given from both sides of the house?

Hon. Mr. Choquette: Agreed.

Hon. Mr. Pouliot: Thank you. In 1960-61 the Minister of Justice at the time decided to draft a new definition of murder. He called it capital murder, and had non-capital murder for manslaughter. I was accustomed to hearing about murder and manslaughter; murder was a deliberate killing and manslaughter was a killing done unwillingly but with a certain element of wickedness. I hope that is clear. I was not a member of the committee when that bill was considered, but I went there to tell Mr. Fulton, the Minister of Justice, that I found that his legislation was bad, or was wrong. I substitute the word "wrong" for the word "bad", although it is the same thing.

Hon. Mr. Flynn: Not vicious?

Hon. Mr. Pouliot: Now I have thought of an amendment which could be supported by one, or perhaps by nobody, but I will tell you what I have in mind, since our learned colleagues have expressed their views, as they have the right to do.

In 1960-61—I mention the date of the statute—two sections were added to the Criminal Code. One was section 202A, which defined capital murder and non-capital murder; and the other was a new section 206 to replace the old section 206. My idea is to suggest to repeal section 202A and the new section 206 and substitute therefor the old section 206.

I will not move that amendment because nobody will support me, but in my heart and conscience I believe that the old law was much superior to the present one, and we were much safer with the definition of murder and the definition of manslaughter as they existed before 1960-61. But from what I see, discussions will continue here, we will continue to split hairs and we will make no progress of any kind even if the committee reports progress.

The Chairman: Is the committee ready for the question?

Hon. Senators: Ready.

The Chairman: It is moved by honourable Senator Flynn, seconded by honourable Senator Choquette—

Hon. Senators: Dispense.

The Chairman: All those in favour of the motion made by Senator Flynn will say "Content".

Some Hon. Senators: Content.

The Chairman: Those contrary to the amendment will say "Non-content".

Some Hon. Senators: Non-content.

The Chairman: In my view the non-contents have it and I declare the motion lost.

Shall clause 1 carry?

Hon. Senators: Carried.

The Chairman: Clause 2—

Senator White: Before clause 1 carries, could I ask the mover of the bill a question concerning line 10, where you will notice the words, "or other person employed for the preservation and maintenance of the public peace, acting in the course of his duties..." It would seem to me that those words take it out of context entirely in relation to police and officers of that nature, because at rinks and summer resorts and places of that nature there are persons employed by the owner to keep order

and maintain the peace. Will persons of that type be included in this or what will be the correct interpretation of the lines I have read?

Hon. Mr. Croll: I can only tell you that the matter arose in the other place and the same question was asked, and it was indicated that that sort of person, the guard or the fellow who works at a summer resort or helps the police, is not covered by this act. That is all I can tell you. If you were to start on that question there would be just no end to it.

Hon. Mr. White: The words must have been inserted for some purpose and to cover something else. If not they should be taken out.

Hon. Mr. Croll: I think perhaps it would apply if they were employed by the authorities for a particular purpose, such as a police officer is employed—it could happen on the spur of the moment, that somebody is employed for a particular purpose—but otherwise anyone who was there for any other reason would not be covered by this act.

The Chairman: Senator Molson.

Hon. Mr. Molson: Could I ask a question about paragraph (b) of that same clause? The words "or permanent employee of a prison" seem to imply a sort of open season on temporary employees. The situation could arise where an employee such as a chaplain was on leave and somebody was temporarily employed in the prison in his stead. Surely such a person is just as much on duty and carrying out the same public function as a permanent employee. I realize the term "permanent employee" becomes particularly complicated in the Government service because there are frequently definitions which are very different from what many of us generally think. I would question that wording and ask why would it have to be limited to a permanent employee?

Hon. Mr. Croll: It is very difficult to say. I perhaps feel the same way as you do. I can only tell you that from the information I was able to obtain it was thought that this was the best possible way of expressing it, because if they were to talk about temporary employees there would be no limit to the number of such persons employed here, there and elsewhere. They had to cut it off some place.

Hon. Mr. Pearson: I would say those answers are quite unsatisfactory to the Senate. I do not understand this at all, and the answers do not satisfy me.

Hon. Mr. Prowse: Perhaps this will explain it. If you look at the Criminal Code, subsection 30 of section 2, you will find there a definition of peace officer:

> (b) a warden, deputy warden, instructor, keeper, gaoler, guard and any other officer or permanent employee of a prison,
>
> (c) a police officer, police constable, bailiff, constable, or other person employed for the preservation and maintenance of the public peace or for the service or execution of civil process...

They have used terms taken from the definitions section, and you will find that these terms have been judicially interpreted by the court. If I went to a law library I could have in half an hour a precise judicially determined interpretation of these words. These words have a specific meaning for the people who will be concerned with their meaning.

Hon. Mr. Flynn: I doubt very much if that could be the case concerning the words that Senator Molson would like information on. They are found in section 202A which was adopted in 1961. That is when they defined capital murder as the planned murder of a police officer. In view of the fact that this happened only in 1961 I would be surprised if there was any jurisprudence on that particular case.

Hon. Mr. Prowse: But those words were taken from subsection (30) of section 2 of the Criminal Code where they have been for a long time, and where they have been defined. That is why you do not need any new judicial interpretation of it.

Hon. Mr. Connolly (Ottawa West): They are in the Revised Statutes of Canada.

Hon. Mr. Aseltine: Do I understand this section covers the protective staff employed in this building for the preservation of peace and the safety of everyone here?

Hon. Mr. Croll: They are police officers.

Hon. Mr. Choquette: Honourable senators, from the definition Senator Prowse just gave us, I think that two or three categories, such as bailiff, were left out. We have here sheriff's officer. Everyone who has been around a court house knows that a sheriff might have ten officers. Some look after placing people in certain seats or on certain benches; others look after juries and put them in one room; others go about serving summonses and legal documents in criminal and civil cases. Are we to take it that the person who killed such an individual, such as a sheriff's officer in the process of serving a legal document, would be subject to capital punishment? I cannot see that we should be satisfied with such vague definitions as that, because it takes in a large category.

Hon. Mr. Connolly (Ottawa West): It says, "acting in the course of his duties".

Hon. Mr. Grosart: Mr. Chairman, if a layman may speak at this time, I would like to say that I am concerned about the apparent indefiniteness of the definition here. Only today I have been asked if the protective staff of this chamber was covered, and from my legal friends here I have had two quite different answers: one said "Yes," and the other said, "No."

Hon. Mr. Sullivan: That is not unusual with the legal profession!

Hon. Mr. Grosart: That is what keeps the legal business going, of course.

It raises the question of the inclusion of such people as commissionaires and night watchmen. It so happens that some of the more recent victims of vicious attacks, in some cases murder, have been night watchmen; in some cases they were uniformed, in other cases not.

It seems to me, as a layman, that the words upon which the definition must rest here are "the public peace." It is a question of whether these various types of police officers and others are engaged in "the preservation and maintenance of the public peace." I would also be concerned as to whether this covers the militia called out in aid of a civil power. We are living in a time when riots are not infrequent.

Hon. Mr. Roebuck: They are not police officers.

Hon. Mr. Grosart: Senator Roebuck says they are not police officers but, as I read the definition, you surely do not have to be a police officer to come under this. You could be a sheriff or a sheriff's officer.

In the definition Senator Prowse read, I noticed that one omission from the definition in the Criminal Code was "bailiff." It is understandable that a bailiff is not covered here. I presume there are other differences. I do not know whether there have been judicial decisions, but I do suggest to the committee that it is of the utmost importance that we be given an explanation as to just who is covered. And in relation to security guards in the Houses of Parliament, commissionaires, watchmen and others, are they given the protection that they have had up to now, or are they now having this protection taken away from them?

The Chairman: Clause 2. Shall clause 2 carry?

Hon. Mr. Flynn: Mr. Chairman, I would like the sponsor of the bill to give me some explanation as to clause 2. It reads as follows:

> Notwithstanding any other law or authority—

I would like to know if I am correct in saying that "authority" would mean the Governor in Council or the royal prerogative.

> —a person in respect of whom a sentence of death has been commuted to imprisonment for life or a term of imprisonment—

Would that mean that someone who has been sentenced could see his sentence commuted to a definite term under the royal prerogative?

> —or a person upon whom a sentence of imprisonment for life has been imposed as a minimum punishment,...

I understand the present section 206(4) reads:

> For the purposes of Part XX, the sentence of imprisonment for life prescribed by this section is a minimum punishment.

Does that definition restrict the royal prerogative or the power of the Governor in Council to change the sentence of death to a term sentence, or otherwise to sentence strictly to life imprisonment?

Hon. Mr. Connolly (Ottawa West): Perhaps I could answer this question because it has arisen in the Legislation Committee and elsewhere.

The situation visualized by clause 2 is this. In the case of a person whose death sentence has been commuted as a result of the use of the royal prerogative, the normal result of that commutation is to have that person committed to a penitentiary for life. My honourable friend, who has been in the Government of this country, knows that that is the practice.

As to a person in the penitentiary whose death sentence has been commuted and who is serving a life term, or as to a person who has been sentenced to imprisonment for life for non-capital murder, the rules of the Parole Act, chapter 38 of the Statutes of 1958, come into play; and after a certain period of time it is open to persons in this position to make application for parole. Sometimes the application is entertained; sometimes it is not; sometimes it is studied and deferred. When it is recommended in non-capital cases at the present time, the application does not come to the Governor in Council but is dealt with by the minister.

In a case where a man's sentence to death has been commuted and an application has been made for parole after a given period, that application, even if it is recommended by the Parole Board, must go before the Governor in Council for approval.

Hon. Mr. Thorvaldson: That seems reasonable.

Hon. Mr. Flynn: Mr. Chairman, many of those who have opposed the principle of the bill—because they are in favour of the retention of the death penalty—have expressed fears about the latitude which has been that of the Governor in Council, and which is continued by this bill, to make life imprisonment imprisonment for only 10 years. I suggest that having supported the principle of the bill I should not be the one to move an amendment to this clause that will take away the discretion of the Governor in Council, but it is the responsibility of those who have opposed the bill.

The Chairman: Is there any further discussion? Shall clause 2 carry?

Hon. Senators: Carried.

The Chairman: Clause 3 "Transitional". Shall clause 3 carry?

Hon. Senators: Carried.

The Chairman: Clause 4 "Duration and Expiration of Act". Shall clause 4 carry?

Hon. Mr. Flynn: Mr. Chairman, the period provided for in clause 4 is five years, on the expiration of which, if Parliament has not otherwise decided, this act will lapse. Since a period of five years has already gone by without any execution in Canada, it seems to me that a trial period of three years would be sufficient.

Furthermore, such a period would give a new Parliament three years in which to decide finally whether we should return to our law as it now is, or definitely abolish capital punishment.

In consequence, I move, seconded by Senator Choquette, that subclause 4 of the bill be amended as follows:

> Strike out "five" in line 36 and substitute therefor "three".

This is a very simple amendment.

Hon. Mr. Connolly (Ottawa West): It is very clear, in any event.

Hon. Mr. Flynn: Apparently, it is clearer than the first one I moved.

An Hon. Senator: Question.

Hon. Mr. Flynn: Apparently Senator Everett has nothing to say on this amendment, but perhaps some other honourable senator has.

Hon. Mr. Connolly (Ottawa West): Mr. Chairman, I should like to say just a word about this. I think the five-year period was chosen after a considerable amount of discussion. There has been a good deal of talk, and rightly so, about the use of the royal prerogative of mercy. A little earlier in the committee's proceedings I spoke about the gradual reduction in the application of the death penalty through the years. Senator Prowse and others have spoken too about the unwillingness of juries to convict when the result is a sentence of death.

There is also a trend that is observable in the use of the royal prerogative. It is difficult to generalize about the use of the royal prerogative of mercy because each individual case has to be treated on its own merits. But, for what it is worth, between 1950 and 1967, and without giving the years, I think it would be useful for the committee to know that in the first year there were ten executions and three exercises of the royal prerogative of mercy.

Hon. Mr. Choquette: In what year was that?

Hon. Mr. Connolly (Ottawa West): 1950. The figures are as follows:

Year	Executions	Reprieves
1950	10	3
1951	11	3
1952	10	8
1953	10	6
1954	11	4
1955	6	9
1956	5	5
1957	3	5
1958	3	16
1959	3	11
1960	2	6
1961	1	10
1962	2	8

In the years 1963, 1964, 1965, 1966, and to September 30, 1967 there were no executions, and in those respective years there were 8, 3, 9, and 3 reprieves.

This is the trend, if that is the proper word to use in connection with the use of the royal prerogative of mercy.

Who can say whether the appropriate number of years for the trial period should be two, one, five or ten. I think an honourable compromise was reached in the other place, and accepted by a majority of the elected representatives of the people.

Hon. Mr. Croll: And the British too have a five-year trial period.

Hon. Mr. Connolly (Ottawa West): Yes. In other jurisdictions the five-year period has been adopted. Our parliaments are elected for a five-year period. This is an appropriate period, in my opinion, and I would urge the honourable senator, in view of what I have said, not to insist upon his amendment. Five years is a reasonable period in which to look at this.

The Chairman: Is there any further discussion?

Hon. Mr. Thorvaldson: Mr. Chairman, may I say just one word in respect to the amendment?

In my remarks on this bill yesterday I referred to the experiment in Great Britain. I think we can all agree that much of our legislation, social and otherwise, has been patterned on the legislation of that country. Indeed, by the same token, we have watched the operation of legislation in that country.

Two years ago a bill similar to this was passed by the Parliament of Great Britain, and already, as I mentioned in my remarks yesterday, there is a tremendous demand that there be a repeal of that act before the expiration of five years. I understand from the newspapers and other reports that there has been a galloping increase in violent crime and murders in that country since the passage of legislation similar to this.

Consequently, having the experience of that country before us—and I am told that every week 5,000 signatures are being added to petitions for the repeal of that act—I suggest that we take a good look at this period of five years. A fair and reasonable compromise, in my opinion, would be a period of three years. Three years would give us ample time in which to know whether this is a bad bill or a good bill.

For these reasons I support the amendment.

Hon. Mr. Croll: Mr. Chairman, one of the members of this chamber on this side anticipated Senator Thorvaldson. I do not think that Senator Thorvaldson has read Senator Cameron's speech, because Senator Cameron took deliberate aim at that argument, and described how Mr. Jenkins, the Home Secretary in Britain, had proved that the honourable Duncan Sandys was barking up the wrong tree. This is all in Senator Cameron's speech at pages 614, 615 and 616 of the *Debates of the Senate* of Tuesday last.

Mr. Jenkins indicated that Mr. Sandys was doing this entirely on his own, and for whatever purpose he had in mind. At page 615 of *Hansard* there are the figures which indicate there is no basis at all for what Sandys, a member of the British Parliament, had said, namely, that the British were dissatisfied with their act. Sandys was attempting to embarrass the Government a bit on his own, and having a good time doing so, but there was no basis in fact for what he was saying. The Home Secretary in Britain is quite satisfied that the period should be allowed to run to the full extent of its five years.

The Chairman: Are you ready for the question?

Hon. Senators: Question.

The Chairman: It is moved by Senator Flynn, seconded by Senator Choquette, that clause 4 of the bill be amended by striking out "five" in line 36, and substituting therefor "three".

All those in favour of the amendment will please say "content".

Some Hon. Senators: Content.

The Chairman: All those against the motion will please say "non-content".

Some Hon. Senators: Non-content.

The Chairman: In my opinion, the non-contents have it.

Shall clause 4 carry?

Some Hon. Senators: Carried.

The Chairman: Clause 5, "Coming into force". Shall clause 5 carry?

Hon. Senators: Carried.

The Chairman: Shall the title carry?

Hon. Mr. Flynn: Before the title is carried I wish simply to say I am very sorry the Senate has not been able to improve this bill, which may be filled with good intentions but is an incoherent bill, a very bad bill. I was hoping this would be a golden opportunity for us to improve it, but we have missed that opportunity.

[*Translation*]

Hon. Maurice Bourget: Honourable senators, as you may have realized, I was absent when the vote was taken on the principle of the bill, and I would hate to be called to order by reverting to it at this time. Last week, I had the opportunity of discussing this bill with my friend and colleague Senator Langlois who, last night, expressed the very views I hold on this bill. I would not want my colleagues in the Senate to believe that my absence was deliberate and meant to shirk my responsibilities.

I want to say that if I had been here at the time of the vote, I would have voted against the bill.

I will not add anything more. I find it unfortunate that it has carried, but I am sure that my colleagues have followed the dictates of their conscience, just as I have.

I simply wanted to state that I was 100 per cent against this bill.

[*English*]

The Chairman: Shall the title carry?

Hon. Senators: Carried.

The Chairman: Shall I report the bill without amendment?

Hon. Senators: Agreed.

The preamble and the title were agreed to.

The bill was reported.

The Hon. the Speaker: The sitting is resumed.

Hon. Mr. Leonard: Mr. Speaker, the committee to which was referred Bill C-168, intituled an Act to amend the Criminal Code, has gone through the said bill and I have the honour to report the same without amendment.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Croll: Honourable senators, I move, with leave, that the bill be read for the third time now.

Motion agreed to and bill read the third time and passed, on division.

ADJOURNMENT

Hon. Mr. Connolly (Ottawa West): I move, with leave of the Senate, that when the Senate adjourns today it do stand adjourned until Tuesday next, December 19, 1967, at 8 o'clock in the evening.

Hon. Mr. Aseltine: What legislation can be expected at that time?

Hon. Mr. Connolly (Ottawa West): I am glad the honourable senator has asked that question, to use a cliché. I have had a word with the Leader of the Opposition, but it is not certain what legislation will be before us, or when.

When we adjourn as we do there is always the possibility that the Senate may have to be recalled to give special attention to legislation from the other place. As honourable senators know, we will have to be here in any event for a Royal Assent, which is scheduled at the moment for December 21. There may be other legislation which comes to us—I cannot say, and this I regret. However, it is understood that if there is other legislation and the Senate has to be called, the normal notices will be sent out, but only after serious consideration.

Perhaps I could say this in public as I have said it in private. Because of the difficu-

lty in making travel arrangements, particularly at the Christmas season, and because it is a weekend, I would hope that senators from the relatively nearby places—the smaller centres like Montreal and Toronto!—might do all they can to help with the quorum so that senators who have great distances to come and have difficulty in making travel arrangements may thereby be helped.

Hon. Mr. Beaubien (Bedford): Did you say we would sit on December 19?

Hon. Mr. Connolly (Ottawa West): Tuesday night, December 19.

Motion agreed to.

The Senate adjourned until Tuesday, December 19, at 8 p.m.

THE SENATE

Tuesday, December 19, 1967

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

Prayers.

DOCUMENTS TABLED

Hon. John J. Connolly tabled:

Statutory Orders and Regulations published in the Canada *Gazette*, Part II, of Wednesday, December 13, 1967, pursuant to section 7 of the Regulations Act, chapter 235, R.S.C., 1952. (English and French texts).

Report by the Tariff Board relative to the Inquiry ordered by the Minister of Finance respecting Chemicals—

Volume 13—Miscellaneous Chemical Products in Headings 37.08 and 38.02 to 38.19 of the Brussels Tariff Nomenclature,

Volume 14—Artificial Resins and Plastics in Headings 39.01 and 39.02 of the Brussels Tariff Nomenclature,

Volume 15—Artificial Resins and Plastics in Headings 39.03 to 39.07 of the Brussels Tariff Nomenclature; other portions of the reference—

Reference No. 120, pursuant to section 6 of the Tariff Board Act, chapter 261, R.S.C., 1952. (English and French texts).

Report on Activities under the Prairie Farm Assistance Act for the Crop Year 1966-67, pursuant to section 12 of the said Act, chapter 213, R.S.C., 1955, (English and French texts).

Order in Council P.C 1967-2298, dated December 7, 1967, authorizing under section 21A of the Export Credits Insurance Act, long-term financing by the Export Credits Insurance Corporation for the sale by CAE Industries Limited, Montreal, Quebec, of a Model DC-8-52 CAE Digital Flight Simulator to Air New Zealand Limited, Auckland, New Zealand, pursuant to section 21B of the said Act, chapter 105, R.S.C., 1952, as amended 1960-61. (English text).

DOMINION COAL BOARD DISSOLUTION BILL

FIRST READING

Hon. John J. Connolly presented Bill S-31, to provide for the dissolution of the Dominion Coal Board.

Bill read first time.

Hon. Mr. Connolly (Ottawa West) moved, with leave, that the bill be placed on the Orders of the Day for second reading at the next sitting.

Motion agreed to.

TERRITORIAL LANDS ACT, LAND TITLES ACT, AND PUBLIC LANDS GRANTS ACT

BILL TO AMEND—FIRST READING

Hon. John J. Connolly presented Bill S-32, to amend the Territorial Lands Act, the Land Titles Act and the Public Lands Grants Act.

Bill read first time.

Hon. Mr. Connolly (Ottawa West) 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.

DIVORCE

REPORT OF COMMITTEE PRESENTED

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, presented the committee's reports Nos. 448 to 533, inclusive, and moved, with leave of the Senate, that the said reports be taken into consideration at the next sitting.

Motion agreed to.

REFUND OF FEES

GUIDES CATHOLIQUES DU CANADA (SECTEUR FRANÇAIS)

Hon. Maurice Bourget with leave of the Senate, moved:

That the parliamentary fee paid with respect to the proposed incorporation of Guides Catholique du Canada (secteur français), during the 1966-67 session, be refunded to counsel for the petitioners.

Motion agreed to.

CANADIAN BROADCASTING CORPORATION

TELEVISION FILM "THE ERNIE GAME"—INQUIRY ANSWERED

Hon. Edgar Fournier inquired of the Government pursuant to notice:

1. What is the estimated cost and the actual cost of the film entitled "The Ernie Game" shown on television November 8, 1967, on the program "Festival"

(a) as far as the Canadian Broadcasting Corporation is concerned,

(b) as far as the National Film Board is concerned,

(c) as far as any other agency of the government is concerned?

2. What is the estimated expected revenue from the showing of the film?

3. What will be the estimated cost to the Canadian taxpayer as a result of the showing and the production of the film?

4. How many persons were involved in the production of the film and what were the functions of each person concerned?

5. How long did it take to produce this film?

Hon. John J. Connolly: Honourable senators, I am informed by the National Film Board and the Canadian Broadcasting Corporation as follows:

1. Authorized Budget: $265,621.17 Actual Cost: $320,561.36.

(a) CBC share of the estimated cost: $132,810.58 CBC share of the actual cost: $160,280.68

(b) N.F.B. share of estimated cost and actual cost: Same as C.B.C. share.

(c) Nil.

2 & 3. It will take at least five years to determine revenue but it is hoped that the film will recover its cost within this period.

4. Thirty-one persons. Executive producer, producer, director, original story author, assistant director, director of photography, camera operator, second cameraman, assistant cameraman (2), art director, propsmen (2), location manager, assistant location manager, second assistant location manager, production assistant, continuity writer, make-up artist, location sound, gaffer, electricians (3), editor, assistant editor, sound editor, music editor, re-recorders (2) and story editor.

5. Shooting period: January 30, 1967 to April 21, 1967 (11 weeks, 5 days). Completion period, including editing, sound cutting, music composition and recording, music editing, interlocks and sound re-recording, and attendant laboratory work to test print stage: April 22, 1967 to November 8, 1967 (28 weeks, 4 days).

TELEVISION FILM "WAITING FOR CAROLINE"—INQUIRY ANSWERED

Hon. Mr. Fournier (Madawaska-Restigouche) inquired of the Government pursuant to notice:

1. What is the estimated cost and the actual cost of the film entitled "Waiting for Caroline" shown on television November 29, 1967, on the program "Festival"

(a) as far as the Canadian Broadcasting Corporation is concerned,

(b) as far as the National Film Board is concerned,

(c) as far as any other agency of the government is concerned?

2. What is the estimated expected revenue from the showing of the film?

3. What will be the estimated cost to the Canadian taxpayer as a result of the showing and the production of the film?

4. How many persons were involved in the production of the film and what were the functions of each person concerned?

5. How long did it take to produce this film?

Hon. Mr. Connolly (Ottawa West): Honourable senators, I am informed by the National Film Board and the Canadian Broadcasting Corporation as follows:

1. Authorized Budget: $319,768.58; Actual Cost: $511,252.36.

(a) C.B.C. share of estimated cost: $198,535.16; C.B.C. share of actual cost: $255,628.18.

(b) N.F.B. share of estimated cost and actual cost: Same as C.B.C. share.

(c) Nil.

2. & 3. It will take at least five years to determine revenue but it is hoped that the film will recover its cost within this period.

4. Thirty-nine persons. Executive producer, producer, director, screenplay author, assistant directors (2), director of photography, Quebec location photographer, camera operator, camera assistants

(2), art director, property master, assistant propsmen (2), location manager, casting officer, wardrobe supervisor, wardrobe mistress, make-up man, continuity writers (2), sound man, boom man, electricians (6), film editor, assistant film editor, sound editor, assistant sound editor, sound effects, music editor, re-recorders (2), story editor.

5. Shooting period: January 4, 1967 to April 18, 1967 (15 weeks). Completion period, including editing, sound cutting, music composition and recording, music editing, interlocks and sound re-recording, and attendant laboratory work to test print stage: April 18, 1967 to November 10, 1967 (29 weeks, 3 days).

Hon. Mr. Fournier (Madawaska-Restigouche): Honourable senators, I should like to thank the Leader of the Government for giving me these answers. Although I may be out of order, I should like to make one brief remark.

As far as I am concerned, these two films are indecent, immoral and repulsive. I never thought I would live to see the day when so much public funds, your money and mine, was spent to produce such degrading pictures. I am sure they would never pass any responsible censor, and I hope they will never be shown again in Canada or anywhere else.

Some Hon. Senators: Hear, hear.

NATO PARLIAMENTARIANS

THIRTEENTH ANNUAL CONFERENCE AT BRUSSELS, BELGIUM

Hon. John B. Aird rose pursuant to notice:

That he will call the attention of the Senate to the Thirteenth Annual Conference of NATO Parliamentarians held at Brussels, Belgium, 20th November to 25th November, 1967, and in particular to the discussions and proceedings of the Conference and the participation of the delegation from Canada:

He said: Honourable senators, it is my pleasure tonight to give you a report of the meeting of the NATO Parliamentary group which was held last month for the first time at the site of its new home in Brussels. The Senate was represented by Senator Méthot, Senator Cook and myself. Under the first-class leadership of Mr. Perry Ryan, the delegation was hard-working and, I would like to think, productive. This year we had the benefit of in-depth briefing in Canada prior to our departure and, more importantly, we were privileged, both in Canada and on the ground in Brussels, to have the advice of the very able Mr. Peter Dobell of the Department of External Affairs. In this way we were given a daily appreciation of Canada's general position with respect to the topics under debate.

As I said last year in my report to this chamber, when you are sitting at a conference table, representing yourself and your country, it is impossible to have too much education or too much training. I am told that my report last year was helpful in some measure in bringing about the improvements to which I have referred; and, accordingly, I would like to suggest an even earlier selection of next year's delegation, in the interests of more extensive briefing and, hopefully, a greater continuity in the selection of the delegates.

Experience is the father of foresight and it is very obvious that an interested and informed delegate will serve his country better than one who is not.

Honourable senators, the events of the past few weeks have brought NATO very much into the news, and the scene is changing very rapidly—for example, the current tremendous upheaval in Greece, one of the members of the alliance. Also, last week the NATO nations were able to conclude a collective policy agreement as a result of the Harmel Report. This is a hopeful signal, as it is a stated agreement on what the democratic nations affirm rather than what they reject, even though it specifically excludes any obligation on the part of a NATO member to subordinate national purpose to collective policy.

I therefore hope my remarks are reasonably up-to-date, and I wish to make it clear at the outset that the opinions I have developed and the judgments I have made are made in my individual capacity as an independent delegate from this chamber.

Honourable senators, NATO is the last remnant and bulwark of an apparently disintegrating Atlantic community. It is my most unhappy conclusion that President de Gaulle of France is trying to undermine NATO's integrated structure. France's withdrawal from the alliance's integrated military command, her opposition to Britain's application for entry into the European Common Market, her probable contribution to the pressures that forced the devaluation of the pound, her subsequent

attack on the U.S. dollar, and her somewhat reluctant agreement to the Harmel Report, to which I earlier referred and which sets out a common view of the future tasks of the new-look NATO—all these acts have worked together to weaken fundamentally, perhaps fatally, the strength of the Atlantic community.

And apparently, to some effect: At a time when the military strength of the Soviet bloc countries is increasing, NATO is still rocked by dissension brought about by political and economic pressure for cutbacks in the already marginal contingents committed to NATO forward defence; Greece and Turkey are once again rattling sabers at one another; and everyone wonders what President de Gaulle will do when in August 1968 France, like any other member of the alliance, will be free to withdraw.

Here in Canada it seems to be increasingly fashionable these days—particularly among young people—to advocate Canada's withdrawal from the alliance. Too few Canadians understand, it seems, that as the Winnipeg *Free Press* put it recently—and I quote:

> A Europe divided is a Europe doomed, and without Europe North America would find life extremely difficult. Those who do not see this are blind.

And too few Canadians realize that NATO is still a very necessary constituent of European stability and world peace.

My purpose in speaking to you this evening is twofold. To begin with, of course, I want to make the case for Canada's continued support of the Atlantic alliance. But I want very much to make another point, too. And in view of the intensity of the criticism which has been directed at NATO in the past few weeks, the meeting of the North Atlantic Council in Brussels last week, and the apparent current uncertainty about the future of the CF-104, it seems a particularly good time to make it. And it is this: Canada need not withdraw from NATO in order to make new initiatives and pursue new courses in foreign policy. Let us not make NATO the scapegoat for the inadequacies, whatever they may be, in our foreign policy.

But before I begin my remarks about NATO and Canada's foreign policy, I want to say a few words, if I may, about France and President de Gaulle.

Time forbids my discussing at any length the rather incredible turn French foreign policy has taken during the last few years. In this regard it will suffice, I think, to repeat the Prime Minister's recent assessment of the French position. He said:

> France has repudiated the whole idea of collective security, falling back on the old and discredited doctrine of national defence by national action, co-ordinated in a military alliance, but with national sovereignty unimpaired.

Well, President de Gaulle's attitude toward NATO, his opposition to Britain's membership in the Common Market, his attack on the American dollar, and the anti-Semitism in his recent verbal attacks on Israel—that is bad enough. But to have him repeatedly interfering in Canada's domestic affairs, to have him in effect fomenting domestic conflict—and, of course, I am speaking now of his statements about Quebec—this is behaviour so reprehensible as to test the friendship between Canada and France. It is certainly clear—and I say this more in sorrow than in anger—that President de Gaulle suffers from a most remarkable short-term memory.

The great difficulty in discussing NATO or, indeed, any other aspect of Canadian defence policy is that in nearly all its manifestations Canada's defence establishment serves not primarily a military but a diplomatic role. And like so many of the facts of Canadian life, this one owes nearly everything to geography.

Geography has made Canada perhaps the only country in the world that could not be brought under nuclear attack without provoking massive retaliation from the United States. As a result, the United States' deterrent military power and its credibility—its nuclear missiles, bombers and submarines—is as much a safeguard against attack on Canada as it is against attack on the United States itself. Even if we could afford to maintain an effective deterrent of our own—which in this nuclear age, of course, we could not—it would be very redundant.

Canada's considerable commitment to North American defence has, therefore, been supportive in nature—the construction of three early warning networks on Canadian soil, the provision of flight and communication facilities to the bombers of the Strategic Air Command, and, finally and most important, participation in the North American Air Defence Command. There is no question in my mind that these commitments have been made as much out of diplomatic as strategic considerations. The Secretary of State for

External Affairs implied as much in a speech last month reaffirming the Government's commitment to NORAD.

No Canadian Government, regardless of its political slant, could withdraw from NORAD, he said, without—and I quote:

> a complete transformation in our relations with the United States.

Of course, the same fact of geography that gives Canada the protection of the United States deterrent also ensures our involvement in any major nuclear conflict. A nuclear attack on the United States would most certainly result in the destruction of most of Canada's centres of population and industry. Indeed, Canada might be even more severely devastated than the United States because missiles aimed at United States centres, but designed to detonate when brought down short of their targets, would be intercepted, if at all, over Canadian soil.

No country, then, has a greater stake in the prevention of nuclear conflict than has Canada. But it goes much further than that. Because conflict anywhere in the world today can engulf the major powers and escalate into nuclear war, Canada must be concerned with the maintenance of peace in Europe, the Far East, Middle East, Asia, Africa and Latin America. The threat of nuclear war has given new meaning to the words "international community."

The fact is, honourable senators, conflict anywhere and on any scale is today a threat to Canada's national security. And since the end of the Second World War, that fact—and our belief in collective security—have been expressed in our membership in the United Nations and NATO. Our policy in this area was expressed rather well in a recent speech by the Secretary of State for External Affairs. He said:

> We still hope for the eventual fulfilment of our postwar hopes that we might entrust our security to the United Nations. As a step in this direction we support the growth of the United Nations peace-keeping role and are ourselves prepared to contribute to it. But we also consider that Canada must continue to participate in collective defence arrangements—which represent the pursuit of peace and security through interdependence.

Because all these commitments—our membership in NATO, NORAD and the United Nations—are extensions of our foreign policy, serving diplomatic rather than strictly military purposes, they are particularly vulnerable to attack on the economic front.

Anyone can argue, for example, that the $1.7 billion Canada spends each year on national defence is wasted, or could be spent more profitably in other ways, because we would be as safe from external aggression if we spent absolutely nothing on defence and left continental defence to the United States—who have no choice but to defend us—and European defence to Britain, France, Germany and the other European countries. The money we spend on defence does not buy us defence and as foreign policy it is not very good value. At least that is the argument.

It is one of two arguments generally used to support the contention that Canada should withdraw from NATO, the other being that the Soviet Union is no longer a serious threat to the security of Western Europe and that, in terms of contemporary political and strategic realities in Europe, NATO is therefore obsolete. Or worse, that, in the absence of the Soviet threat, NATO's continued existence—and the presence of NATO forces in Europe—only aggravates East-West relations and constitutes an obstacle to the search for an East-West détente.

Well, those are the arguments. I submit that here are the facts. First, let us look at the Soviet Union. The assertion—and it is surprisingly widespread—that the Soviet Union no longer poses a threat to the security of Western Europe has more to do with impressions of Soviet motives—impressions based on the fragmentation of the Communist bloc, the evidence of liberal changes within Soviet society, and the more moderate approach to foreign policy of the current Soviet regime—than to the hard facts of Soviet military strength. And there is a tendency, I think, to be rather too optimistic about their significance.

To conclude, for instance, that the fragmentation of the Communist bloc eliminates any serious challenge from the Soviet Union would be as mistaken as it would be to conclude that the current disarray in the Western alliance disposes, for the Russians, of the challenge of Western power. And what about those changes in Soviet society: It seems rather premature to suggest that the Soviet Union is becoming something of a bourgeois state while the party and police bureaucracies are still intact. As for foreign policy, it seems clear that the evolution of Soviet policy in Europe from a primarily

military to a political, economic and psychological sphere is nothing more than a logical response to the facts of life which NATO has helped create—that is, the West's strategic superiority, its high economic growth rates, and its firmness in resisting direct military pressure.

In a very real sense, then, NATO has been a victim of its own success. In effectively countering the Soviet military threat to Western Europe, in creating the new realities which, according to its detractors, have rendered it obsolete, NATO has relieved precisely those pressures which brought the alliance together in the first place. But what of the threat? Has the Soviet Union disbanded the Warsaw Pact? What about the 375,000-plus Russian troops stationed in the Soviet Union's East European satellites? What about the Berlin Wall: Have we forgotten what it symbolizes? As the Supreme Allied Commander, General Lyman L. Lemnitzer, said to us in Brussels—and I quote:

> Sound military planning can only be based on what the potential enemy can do, not on what we may guess he is likely to do. Intentions can, and often do, change overnight.

I therefore submit that the threat persists; only the pressures have changed. In 1949 they were exclusively military. Today, thanks largely to NATO, they are political, economic and psychological. What shape do you suppose they would take tomorrow, if NATO were to be disbanded? Yes, there are new political and strategic realities in Europe, but far from rendering NATO obsolete, they are the best of all possible arguments for its continued existence. To put it in language that everyone understands, the name of this serious and deadly game is still vigilance.

As I see it, honourable senators, there are three very good reasons for maintaining our active membership in the Atlantic alliance.

Firstly, as I have already indicated, NATO is an essential constituent of European peace and stability, which is the primary objective of Canadian foreign policy in Europe. Without peace and stability there can be no hope of reaching an equitable and acceptable European settlement, which is—or ought to be—the ultimate objective of Canadian foreign policy in Europe.

Let me quote from a speech by NATO Secretary-General Manlio Brosio on this very point:

> All the evidence of our recent history is there to confirm and remind us that blocs have been primary and successful instruments in preventing war. It follows that there is a strong degree of probability to suggest that alliances may be necessary in the patient and dogged search for peace in which we are engaged.

Secondly, our active membership in NATO is a symbol of our friendship with the people of Western Europe and, more specifically, an indication of our willingness to fulfil the commitment we made in 1949 to protect their national security.

It is difficult, perhaps even impossible, to communicate to young Canadians today the regard my generation has for the people of Western Europe, although not necessarily for their governments—and here I specifically include the people of France. These young Canadians have not experienced war—and let us hope they never do—and they cannot be expected to understand in anything but abstract and impersonal terms the meaning of the words "enemy" and "ally". But "integrity" is a word all of us understand, and let me make it clear that I regard the fulfilment of our commitment to our NATO allies as a matter of national integrity. We gave our word, and we should keep it. Canada must be a country of its word.

Thirdly, NATO is more than a military alliance: it is a forum for debate, an agency for political, economic and social co-operation—and Canada has always regarded it and valued it as such.

Article II of the treaty—which is sometimes called the Canadian article because it was included at Canada's insistence—says this:

> The parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles uppn which these institutions are founded, and by promoting conditions of stability and well-being. They will seek to eliminate conflict in their international economic policies and will encourage economic collaboration between any or all of them.

To the extent that our NATO allies have fulfilled their commitments under Article II,

they have given another dimension—I should say, a much more positive and productive dimension—to the alliance. So much for the contention that NATO is obsolete.

Honourable senators, in general it is very difficult to know how much we should spend on national defence because, as I have already pointed out, our defence commitments are really extensions of our foreign policy. I wonder, however, how many people realize that as a percentage of gross national product Canada spends less on defence—the figure is 2.8 per cent—than all our NATO allies, except Denmark and tiny Luxembourg—less than the Netherlands, less than France, and a great deal less than the United Kingdom and the United States. And I wonder, too, how many people realize that—again, as percentage of gross national product—our defence expenditures are actually declining.

Economic questions of this sort, of course, are always relative. At the present time, we are struggling with the problems of prolonged economic growth and, in particular, inflation. The Government is under justifiable pressure to cut back on expenditures —which brings up the question of priorities. Unless the cutbacks, which may be necessary from time to time, are made on the basis of carefully conceived priorities—and by that I mean a system of priorities that makes reference to long-term economic and social returns—we run the risk of cutting back or discontinuing the wrong programs. And we cannot afford that kind of false economy.

Of all our defence expenditures, the most vulnerable by far to economic attack is the $116.7 million we spend annually to maintain our NORAD air defence forces. Since our national security would probably be affected not in the least if we chose to leave continental defence to the Americans, what we are buying with that $116.7 million is not defence, but a voice in defence. We simply have to decide whether it is worth it. I would be inclined, given our present economic circumstances, not to be an advocate of any increase in the cost of our NORAD commitment, but for the time being I think the costs of our membership in NORAD are more than defensible.

My position on NATO, of course, is quite simple. When you believe, as I do, that our active membership in NATO is essential—for the reasons I have already outlined—you must accept, as I do, the required and necessary cost of that commitment. I believe it costs us $71 million a year, excluding weapons, to maintain our NATO brigade in Germany. It is a large sum of money; but consider for a moment how much more it would cost us, in dollars and lives, were we to be drawn once again into a war—any war! In my opinion, our membership in NATO is a bargain by comparison.

Honourable senators, most of us are a little afraid of the subject of defence; or perhaps it would be more correct, as James Eayers suggests in his book *Northern Approaches*, to say that we are intimidated by the subject. He says:

> Everything conspires to produce an attitude of acquiescence in what the authorities decide. The subject is forbiddingly technical. Shrouds of secrecy confront the curious; information is hard to come by and difficult to check. The strategic aspects are esoteric. How then can the ordinary citizen quarrel with the decisions made on his behalf? By what prerogative dare he challenge the judgment of the experts?

This is a peculiar twentieth-century and, I suggest, an extremely dangerous phenomenon, a by-product of the technological revolution with which we have yet to come to grips. I say "dangerous" because—to give you the most dramatic example I can think of—it leads to the kind of national uncertainty that has taken hold of the United States with respect to Vietnam.

There are now about 500,000 United States fighting men in Vietnam, and the increasing annual cost is $30 billion. Until recently I seriously questioned whether anything resembling a majority of the American people had any real understanding of the issues in the war. And, unfortunately, Washington until recently has interpreted this paralysis of public opinion, rightly or wrongly, as support for its conduct of the war.

We cannot allow ourselves to be overwhelmed by the seeming complexity of the issues that concern government today. We must not yield whole areas of government policy—such as defence and foreign affairs, to name the two areas that concern us here —to the so-called experts.

In the first place—and I think we lose sight of this fact at our peril—the experts are just as fallible as the rest of us. And, again, I can think of no more dramatic example than

Vietnam. While fully recognizing the necessity of the United States honouring its commitments, it becomes more apparent every day that in strategic terms—and I underline "strategic terms"; never mind moral and political considerations—the Vietnam war is a mistake of monumental proportions. And I also wish to make it very clear that in no way am I implying unwarranted armchair criticism of the tremendous sacrifice and effort that is being made by the United States in Vietnam. In fact, my feelings and sympathy lie very much with the people of the United States, and I believe that we should be doing everything we can to help them resolve their terrible dilemma and this conflict. But it may very well be an unwinable war. Walter Lippman described the distressing position in which the United States now finds itself as follows:

> The original mistake was to commit the United States to a large land war on the Asian mainland. Whatever our ideals and purposes are—to stop the expansion of communism, to thwart the conquest of South Viet Nam, to promote liberty and democracy, to defend American security—the crucial point is that Mr. Johnson was mistaken in thinking he was going to achieve these objectives by fighting a large land war in Asia.
>
> The mistake has drawn us into a war which cannot be won even if we beat down our adversaries to a point where they have to surrender or retire. No agreements can be negotiated offering any assurance that, without our military presence to enforce them, a Saigon government will be able and willing to do all the things that the President says we are fighting for to make it do. The notion that we can win the war for Mr. Johnson's objectives is either an innocent delusion or a gross deception.

Well the Americans have lots of company when it comes to making mistakes. Need I mention the AVRO Arrow? And what about the high-speed anti-submarine hydrofoil, now almost operational, which the Canadian Navy has developed at an estimated cost of $50 million, and now reportedly plans to scrap? Canadian experts make mistakes, too.

In the second place, the formation of government policy is more than an exercise in putting together facts, more than marshalling expertise. Any government policy, including defence and foreign policy, inevitably makes reference to and reflects the values of the society in which it is made.

Are the experts any more competent to define Canadian values than the Canadian people? Of course not. But, look at it this way: If the experts—in this case the military and international affairs people—are left to form policy in a vacuum of public opinion, then it follows that they are also free, in the expression of the policies they choose, to define Canadian values as they see fit. And that, I suggest, is not as it should be.

In an age of sometimes frightening technical complexity we are, of course, increasingly dependent upon specialists. But I submit that the act of defining national goals and choosing the means of attaining them is a government responsibility and, through the government, a public responsibility. And it depends very much on the existence of informed and enlightened public opinion.

I would like to emphasize the words "informed" and "enlightened." A great deal of the criticism of Canada's membership in NATO is based on what James Eayers has called false alternatives. We are told, for instance, that as a first step toward revitalizing our foreign policy we should withdraw from the North Atlantic Alliance, implying that a vital foreign policy and membership in NATO are mutually exclusive. Or we are told that we should be spending less money on defence and more on external aid, the implication being that increases in external aid are somehow contingent on cutting back defence expenditures.

This sort of argument, of course, is extremely naïve. The issues are not that simple.

In the first place, one can very easily believe, as I do, that Canada must remain an active member of NATO and at the same time acknowledge, as I do, that there are areas in which NATO could be a great deal more progressive than it is today. Those who would have us abandon the alliance should instead be pressing the Government to participate more constructively in its leadership.

In the second place, one can believe, as I do, that Canada must continue to support the Atlantic alliance and at the same time argue, as I am about to do, that our foreign policy would more accurately reflect Canadian values and aspirations—which is what a foreign policy should do—if we devoted a great deal more attention than we are at the present to external aid.

The gap between the industrialized world and the developing world is the most serious of all the problems facing mankind today—more serious even than the threat of nuclear war. Whereas people everywhere today are conscious of and concerned about the nuclear threat, there seems to be no corresponding awareness of the frightening destructive potential of the steadily growing gulf that separates the rich nations of the world from the poor.

Here are a few brutal facts. Two out of every three people in the world today live in what we call underdeveloped or developing countries. Their average income is at most $200 a year, although many of them live—I should say exist—on far less. Better than half of the people in the world today are, by any reasonable standard, undernourished. More people are likely to die of starvation in the next ten years than have died in all the wars in history. Maurice Strong, Director General of External Aid, who appeared before the Standing Committee on External Relations last week, pointed out a few months ago that in South America every second coffin contains the body of a child whose life was cut short at the age of five.

External Affairs Minister Paul Martin put these facts in perspective when he said:

> No world can be truly at peace when half its people go to bed hungry each night, when medical relief has yet to be brought to millions, when economic opportunity for so many of our fellow men is restricted to a daily struggle with infertile land or the back-breaking labour of primitive industrial tasks. We would not tolerate these conditions in our own land, not only because they are an affront to human dignity but because they would constitute a choking rein on our progress as a nation.
>
> And what cannot be accepted in a single country cannot be allowed to exist in the world of today, where self-containment is nothing more than dangerous delusion.

The most terrifying fact of all is that while the average per capita income in the developing world is increasing at the rate of one per cent per year, the per capita income in the industrialized world is increasing at three times that rate. While the rich nations get richer, the poor nations get poorer. And the most terrifying question of all is: Where will it all end?

This is the challenge that faces Canadian foreign policy—to help check the dreadful and growing imbalance in wealth that separates the industrialized and developing worlds.

Despite the decline in net foreign aid to the developing countries in each of the past five years, Canada, for its part, has been increasing its foreign aid at a rate of $50 million a year to the point where last year our assistance to developing countries totalled slightly over $300 million, or about six-tenths of one per cent of our gross national product. Moreover, the Secretary of State for External Affairs has said that it is the intention of the Government, subject to economic conditions, to increase our external aid to the point where it will approximate the somewhat controversial international target of one per cent of gross national product by the early 1970's.

Honourable senators, this may seem like heresy at this particular time, but I wonder whether one per cent of our gross national product is really enough. The problem, as I see it, is so grave and so urgent that we should be thinking in terms of giving foreign aid a much higher place on our scale of economic priorities. Yes, it would probably require some belt tightening. We might have to postpone somewhat our own development. But whose need is greater? And, let's face it, as long as the world is a place where hundreds of thousands of people are sick and hungry, peace is an impossible dream. No matter how thoroughly we wrap ourselves in our own affluence, there can be no real and lasting peace for Canadians while the world is divided into "haves" and "have-nots."

Canada is not alone in the search for peace, but Canada must search for peace alone, and in its own way. We are not "peace-keepers"—and it is absurd to think we ever will be—nor are we, in the military sense, "peace-makers." We have not got and cannot afford the military muscle. Our strengths—and they are many—are of such a nature as to suit us for other "peace-seeking" roles.

We have the wealth. We have the skills. We have, perhaps more than any other of the industrialized countries of the world, the will. And, above all, we have the opportunity to help other nations to help themselves. It is an opportunity to share our wealth and skills with other people in other lands. It is an opportunity to assume a position of world

importance to which we have always—and quite rightly—aspired. It is an opportunity to create the challenge for which our eager young people are clamouring.

It is an opportunity to launch projects like the International Development Centre—the world-wide university dedicated to the resolution of the economic and social problems of man—which is reportedly under study by the Government. And it is an opportunity to follow many other courses in foreign policy which are just as creative and exciting.

It is an opportunity, honourable senators, that we should seize. And I want to leave you with this question: Is there anything to stop us but our own lack of purpose?

On motion of Hon. Mr. McDonald, for Hon. Mr. Cook, debate adjourned.

The Senate adjourned until tomorrow at 3 p.m.

27059—51½

THE SENATE

Wednesday, December 20, 1967

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

Prayers.

HON. C. G. POWER, P.C.

HON. THOMAS VIEN, P.C.

FELICITATIONS ON FIFTIETH ANNIVERSARY IN PARLIAMENT

Hon. John J. Connolly: Honourable senators, it can quite properly be said that the Senate today has had its own Confederation project, but it is a project made not so much by the Senate as a whole as by two of its distinguished members, Senator Power and Senator Vien.

Both of these esteemed gentlemen were elected to the House of Commons fifty years ago December 17 last. They have both seen the process of Confederation for fifty per cent of its life. They have seen it while sitting in Parliament, and for many of those years they have seen it from the seats of the mighty.

I should like to speak about Senator Power for a moment first. I do not want to embarrass him by doing it knowing that he is in the chamber, but he has had a most remarkable record. As a young man he was a hockey player at Loyola in Quebec. He is a graduate in law of Laval. He had a distinguished career in the First World War; indeed, he was wounded twice. After that war was over he continued with his parliamentary career. He was Minister of Pensions and National Health, and he was Postmaster General.

During the Second World War years he became the Minister of National Defence, with particular responsibility for the air force. Without taking any credit away from any of the other people who performed in the air force as combatants, or who did the planning and the organizational side of the work, I think that the inspiration and the leadership required to make that force the factor it was in the allied cause, in the cause of peace and in the cause of Canada, came from the Honourable Charles Gavan Power.

Hon. Senators: Hear, hear.

Hon. Mr. Connolly (Ottawa West): He not only built a Canadian Air Force. What was more important for the allied cause was the fact that he organized and administered the Commonwealth Air Training Scheme which was responsible for the training of pilots from all parts of the Commonwealth who fought so gallantly in that same cause. What a monument for any man to have!

Hon. Mr. Roebuck: Hear, hear.

Hon. Mr. Connolly (Ottawa West): He is an author, too. We have already referred to his book of memoirs, which appeared last year.

He has been a parliamentarian, cut from a very special type of rock; and some of the sayings which have been credited to him over the years we like to remember on occasions like this, because if he has been anything in the world he has been a humble man.

I remember hearing it said of him that he learned very early how short the distance was between a private car and an upper berth. I also remember that during the war years, when there was so much concern about security, and when his estimates would come before the House of Commons, he was very free and easy about giving information and he had the confidence of the house. Someone once asked him, "Are you not concerned about the security aspects of some of the things you discuss openly?". And "Chubby," as he is so affectionately called, replied, "My friend, perhaps the best way to keep a secret is to bury it in *Hansard*—nobody will ever find it there.".

When he celebrated the twenty-fifth anniversary of his election to the House of Commons, during the war years, in 1942, there were notable speeches made, none more notable than this own. In that speech—I did not look it up because it impressed itself upon me so much that I remember it still—he quoted four lines from Belloc which I think illustrate the character of the man as much as anything anyone could say. The lines were these:

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

I do not know anybody who has been truly accepted as a friend by more parliamentarians in these fifty years than has Chubby Power.

Around Parliament he is a legend. We rejoice that he is a living legend. One of our distinguished colleagues said, after our pleasant little ceremony this morning, "Once they made Chubby, they threw away the mould".

Honourable senators, may I speak now about our colleague, the honourable Thomas Vien. We honour him because he, too, has been in public life during the past fifty years and was elected to Parliament on the same day as Senator Power.

He has been honoured by his colleagues in the Senate today, too, with a small token gift. But we are not the only country to honour him. He has been honoured by France, Greece, the Netherlands and by Belgium.

He, like Senator Power, is a lawyer. He is a graduate of Laval, and has as well a degree from the University of Montreal. Senator Vien has nine children. He also has had army training and army service, having achieved the rank of colonel. When he was in the House of Commons he was chairman of many of its important committees and was for a time the Deputy Speaker.

For twenty-five of these years in Parliament Senator Vien has been a member and an ornament to the Senate. Fifty per cent of his parliamentary career has been spent in this house. He is a member of Her Majesty's Privy Council.

Honourable senators, in congratulating these men, we do not so much honour them—we honour ourselves. I think we are all of us the better for having sat with them in the Parliament of Canada.

Hon. Jacques Flynn: Honourable senators, the Leader of the Government, suggesting that I might on this occasion speak in French, indicated that to an extent I might translate rather than repeat some of his remarks.

[*Translation*]

On December 17, 1917, the year of the fiftieth anniversary of Confederation, two of our colleagues were elected to the House of Commons.

It is rather unusual to be still in parliament to celebrate one's fiftieth anniversary. I almost said that it is a unique event, but that epithet is ill-suited in the circumstances, unless it were said that it is doubly unique.

As a matter of fact, we could have paid tribute to three of our colleagues, since Senator Crerar, who resigned only last year, was elected at the same time as Senators Power and Vien.

As we know, all three had most distinguished careers, and it is only normal.

Yet, it is fitting to point out certain similarities between our two colleagues we are honouring today. Both Senators Power and Vien come from the Quebec City area, the former from the city itself, the latter from the suburb of Lauzon. Both studied law at Laval University; both started practising law in Quebec City.

With regard to Senator Power, after his return from the war where he was wounded twice, he was elected in 1917 to represent the riding of Quebec South. Ten times his constituents renewed his mandate and he represented them in the House of Commons until 1955 when he was appointed to the Senate.

The Quebec South riding is certainly the most historical in Canada since it includes the fortified part of Quebec, Lower Town, the harbour, the Parliament Buildings and the Plains of Abraham.

The narration of everything which may have occurred in this area could make up many chapters of the first century of Canadian history. Moreover, if I describe the county of Quebec South in that manner, it is because it will disappear at the next redistribution of electoral districts; it has a personal meaning for me, as I have lived there and have represented it during one parliament in the other place. On the other hand, this riding represents, in my opinion, the first and most valuable experience of good will between the various ethnical groups who contributed to the making of our nation. It is well known that the people of Quebec South, especially when Senator Power represented it for the first time in 1917, was made up about equally of French-speaking and English-speaking Canadians.

To most Canadians, but mainly to the electors of Quebec South, our colleague was known as "Chubby". Everyone thought of him as a personal friend.

To those who, like me, belonged to a Conservative family, Chubby represented the power of the Liberal party. His sole presence at the head of the organization spread terror and confusion among his adversaries.

I even recall the time when Senator Bourget was responsible for the organization. He enjoyed spreading the rumour that Chubby was in town.

Hon. Mr. Bourget: That is true.

Hon. Mr. Flynn: But what illustrated best the parliamentary career of Senator Power

was his tenure as Minister of National Defence for Air and his contribution to the success of the Commonwealth Air Training Scheme, as pointed out by the Leader of the Government here.

It is very fortunate that our colleague should have published his memoirs in a volume entitled "A Party Politician". It makes for fascinating reading and although the author always speaks with considerable modesty of the role he has played in his party, in parliament and in government, the clear impression remains that his influence has been decisive in many circumstances.

In paying tribute to him today, I should like to mention his wife, his daughter and his two sons.

As for Senator Vien, he was called to the bar in 1905 at the same time as the Right Honourable Louis St. Laurent. He first represented the constituency of Lotbinière in the House of Commons from 1917 to 1925. From 1925 to 1935, he left Parliament to sit for a time as vice-chairman of the Board of Railway Commissioners. Later, having moved his law office and his family to Montreal, he was elected, in 1935, as member for Outremont. Re-elected in 1940, he became Deputy Speaker of the house. Called to the Senate in 1942, he was Speaker from January 1943 to August 1945.

In addition, this centennial year of Confederation means for Senator Vien not only the fiftieth anniversary of his entry into Parliament but also the twenty-fifth anniversary of his appointment to the Senate.

Senator Vien has a fine family of nine children, all of them very proud of their father. I believe I am speaking for all of us in associating Mrs. Vien with this unanimous tribute of esteem that the Senate today is paying her husband.

I should like to add a personal note.

Senator Power and Senator Vien have both consistently shown me considerable sympathy. I should like to believe that this sympathy derives from the fact that Senator Power was at university with my father and that Senator Vien was a friend of my family.

To these two distinguished colleagues—and I should also like to add Senator Crerar to whom I believe we should send copy of today's *Hansard*—I offer my congratulations and my best wishes for health and happiness.

[*English*]

DIVORCE BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-187, respecting Divorce.

Bill read first time.

MOTION FOR SECOND READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Arthur W. Roebuck: Honourable senators, may I have the privilege of moving second reading now?

Hon. Jacques Flynn: Honourable senators, I have no objection to giving leave so that the second reading of this bill may be moved at this time. However, I would suggest that the circumstances are such that we should not be expected to complete the debate on second reading before we adjourn tomorrow—I understand it is the intention of the Senate to adjourn tomorrow. I do not think it would be fair to honourable senators or the bill itself that we should rush through this legislation.

So, if this is the understanding, that the debate on second reading will be adjourned until after the Christmas recess, then I have no objection to leave being given so that second reading may be moved at this time.

Hon. John J. Connolly: Honourable senators, I think that that proposal is perfectly reasonable in the circumstances and I certainly concur in it.

The Hon. the Speaker: Honourable senators, is it your pleasure to adopt the motion?

Hon. Jean-François Pouliot: No. Honourable senators, I strongly object to the second reading of this bill now. This is a bill of the utmost importance. We have to swallow legislation that comes from the other place. How is it that this bill comes before us today, and we have to adopt it on second reading now?

Hon. Mr. Flynn: No, I do not think the honourable senator understood the purport of my remarks. So far as this side of the house is concerned, we are prepared to give leave to the honourable sponsor (Hon. Mr. Roebuck) to move second reading today on the understanding that the debate will be adjourned tomorrow. We are prepared to

give leave on the understanding that this bill will not be read the second time until after we return from the Christmas recess. This will give the honourable sponsor of the bill the occasion to explain it now, but we do not expect the debate to be completed today or tomorrow, but to be adjourned until we return in January.

Hon. Mr. Pouliot: My honourable friend is one of the best informed senators on the rules and practice of this house. He knows very well that there can be a very brief explanation of the bill given on the motion for first reading, and that the first reading of a bill, in fact, amounts to nothing. But this is a different motion. It is a motion for a second reading of the bill.

I have no objection to the honourable gentleman who sponsors the bill giving an explanation on first reading, and then having the second reading postponed until after we meet in January or February. That will give us time to read the legislation, and also to read the debates of the other house which contain all that has been said there in respect to it.

This bill is of the utmost importance. One of the members of the Opposition in the other place—Mr. Fairweather, I think—said that the Minister of Justice would eventually become Prime Minister because of his introduction of this bill.

This is not a farce. It is a serious matter. Divorce is a matter that has to be dealt with, and it is something to which we have to give a second thought, as our late friend, Senator Brooks, so aptly put it. He said at the time, with considerable humour, that some honourable senators were taking too much advantage of the second thought. But this is a time when we have to make use of it in order that we are not blamed by the people of Canada, or by the various churches, which have not yet given us the direction we expected to have from them.

I believe that in these matters the churches have the right to speak, but they wish to say nothing, apparently, which is to be wrongly interpreted. These are times when moral values shall have their weight, and I say that we must return to that practice of giving legislation a second thought.

We must admit that for two or three years legislation in respect of divorce has been shameful. In this chamber we have been nothing but a rubber stamp for the work of the Divorce Committee. I have protested, and I was not alone in my protests.

I remember a time when Senator W. Ross Macdonald was Leader of the Government in this house and when he prevented the premature adoption of the kind of legislation that the Minister of Justice at the time was ashamed to introduce in the House of Commons. It was later introduced by one of his colleagues who had never been a member of the Bar. Afterwards, another Minister of Justice said he was not ashamed to introduce that legislation. He believed that it was all right, that it was satisfactory.

I am sure that the legislation we have now concerning divorce is very bad. The other day Senator Roebuck said that this bill will stop the present practice, and that a new era, in which the judges will be able to judge and render judgments in divorce cases, is soon coming. To that I said "Hear, hear" in a very loud voice. I do not know if that is on the record, but I remember what I said then, and I remember what I have said at other times on this matter.

In my opinion, the legislation that we have now—I do not mean the legislation that is coming, but the legislation we have now—regarding divorce is equivalent to a *deminutio capitis* of the Senate. What surprised me one day was the fact that one of the deans of the Faculty of Law of the University of Montreal came here with his students—for what? He came to see the honourable gentleman who sponsors this bill in order to obtain certain information about the Senate divorce practice. What happened about that? There was no protest by the Canadian Bar Association against our practice, and there were no protests from the local Bars of the provinces about it. There was no protest from the majority of the Senate regarding this "rubber stamp" practice, which I denounce today once more.

Honourable senators, we pay the divorce judges their full salaries. How is it that they are entitled to wear robes and to swear witnesses, and yet they do not give judgment? They just send submissions and reports to the Standing Committee on Divorce, and the members of that committee read them. The evidence in all cases is distributed among the members of the committee, who divide their duties.

I do not attach any blame to the honourable senators who are members of that committee. They do what they are told to do, and they consider it a part of their painstaking duties. But what do they do? I have no opportunity of knowing what is done here in the

Senate in respect of divorce. The evidence is heard by judges, and yet in respect of that evidence the judges have not the power to give judgment. They make their recommendations, which are then divided between the members of the Standing Committee on Divorce. The honourable Mr. So-and-So has a bunch of copies of the evidence, and the honourable Mr. Such-and-Such has another bunch. Each of them reads the evidence painstakingly and conscientiously, and then makes his recommendation that the report be adopted and the resolution passed. He reports for or against to the committee, and the other senators, who have not read the evidence, take it for granted that his word is the gospel.

I do not say this in order to criticize the honourable senators who are members of that committee. They do what they have to do according to the legislation presently in force.

After that the senators who are members of the committee, but who know nothing about the cases in which they have not read the evidence, make a recommendation to the Senate. In this chamber all we know is that Tom wants to be divorced from Mary, or that Mary wants to be divorced from Tom. We only see the names. Sometimes the names are not even shown to us when the honourable gentleman who sponsors this bill (Hon. Mr. Roebuck) comes with the suggestion that the reports be adopted at once without having anything on record. It has been and is a real charivari. Everybody had to accept what was said because we were told that those were urgent matters, and the recommendations had to be adopted at once in order to save the state.

Honourable senators, we must have some sense of proportion here. The only reason I might vote for this bill in due course, after having duly considered it, is that after several years of paying the judges as judges and not having them act as judges, they will now be equipped to give judgment, and we in this house will be rid of that business. Not only that, but today I look at the *Minutes of the Proceedings of the Senate* of the last sitting, which contain the agenda, and I see that the minutes are full of reports of divorce cases. How is it that the *Minutes of the Proceedings* are just as thick as the *Hansard*? It is because of that meaningless publication of divorce reports which takes so much space, which is ridiculous and a slur on the Senate.

That having been said, I think you understand my point of view. I have spoken with animation. I was not angry; I was indignant. We have been swallowing too many snakes for long enough and it is time to stop it. It is time to give the judges the right to finally decide what is to be done in divorce cases, and this would simplify matters. No church can oppose that, and with the rulings that have recently been passed I do not believe any church would blame us for giving the judges power to judge when they are paid to judge and when they are expected to fulfil their duties.

Hon. Mr. Connolly (Ottawa West): I only want to say to the honourable Senator Pouliot and the honourable Senator Flynn that it was proposed to move the second reading of this bill now only for the purpose of initiating the debate on second reading. As Senator Flynn quite reasonably said, this matter should not be rushed through by the Senate, but I think it would be a service to the Senate to hear the explanation of the bill at least before the Christmas recess begins. I would propose that Senator Roebuck be permitted to proceed at this time. I hope Senator Pouliot would agree to that proposal, which certainly will not inhibit debate.

Hon. Lionel Choquette: I see a danger in that. I like the suggestion of Senator Pouliot, that the explanation be given on first reading. To that I see no objection. If we proceed on second reading of the bill the first thing we know the announcers on TV and radio and the newspaper writers will say, as always, that it has been given second reading and in practice passed in principle. We should not give the public the impression that it has been passed in principle on second reading.

Hon. Mr. Connolly (Ottawa West): On a point of order. We are not asking for second reading today. We are asking for second reading to be called to enable the debate to proceed. I am glad Senator Choquette has made that point, because neither the press nor the other news media should indicate that because the debate has started the Senate has agreed to the principle of the bill. That can come only after second reading has been given.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Mr. Pouliot: Is the motion for second reading?

The Hon. the Speaker: I will re-read the motion. With leave of the Senate, it is moved

by the honourable Senator Roebuck, seconded by the honourable Senator Fergusson, that this bill be now read a second time.

Hon. Mr. Pouliot: No.

Hon. Mr. Connolly (Ottawa West): Honourable senators, if Senator Pouliot refuses unanimous consent we cannot proceed at this time to hear the explanation. It is not intended that the debate on second reading be concluded before the Senate adjourns for Christmas; it will be resumed after Christmas. I think it would be a source of great advantage and information to all honourable senators to have the explanation upon the record now. I would therefore ask Senator Pouliot if in these circumstances he would consent to allow the debate to proceed so that Senator Roebuck can make his explanation today. It will be difficult to do it tomorrow.

Hon. Mr. Pouliot: There is nothing to prevent Senator Roebuck explaining the bill on first reading. It has been done in the House of Commons and it has been done here.

Hon. Mr. Connolly (Ottawa West): It has already been given first reading, and it is not customary to give full explanations on first readings. First readings are perfunctory procedures in Parliament; they put the bills before the house. All that is suggested this afternoon is that the debate on second reading be started. The debate on second reading will not finish until after the Senate resumes after Christmas, and every honourable senator who wants to speak will have ample opportunity to do so. Senator Pouliot could adjourn the debate today if he wishes.

The Hon. the Speaker: Honourable senators, is it your pleasure to adopt the motion?

Some Hon. Senators: Agreed.

Hon. Arthur W. Roebuck: Honourable senators, I rather regret that I undertake a task of this magnitude when doubts have been raised. However, I agree that perhaps some useful purpose will be served by my speaking now, because, perhaps more than anyone else in the chamber, I should be familiar with the details of the bill and the principles involved. I shall hurry, however.

I should like to commence by saying that probably all senators here will recollect that one year ago I moved a bill in this house having to do with the matter of divorce. On second reading of that bill I publicly requested that a joint committee of both houses be appointed to study and report on the entire subject of divorce. If I may use a familiar quotation: "From little acorns great oaks do grow." From that small beginning, which took place in this chamber, there now stands on our Order Paper a government bill, already passed by the Commons which in my humble judgment is the greatest and most far-reaching social reform that has taken place in Canada in possibly the last hundred years. With the exception of the welfare legislation of the King regime, such as workmen's compensation, family allowances, old age pensions and similar measures, no act of our Parliament since Canada has become a nation will, in my judgment, contribute more to human happiness than the provisions which are found within the four corners of this bill.

My request, as you may remember, was granted and both houses appointed their joint committee members. Commencing on June 28, 1966, we held no fewer than 24 open meetings, and on June 27, 1967, I had the honour of presenting to this chamber a monumental report on the subject of divorce with a long series of recommendations designed, in the committee's judgment, to reform, humanize and modernize Canada's divorce laws.

Along the same line of thought I quote from the Ottawa *Citizen* of December 7, 1967, in which it is said:

> From the point of view of hundreds of thousands of Canadians locked in hopeless marriages, this is probably the best legislation to appear in many a day.

The report was welcomed, as I know personally, from coast to coast, and I think I can say too that it has been concurred in almost unanimously by the people of Canada.

This Government bill, which has been passed by the Commons, closely follows the recommendations of the committee. If it is passed by the Senate, when we return from the Christmas vacation, it will fill, in my submission, a long-felt want. It will bring relief to a large number of people and in most cases happiness to many thousands of our fellow citizens.

The inadequacy of the present law to meet the needs of modern society has been so generally denounced in Canada and in Parliament that I need not dwell upon it now. The Joint Committee has recommended that there be constituted grounds for divorce in three main categories. The dissolution of marriage may be granted by reason of (1) certain marital offences; (2) breakdown of

marriage, under certain conditions, defined; and (3) simple breakdown of marriage over a specified period, with no reasonable expectation of resumption of co-habitation. This general plan has been followed in the bill as drawn by the Department of Justice.

Honourable senators, in the first category, which you will find in clause 3 of the bill, certain serious marital offences constitute grounds for dissolution of marriage. They are as follows: (1) adultery (2) sodomy, (3) bestiality, (4) rape. These are grounds that have been recognized in the past in our law and by this bill will be carried on in the future. Then, (5) bigamy, (6) cruelty, physical or mental, and (7) homosexuality. Bigamy and cruelty are recommended as grounds by the committee. Homosexuality was not included in its recommendations.

The committee was under the impression that sodomy was sufficient for the purpose, without the addition of a further, judicially undefined, offence. However, I have no objection and, shall I say, I have no comment either.

Under clause 9, subclause (2), these marital offences, when once condoned by a resumption of co-habitation of the parties, cannot be revived. This is an important improvement, I think, over the present law and of course was recommended by the committee.

Desertion is not included as a marital offence, as was recommended by the committee, but is the ground for dissolution of marriage when the desertion causes a breakdown of the marriage.

The second category, which you will find in clause 4 of the bill is new law. It is marriage breakdown in every sense of that word. A dissolution may be granted when the parties are living separate and apart, in a permanent breakdown of the marriage, by reason of special circumstances. Let me say that had we not listed those circumstances and defined them in Parliament, they would be left to the courts to define, after considerable confusion and probably a number of references to the court of appeal. It would be not nearly so well done as we will do it.

The first of these considerations, which will permit a dissolution of marriage, you will find in clause 4(a)(i)—when the respondent has been imprisoned for an aggregate of three years during the preceding five years, or (ii) has been imprisoned for two years under a sentence of death, or for ten or more years of a sentence.

The second consideration, where a dissolution may be allowed under certain conditions, is with regard to non-consummation—when the marriage has not been consummated and the respondent has been unable, by reason of illness or disability, to consummate, for not less than one year. That is very close to the law as it stands today and as we have administered it for a long time. Non-consummation has been granted in this chamber many times by reason of the illness or other inability of the respondent.

Secondly—and this is added, as we recommend it—where the respondent has refused to consummate. This is the English law as it now stands and it is the law that the committee recommended.

The next circumstance is very sweeping and very important. It is clause (4)(e), desertion by the respondent. When the spouses have been living separate and apart for any reason—I quote the words of the bill, "for any reason"—for three years, then the marriage may be dissolved. This is expected to cover illness, physical or mental, which prevents the usual course of marriage, and the parties are living apart.

As regards desertion, when the separation is caused by the desertion of the respondent, the period of desertion must be not less than three years, but if the petitioner is himself the deserter, then the period of desertion must be not less than five years. Now, that was not so recommended by the committee. We refrained from enabling anyone to benefit by his own wrong. However, when five years have gone by, usually the marriage is of no further value.

Clause 9(3)(b) is similar to present English law, and is as recommended by the committee. In cases of desertion, a resumption of co-habitation for not more than 90 days, with reconciliation as a primary purpose, shall not interrupt the three- or five-year period of separation in the count of the court.

In any of these circumstances that I have enumerated, the marriage may be dissolved. These provisions followed closely the recommendations of the committee.

The committee's protective provisions are retained under clause 9, page 6 of the bill. There must be a reasonable arrangement made for the maintenance of the respondent and particularly of the children, and the decrees must not be unduly harsh to the respondent or to either of the parties or the children.

Honourable senators, I believe some useful purpose will be served if I tell you why the committee did not recommend marriage breakdown as the sole ground for the dissolution of marriage. You will understand that it has recommended marriage breakdown for the reasons that I have indicated, but it did not go as far as some very few on the committee desired in recommending marriage breakdown as the sole reason.

As I say, I think a useful purpose may be served if I tell you why we did not so recommend. The proposal is that all marital offences be abolished as grounds for divorce and then the sole ground upon which people may apply to a court for a dissolution will be the fact that the marriage has broken down. Adultery, sodomy, bigamy, cruelty, these are no longer to be frowned on by the court and their commission can be pleaded only as evidence to prove something else—that is, not the commission of these offences, but only that the marriage has broken down.

I may be a bit old fashioned in this, that I am opposed to adultery. It is an evil thing so far as the parties are concerned and it is certainly an evil thing in the community. The same may be said of sodomy, rape, bigamy or cruelty between the parties. I look upon them as much more serious than just evidence of a marriage breakdown.

But let us resolve, if you will, these proposals into cases. Solicitors often say, "Let us get down to cases." Supposing, now, a man finds his wife in bed with another man or, alternatively, a wife discovers her husband with a paramour. From time immemorial people have agreed that such conduct should release the injured spouse at his or her option from the marriage tie. The pledge that each shall keep to the other has been considered basic in the marriage bond in all civilized communities for a very, very long time. This is and has always been the law of Canada. But it would not be so if the marriage breakdown philosophy, or marriage breakdown itself, were to become the sole ground for the dissolution of marriage. If that were adopted, would the adultery give the innocent spouse the right of action? Not at all. Could he or she under those circumstances sue for divorce? Not on those grounds. After this, the marriage must be proved to have broken down. When this occurs, he or she may plead marriage breakdown, but adultery, for instance, is just evidence or part of the evidence, which may convince the court that the marriage has broken down. The same principle would apply, of course, with regard to the other grounds such as sodomy, rape, bigamy, cruelty and so on.

There is a distinction between this and what we have recommended and the bill sets forth. The bill says that marriage breakdown may be a matter of evidence when the parties are long separated or certain conditions arise, but we retain the right of the injured party to a dissolution of marriage on the ground of an offence. They say we have not gone far enough in not abolishing the well-established and well-understood rules of law at present in force. But I suggest to you that if we did go further than we have, we would be going "far enough" backward rather than forward. We would not be reforming the divorce law; we would be deforming it. It would be more restrictive than at present. It would not be a liberalization of the divorce procedure.

Let me give another illustration. I like to get down to cases. Many of those who advocate changes that sound so well on paper may never have tried a divorce case, and some of those who are most vociferous may never have even presented one.

Now, just consider this. Should a husband beat his wife to an inch of her life, would that give her any right of action? No. Oh, she could have him arrested, I suppose, but if marriage breakdown were the sole ground of action that would not interfere in any way in the marital relationship. She could plead separation, I suppose, if she had any place to go. She would have to wait until she got out of the hospital, in any event, and then an indefinite period must elapse until she could prove marriage breakdown. This period, according to the advocates of the measure is very indefinite indeed. The English book, *Putting Asunder*, suggests three years. Under discussion and under pressure, some of the advocates have said that it could be less than three years. Someone suggested two years, and someone else suggested one year. But all agreed that after one of these major marital offences a time must elapse in order to prove that the marriage has broken down. They are not prepared to accept the fact that the injured party has indicated the breakdown of the marriage by the very issue of the writ.

The idea of making marriage breakdown the sole ground for a dissolution of marriage originated with a committee appointed by the Archbishop of Canterbury and published in the book to which I have referred, *Putting Asunder*. The committee was appointed as

recently as 1964 and the book was published as recently as 1966. On page 67 you will find these words:

> Under a law based on breakdown, the trial of a divorce case would become in some respects analogous to a coroner's inquest...

Well, some of us here have had some experience with coroners' inquests—but to continue:

> ... analogous to a coroner's inquest, in that its object would be judicial inquiry into the alleged fact and causes of the "death" of a marriage relationship.

And then again on page 70:

> If then the court is to be seized of the relevant facts it must have assistance—We believe, further, that steps should be taken, as part of immediate procedural reform, to create a body of officers (the name of "forensic social workers" has been suggested) to help the court in a number of ways. These officers could, when required to do so, verify attempts at reconciliation, test the reliability of assertions made to the court, and investigate any other matters on which the court wished to be informed, and could report on the circumstances of children of the family.

Now, aside from the expense of such a "forensic force" attached to every court in Canada from coast to coast, and the impossibility of finding competent investigators, aside from those considerations which I submit are exceedingly important, the question arises as to the desirability of official snoopers testing the truth of the evidence already given to a court as to the state of the marriage, as gossip mongerers, interviewing perhaps the corner grocer or the mother-in-law or, to quote the well-known play, Mrs. Sneerwell; and then reporting secretly to the judge.

I ask you, is that kind of procedure not open to question? The law commission in England reported against that proposal. So did our joint committee which investigated the proposal at such great length. In England discussions are continuing as to the proposals initiated by the Archbishop's committee, and I understand that a private bill has been introduced in the British House of Commons. It has not been passed, but it stands on the Order Paper in the British house. Nowhere in the world has legislation of this nature been adopted, much less has marriage breakdown as the sole cause for the dissolution of marriage been tested in practice.

On the other hand, as is pointed out in the committee's report, the idea of marriage breakdown is by no means new or without merit. The fact that the marriage is dead, and the parties are living apart and that there is no likelihood of a resumption of cohabitation, must be in the back of the mind of every judge who tries a case of this kind. It has been so from time immemorial. It is incorporated in this bill as far as it is practical without upsetting the principles upon which our courts have acted for so very long and so well. There is an elementary difference between what we find in this bill and what is advocated by those who would deny to the victim of outrageous conduct the right to immediate relief. The bill retains to the victims their traditional rights and at the same time, where the parties are separated for long periods of time, the marriage is dead, and there is no prospect of a resumption of cohabitation in the reasonable foreseeable future, then the bill will give the courts the power to set the parties free.

I would like to ask what more those who wish for the happiness of our people could desire? Why risk the vastly important changes in substantive law which the committee has recommended and which the Government has adopted in this bill? Why risk these changes in the substantive law for the sake of mere procedural changes, changes which would upset the time-tested court procedures that we know so well, that would be drastic in character, that are unsound in principle and are not understood and would be unacceptable to most members of the body politic.

That is all I have to say at the moment on that subject, but there are many other subjects in this bill which I must draw to your attention. One of these is with respect to domicile. The committee recommended that we remove the disability of married women in respect of domicile. Clause 6, subclause (1) of the bill provides that the domicile of a woman shall be determined as if she were unmarried. Thus her marital disabilities are removed. If she is a minor, her domicile shall be determined as if she had attained her majority. This puts her on a basis of equality with men.

Furthermore, clause 5 recognizes Canadian domicile, something which has been in doubt in the past because there is no legislation on the subject and there is no case that I know

of dealing with the matter. So, clause 5 recognizes Canadian domicile in that it gives a man or a woman domiciled in Canada access to the courts having jurisdiction in divorce in that province in which that person has been ordinarily resident for one year and has actually resided for 10 months of that period. This effectively cures the disability against which women have protested ever since the Divorce Jurisdiction Act was passed in 1930. That act, by the way, did a very great deal to cure the barbarity of the law that preceded it, but unfortunately it did not go far enough and put the woman on the same basis as a man and give her access to the court in all cases when deserted by her husband.

The next change I would like to discuss with you concerns reconciliation. In this regard the bill goes further than the committee in its attempts to promote conciliation. I do not mean by that that the committee was in any way opposed to conciliation. The bill says that lawyers who undertake divorce proceedings for either party are required (a) to draw the attention of the clients to those provisions of this act regarding reconciliation; (b) to inform the client of the marriage counselling or guidance facilities known to the lawyer, and (c) to discuss with the client the possibility of reconciliation.

Now, that is all salutary, although in passing let me point out that decent lawyers in the past have always complied pretty much with the substance of these requirements. I think very generally they have been complied with. In addition to what I have read, the court on hearing the evidence is charged with similar duties. If at any time there appears a possibility of reconciliation the court may (a) adjourn the proceedings, or (b) appoint a marriage counsellor or other suitable person with a view to reconciliation. When 14 days have passed the court shall then resume the proceedings on the application of either party. This is very commendable and salutary, but the draftsmen of the bill have provided in advance for the futility of these requirements by their non-acceptance of the committee's advice to confer upon the county courts jurisdiction in divorce concurrent with that of the Supreme Court.

It is now the duty of the court, and always has been, to consider the question of the possibility of reconciliation; and when the court is sitting far from the homes of the parties, the answer is always no. I have myself presided for more than a decade over such hearings, and not once in all that time has the answer been other than no. And so it must be when any judge at the sittings is far from the homes of the parties or is far from his own home.

Conciliation takes time and patience and, usually, many interviews. When a judge is present today and gone tomorrow, as are the Superior Court judges, conciliation attempts are futile, as futile as they were in our own hearings when we held them downstairs.

That either party may apply for a resumption of the proceedings after 14 days is unrealistic, when a judge, by that time, is probably sitting many miles away at an assize and may not return to that particular locality for at least six months, perhaps a year or, perhaps, never. The only judge who is capable of successful conciliation proceedings is the county court judge, who resides and has his offices in the county town of the county where the parties reside and is continually available. This was discussed and recommended by the committee. I will have something more to say about it in just a moment.

Another serious deficiency in the bill is its failure to deal with judicial separation, as recommended by the committee. Judicial separation is divorce from bed and board, without the right of remarriage and without that finality which attaches to divorce *a vinculo matrimonii*—the ordinary divorce.

Jurisdiction in judicial separation is possessed by all provinces, with the exception of Ontario, and would be a useful power, particularly where the county court judge is made available to deal with it as the circumstances develop.

However, this is what I would like to say with regard to both these matters—that I am hopeful they will be taken care of at a later date, and soon, for the Minister of Justice has intimated that discussions are planned with the provincial authorities. I do not know why discussions with the provincial authorities are very important. I would say that their importance is perhaps overestimated. What is required is an investigation into the circumstances with regard to the appointment of county court judges in the various provinces. The joint committee invited every attorney general in Canada to come to our meetings and discuss these matters with us. Not a single one came. We had considerable discussion by mail with the Attorney General of Ontario, and at one time he intimated his intention of coming, but later on the Province of Ontario appointed a committee of its

own, and the attorney general never even supplied us with a memorandum. The Attorney General of Manitoba did send us a memorandum, but at the close of the proceedings, when it was rather late to be of very much use.

In addition to what I have said, there is also omitted from the bill our recommendation with regard to wilful non-support. The duties of marriage, of course, are divided: the wife takes care of the home, and the husband is expected to provide. When a husband wilfully refuses to carry out his part of the arrangement, very serious consequences follow, not only for the wife but also for the children. The family courts of the City of Toronto, for instance, are swamped with complaints of that kind from women. We of the committee felt that when the refusal to give support was wilful, that the least we could do for the poor woman caught in the bonds of such a marriage would be to release her.

I am hoping—and I have grounds for my hope—that these matters that I have mentioned, and particularly that of the county courts, will be dealt with during the three months' wait after this bill has received Royal Assent and before it is brought into effect by proclamation, in order that these matters may be investigated and perhaps dealt with in an amending bill, which could be before us in a very short time.

There is a matter that comes before the courts continually; I refer to collusion between the parties. Clause 9(b) of the bill retains collusion as a bar to divorce, as it always has been and as the committee recommended. Subclause (c) of clause 2, which is the interpretation clause, defines "collusion" as a conspiracy to subvert justice, to fabricate or suppress evidence, or to deceive the court. That is the proper understanding of collusion as in present law. Then it adds, as we recommended, that collusion does not include agreements for separation between the parties, financial support of one or other of the parties, a division of property, the custody of children, and all that sort of thing. The committee considered the stating of this in the bill to be necessary to dispel a misunderstanding with regard to collusion that is very widely held, and not infrequently by members of the legal profession.

Hon. Mr. Choquette: May I ask a question?

Hon. Mr. Roebuck: Certainly.

Hon. Mr. Choquette: With regard to the question of the husband financing the divorce for his wife, is it stated that that does not constitute collusion?

Hon. Mr. Roebuck: It is not so stated.

Hon. Mr. Choquette: But it does not constitute collusion?

Hon. Mr. Roebuck: Right now we do not deny divorce because both parties want it. That is not a ground for dismissal of a petition. Collusion is where the parties conspire to do any of these wrongful acts to mislead the court. When it is discovered, we throw out the case. But we do not throw out a case when a man recognizes his responsibility and honourably pays for the divorce that he has brought about, takes care of the children and does what he should do. Unfortunately, many lawyers in the past, to my knowledge, have advised their clients to keep separate and apart from their spouses lest they be charged, when the case comes to trial, with collusion. So, many a time a good intention has not been carried out.

The committee found this to be exceedingly important, because warring spouses should not be kept apart, or given grounds to fear that a proper and honourable domestic arrangement, as the circumstances may require, is collusion. I am glad that the Government has followed our recommendation in that respect by incorporating section 9 (1) (b) into this bill.

The next is a very controversial matter, and one which, I can asssure you, caused us a great deal of thought; it is corollary relief. The Government is to be congratulated on accepting the committee's opinion as to Parliament's constitutional right to legislate on subjects that are ordinarily considered to be property and civil rights but which, when incidental to a decree of divorce, are ancillary to the divorce, and are therefore within the jurisdiction of Parliament. Many times we have sent a woman away with the divorce granted but with nothing said about the financial position in which that divorce would place her. At some expense, and frequently after long delay, she has taken her second plea to the provincial courts. We have now assumed the right to deal with a matter of that kind which is incidental or—to use the legal word—ancillary to the divorce itself.

By section 11 of this bill the court, on granting a decree *nisi*, may require the husband, or, under special circumstances, the

wife, to pay a lump or periodical sum for the maintenance of the other spouse and, more important, of the children, and the court may vary the order from time to time. This does not deprive the provincial courts of their present jurisdiction in matters of property and civil rights, but it does give to the judge who tries a divorce case the right to take care of matters which are incidental to the divorce.

The next matter that I must deal with is very important to the members of this chamber. It affects the Senate itself. A very important aspect of the bill now before you, honourable senators, is its transfer of the Senate's jurisdiction in divorce to the Exchequer Court. The right of Parliament to grant a divorce is, of course, not affected. Section 2, which is the interpretation section, declares that the divorce court for the provinces of Quebec and Newfoundland shall be the Divorce Division of the Exchequer Court.

Section 26 of the bill repeals the Dissolution and Annulment of Marriages Act. This is the act under which this chamber has dealt with divorce since 1963. With the assistance of the Standing Committee on Divorce and the two commissioners, we in this chamber have been granting dissolutions and annulments of marriage at the rate of about 1,000 a year. I remember a statement made by Dr. P.M. Ollivier, Law Clerk and Parliamentary Counsel of the House of Commons, when he was before the committee to the effect that in the first twelve years of Confederation there were eight divorces or applications for divorce dealt with by Parliament. What a change has taken place in society, and in our duties in this regard, during the last 100 years, or less. Today we deal with a thousand cases a year, and only eight cases were dealt with during the first twelve years after the passage of the British North America Act.

However, section 22 gives to the Governor in Council, on the recommendation of the Lieutenant Governor in Council of either Quebec or Newfoundland, the power to proclaim the superior or supreme courts of those provinces to be the respective divorce courts of those provinces. This puts power directly in the hands of the governments of those provinces to confer divorce jurisdiction on their own courts and so to terminate the expense, the troubles and the difficulties that have been met in the past by litigants in bringing their cases and all that goes with an action to Ottawa.

Hon. Mr. Choquette: If the honourable senator will excuse me, I should like at this point to ask if the judges will travel to those two provinces?

Hon. Mr. Roebuck: I was going to mention that. It would be most unfair not to mention it, and I thank the honourable senator. The court is given the power to sit at any place in Canada for the transaction of the business of the Divorce Division of the Exchequer Court. That is good. It is not as good as I think it would be were the ordinary courts clothed with this authority, because they can sit in the county towns of the various counties in which the cases arise.

Another thing that will interest honourable senators, no doubt, as it does me, is that by section 25(2)(b), any petition filed in the Senate under the Dissolution and Annulment of Marriages Act before the coming into force of this act, and not finally disposed of by us, shall be dealt with in accordance with that act as though that act had not been repealed.

Section 27 provides that this act shall come into force not earlier than three months after it has been assented to by the Governor General, and then only on a date fixed by proclamation.

Thus, the duties of the Senate and the Standing Committee on Divorce in respect of divorce will continue for perhaps another year. I hope that we shall have concluded our duties in this matter in perhaps less than a year, and after that time our responsibility in this chamber will pertain to the law of divorce only, rather than to its administration.

Hon. Mr. Flynn: The honourable senator said that he expected the Senate to continue to deal with divorces from Quebec and Newfoundland for another year.

Hon. Mr. Roebuck: Only those that have been commenced before this act comes into effect. That will be just to clean up the list.

Hon. Mr. Deschatelets: Would the honourable senator say whether he means those cases in respect of which a hearing has started, or those in respect of which an application is filed?

Hon. Mr. Roebuck: We shall deal with all cases in respect of which an application is filed with the Senate, but we will take no more applications. I gave myself a long time when I mentioned the period of a year. It may be that we will dismiss a number of these cases for want of prosecution, and be able to clean up the list in a shorter period than a year. I can assure honourable senators

that we shall clean up this matter as fast as we can. I want it understood that I feel that that is a consummation devoutly to be wished. For a hundred years we senators have discharged the arduous and exacting task with devotion, with skill and with efficiency, and I think our work has contributed to the unity of Canada and the well-being of Canada.

Senator Aseltine was the Chairman of the Divorce Committee for ten years and I have been the Chairman of it for the past 14 years, so in association with the other public-spirited members of our committee we two have carried on the work of this divorce business for a quarter of a century. I call upon you to bear witness that out of all this marital turmoil through which we have passed not one regrettable incident is on record or has arisen which required an apology from either Senator Aseltine or me during all that period of time with respect to ourselves, our committee, or the staff which was employed.

Let me tell you that such a record has not been accomplished by nonchalance in the handling of these matters, but rather by continuous vigilance and care over all the details that have come before us. I think I have some right to rejoice that in due season these responsibilities will be carried by another institution.

While I was forced to note what I consider some deficiencies in the bill in not carrying out all our recommendations, the fact is that it follows with remarkable accuracy the well-considered recommendations of the joint committee. It is an exceedingly well-drawn bill. I think I am qualified to make that assertion. In addition, it constitutes one of the greatest measures of social reform enacted since Confederation.

The committee's report upon which this reform is based was obtained, I should like to point out to you, with a minimum of expense. I think we have a right to congratulate ourselves on this. The Carter Report took four years to develop and cost $3 million. The B. and B. Report has been in the course of preparation for four years and it is estimated that the total cost will be something like $8 million. The Joint Committee of the Senate and the Commons undertook the task of analyzing and understanding the very complicated and difficult problem of divorce, and we took one year to do it—not four or five years, and the total expense is $82,000, mostly for printing. Our printing cost $67,800, and we had some temporary and other assistance which cost us $11,000. The rest is just chicken feed. The total cost of this great undertaking has been remarkably small, and is, I submit to you, a tribute to the ability of the Senate to undertake a task of this kind and carry it to success.

Hon. Senators: Hear, hear.

Hon. Mr. Roebuck: In the course of a few months this report has now grown into a bill which is already passed by the Commons, which I hope and expect will be passed by the Senate when we have had time to consider it, and will then become the law of the land.

I submit to you that this whole measure—and all credit to the members of the Commons together with the members of the Senate who formed the committee—is a legislative triumph. The bill is a legislative triumph for which the Minister of Justice, who sponsored the bill in the Commons with consummate ability, deserves our congratulations. It is also a triumph for the members of the joint committee whose patience, ability and incisive thought and courage, which is exhibited in the report, forms the basis of this bill. Lastly I take credit to the Senate, whose initiative, experience and drive made possible this crowning measure of reform.

Honourable senators, I thank you for your patience in listening to me as I laid before you my thoughts in connection with the bill and some explanation of its terms.

Hon. Mr. Belisle: Honourable senators, I should like to move the adjournment of the debate.

Hon. Mr. Carter: Before the debate is adjourned may I be permitted to put a question to Senator Roebuck? I believe I understood him to say that there were some applications on file from Newfoundland which would be dealt with under the old law. It is very costly for people of Newfoundland to go through divorce proceedings in Ottawa, having to bring their witnesses all that distance, and so on. In view of the fact that this new law will permit the Exchequer Court to go to Newfoundland, it might be much cheaper for them to proceed under the new legislation, and I was wondering whether it would be possible for those who have already applied to withdraw their application, if they wish to do so, so as to take advantage of the lower cost which would be incurred under this new bill.

Hon. Mr. Roebuck: I thank the honourable senator for bringing up that point. There is absolutely nothing to prevent a litigant from withdrawing his petition. I might also add, without in any way prejudging any case, it has been our custom when a case has been withdrawn to reduce the fees proportionately, depending of course upon the state of the case. So I think you can assure the people of Newfoundland, and also of Quebec, that if they wish to proceed under the new act they may do so by simply withdrawing the petition they have lodged with the Senate. If they wish to do so they can make an application to the commissioners, and of course through the committee, for a reduction in the fees.

Hon. Mr. Choquette: Has the committee looked into the question of whether we can expect the Province of Newfoundland to accept the jurisdiction of Parliament?

Hon. Mr. Roebuck: No, we have had no official information, but sometimes we rely somewhat on rumours. It is my impression, without very much foundation, that the Province of Newfoundland will adopt this measure at a very early date.

Hon. Mr. Choquette: Good.

Hon. Mr. Roebuck: I hope so.

Hon. Mr. Choquette: Thank you.

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

CANADIAN NATIONAL RAILWAYS FINANCING AND GUARANTEE BILL

REPORT OF COMMITTEE

Hon. T. D'Arcy Leonard, 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-151, intituled: "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, 1967 to the 30th day of June, 1968, and to authorize the guarantee by Her Majesty of certain securities to be issued by the Canadian National Railway Company", has in obedience to the order of reference of December 12th, 1967, 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. Leonard: 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?

On motion of Hon. John J. Connolly, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

DIVORCE

REPORTS OF COMMITTEE ADOPTED

The Senate proceeded to consideration of reports of the Standing Committee on Divorce Nos. 448 to 533, 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 430, for the relief of Mona Fergenbaum Zolov.

Resolution 431, for the relief of Virginia Marian Leeming Moeykens.

Resolution 432, for the relief of Ilona Kuti Fabian.

Resolution 433, for the relief of Muriel Maud Morris Tinsley.

Resolution 434, for the relief of Seta Horoupian (Horopian) Sarafian.

Resolution 435, for the relief of Marie Lorraine Jacqueline Yollande Gravel Trahan.

Resolution 436, for the relief of Marguerite Tanguay Havard.

Resolution 437, for the relief of Huguette Lefebvre Roy.

Resolution 438, for the relief of Andree Marquis Slater.

Resolution 439, for the relief of Evgenia Chountalou Damilos.

Resolution 440, for the relief of Ruth Eileen Cake German Hofman.

Resolution 441, for the relief of Dolores Ann Saint-Louis Lindsay.

Resolution 442, for the relief of Mary Matilda Scollard Bale.

Resolution 443, for the relief of Leopold Bezeau.

Resolution 444, for the relief of Agnes Fraser Beard Maitland.

Resolution 445, for the relief of Marie Marguerite Suzanne Lapierre Sylvestre.

Resolution 446, for the relief of Patricia Ann Dunning Bates.

Resolution 447, for the relief of Lise Gaumond Roy.

Resolution 448, for the relief of Christiane Brisebois Pranno.

Resolution 449, for the relief of Jean Paul Desjardins.

Resolution 450, for the relief of Jean Daphne Hamshere Spear.

Resolution 451, for the relief of William Joseph Thistle.

Resolution 452, for the relief of Alfred Maccarone.

Resolution 453, for the relief of Mary Patricia Frances Nightingale Reisinger.

Resolution 454, for the relief of Brenda Myrans Berke.

Resolution 455, for the relief of Emma Bazso (Benko) Fekete.

Resolution 456, for the relief of Carolyn Armande Dearden LeBeuf Ladouceur.

Resolution 457, for the relief of Anne Dyson Cribb.

Resolution 458, for the relief of Joseph Yves Emond.

Resolution 459, for the relief of Lorna June McEwen McArthur.

Resolution 460, for the relief of Beverley Ann Sherwood Roberts.

Resolution 461, for the relief of Louise Antoinette Boucher Hinves.

Resolution 462, for the relief of Edythe Diane Myers Schwartz.

Resolution 463, for the relief of Irene (Iren) Margit Lazar Seres.

Resolution 464, for the relief of Marion Mildred McKnight Vidal.

Resolution 465, for the relief of Edward Wilford Montgomery.

Resolution 466, for the relief of Doris Mable (Mabel) Cowie Devlin.

Resolution 467, for the relief of Ethel Bartel Hanel.

Resolution 468, for the relief of Arpi Dayyan Mandanyan.

Resolution 469, for the relief of Norma Catherine Brown Kazmerchuk.

Resolution 470, for the relief of John Charles Johnson.

Resolution 471, for the relief of Jennie Slotzberg Kravitz.

Resolution 472, for the relief of Marcel Therrien.

Resolution 473, for the relief of Brigitte Vaillancourt Perron.

Resolution 474, for the relief of Joseph Alfred Patrice Marcel Leon.

Resolution 475, for the relief of Monique Filiatrault Soly.

Resolution 476, for the relief of Tatiana Krivoutz Weissberger Dehon.

Resolution 477, for the relief of Amy Ruth Mitchell Shorr.

Resolution 478, for the relief of Helen Patricia Simpson Turner.

Resolution 479, for the relief of Gordon Thomas Holden.

Resolution 480, for the relief of Jacques Galipeau.

Resolution 481, for the relief of Raymonde Belzile Di Massimo.

Resolution 482, for the relief of Roger George Paul.

Resolution 483, for the relief of Frida Litman Marcus.

Resolution 484, for the relief of Harry Duff Reid.

Resolution 485, for the relief of Olive Frances Farmer Robertson.

Resolution 486, for the relief of Rhoda Helen Kennedy Bacon.

Resolution 487, for the relief of Joseph Louis Armand Fournier.

Resolution 488, for the relief of Marie Andree St. Hilaire Fuger.

Resolution 489, for the relief of Grace Electa McMaster Cope.

Resolution 490, for the relief of Rolland Charron.

Resolution 491, for the relief of Ernst Oscar Binoth.

Resolution 492, for the relief of Leontine Tourigny Lafleur.

Resolution 493, for the relief of Pirkko Anja Kaarina Pakarinen Sunstrum.

Resolution 494, for the relief of Guy Robichaud.

Resolution 495, for the relief of Marie Paule Louise Nicole Hamelin Jolicoeur.

Resolution 496, for the relief of Daniele Dafau-Labeyrie Dorget.

Resolution 497, for the relief of Jacqueline Tessler Williams.

Resolution 498, for the relief of Denise Joly Latulippe.

Resolution 499, for the relief of Shirley Patricia Duyns Wilkins.

Resolution 500, for the relief of Jacques Boulanger.

Resolution 501, for the relief of Dora Alice Wilson Harris.

Resolution 502, for the relief of Anitta Yvonne Murray Campbell.

Resolution 503, for the relief of Charalambia Katsouli Scordopoulos, otherwise known as Charalambia Katsouli Scordas.

Resolution 504, for the relief of Claudette Irene Vautour Godel.

Resolution 505, for the relief of Gaetan Robitaille.

Resolution 506, for the relief of Robert Bruce Anthony Kennedy.

Resolution 507, for the relief of Claire Roussin Provost.

Resolution 508, for the relief of Joseph Leo Marquis.

Resolution 509, for the relief of Fernand Desmarais.

Resolution 510, for the relief of Patricia Dawn Workman Harrison.

Resolution 511, for the relief of Marie Anna Cecile Raymonde Brunet Pageau.

Resolution 512, for the relief of Kiriaki Plarinou Gouskos.

Resolution 513, for the relief of Rita Catherine Phillips Reid.

Resolution 514, for the relief of Joseph Wilfrid Jean Marie Primeau.

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 the next sitting of the Senate.

Motion agreed to.

REPORT OF SPECIAL JOINT COMMITTEE—ORDER STANDS

On the Order:

> Consideration of the Second and Final Report of the Special Joint Committee of the Senate and House of Commons on Divorce.—(Honourable Senator Roebuck).

Hon. Arthur W. Roebuck: Honourable senators, may I explain this last item, consideration of the second and final report of the Special Joint Committee of the Senate and House of Commons on Divorce? It has been standing on the order paper for a considerable time without any explanation. The reason is that there are some very small bills not yet paid. The reason for the delay involves something in the appropriations. So I keep the committee alive until the last small bill is paid.

I have made my statement with regard to the expenses of the committee. I am very proud that we have accomplished so much at such small expense. If honourable senators would permit, I would like this item to stand.

Order stands.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Thursday, December 21, 1967

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
21 December 1967

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 21st December, at 3.15 p.m. for the purpose of giving Royal Assent to certain bills.

I have the honour to be,
Sir,
Your obedient servant,

A. G. Cherrier,

Assistant Secretary
to the Governor General

The Honourable
The Speaker of the Senate,
Ottawa.

CANADIAN NATIONAL RAILWAYS FINANCING AND GUARANTEE BILL

THIRD READING

Hon. John J. Connolly moved the third reading of Bill C-151, 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, 1967 to the 30th day of June, 1968, and to authorize the guarantee by Her Majesty of certain securities to be issued by the Canadian National Railway Company.

Motion agreed to and bill read third time and passed.

The Senate adjourned during pleasure.

ROYAL ASSENT

The Honourable Gérald Fauteux, Puisne Judge of the Supreme Court 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 Speaker of the Senate said:

Honourable Members of the Senate:
Members of the House of Commons:

I have the honour to inform you that His Excellency the Governor General has been pleased to cause Letters Patent to be issued under his Sign Manual and Signet constituting the Honourable Gérald Fauteux, Puisne Judge of the Supreme Court of Canada, his Deputy, to do in His Excellency's name all acts on his part necessary to be done during His Excellency's pleasure.

The Commission was read by the Clerk Assistant.

The Honourable the Deputy of His Excellency the Governor General was pleased to give the Royal Assent to the following bills:

An Act respecting Co-operative Trust Company Limited.

An Act respecting Principal Life Insurance Company of Canada.

An Act to establish a corporation for the administration of the National Museums of Canada.

An Act to amend the Judges Act.

An Act to amend the Emergency Gold Mining Assistance Act.

An Act to amend the Criminal Code.

An Act to amend the Government Employees Compensation Act.

An Act to amend the Industrial Development Bank Act.

An Act to establish a Department of Consumer and Corporate Affairs.

An Act to establish a Canada Manpower and Immigration Council.

An Act respecting the boundary between the Province of British Columbia and the Yukon and Northwest Territories.

An Act respecting interprovincial and international teleferries.

An Act respecting the armed forces of countries visiting Canada.

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, 1967 to the 30th day of June, 1968, and to authorize the guarantee by Her Majesty of certain securities to be issued by the Canadian National Railway Company.

The Honourable the Deputy of His Excellency the Governor General was pleased to give the Royal Assent to the said bills.

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.

DOCUMENTS TABLED

Hon. Jean-Paul Deschatelets tabled:

Copies of Special Study No. 7, prepared for the Economic Council of Canada by Helen Buckley and Eva Tihanyi, entitled "Canadian Policies for Rural Adjustment". (English text).

Report by the Tariff Board relative to the Inquiry ordered by the Minister of Finance respecting Chemicals—Volume 4, Part II—General Considerations, Reference No. 120, pursuant to section 6 of the Tariff Board Act, chapter 261, R.S.C., 1952. (English and French texts).

Copies of final communique issued following the Ministerial Meeting of the North Atlantic Council held at Brussels, Belgium, in December, 1967. (English and French texts).

Report of the Board of Grain Commissioners for Canada for the year ended December 31, 1966. (English and French texts).

ADJOURNMENT

Hon. Jean-Paul Deschatelets: Honourable senators, I move, with leave of the Senate, that when the Senate adjourns today it do stand adjourned until Monday, January 22, 1968, at 8 o'clock in the evening.

Hon. John J. Connolly: Honourable senators, before the motion is adopted, I would like to say that it would be proposed, if it pleases the convenience of the Senate on that evening, that we proceed as expeditiously as possible with the divorce legislation. It will probably be decided to send it to committee, and I would hope that we would be able to deal with it with due despatch.

There are other matters appearing on the Order Paper and, in due course, there will be a considerable amount of legislation before the Senate prior to the end of the session. So, subject to the progress of this legislation in the other place, I would think that we would have a fairly busy winter starting on January 22, probably extending well into February and perhaps even into March. No one can exactly predict the actual length of this session but, in any event, I think that the divorce bill should be given first priority when we return, and I appeal to all honourable senators on both sides who propose to speak on it to be ready and to so advise the whips on our return.

Hon. Jacques Flynn: Honourable senators, as the Leader of the Opposition, I agree with the proposal made by the Leader of the Government that we deal with the divorce measure immediately upon our return on January 22.

As far as we on this side are concerned, we will be prepared for debate on the second reading of this bill. However, I am wondering whether it is the intention of the Government to refer this bill to the Committee of the Whole or to a specific committee, when we come to study it clause by clause.

Hon. Mr. Connolly (Ottawa West): I think we should cross that bridge when we come to it. If there are details of draftsmanship and things of that nature to be considered, it is sometimes better to have the officials explain rather than getting the explanation second hand. However, I am open to suggestions on whatever method is thought to be appropriate.

Hon. Mrs. Fergusson: If Bill C-187 is referred to committee will there be an opportunity for those concerned with its subject matter to present briefs?

Hon. Mr. Connolly (Ottawa West): I think that question will have to be considered by the committee. In view of the fact that the special joint committee has already heard

many elaborate submissions on every aspect of this question my guess would be that the Senate committee would feel it unnecessary to hear submissions from outside bodies. However, I do not say that to prejudice in any way the decision that may be taken by the committee.

Hon. Mr. Flynn: Honourable senators, I agree with the view expressed by the honourable Leader of the Government, but may I suggest that if any person or group has any representations to make on the bill passed by the other place, those submissions could very well be forwarded to the Clerk of the Senate during the recess. Then when we return in January we can judge whether it would be useful to hear such persons in committee. But, it seems to me that the matter has been discussed thoroughly before the special joint committee, and that a good way of dealing with it now would be in Committee of the Whole House where we can study it clause by clause, as we studied Bill C-168, to amend the Criminal Code in respect of capital punishment.

Motion agreed to.

PARLIAMENTARY STAFF

FELICITATIONS ON RETIREMENT OF CHIEF OF JOINT DISTRIBUTION OFFICE

On the Orders of the Day:

Hon. Jean-François Pouliot: Honourable senators, yesterday this house paid a very well-deserved tribute to two of our esteemed colleagues on the fiftieth anniversary of their entering Parliament. Today I should like to bring to your attention the fact that Mr. W. R. Gray, Chief of the Joint Distribution office, is celebrating his fiftieth year of service to Parliament, and will commence his retirement leave tomorrow.

The Joint Distribution Office is responsible for sending to us, through our Post Office, copies of all the official publications that emanate from the Printing Bureau. I point out that it is a formidable quantity of publications, in both English and French, that we receive every day. We receive the issues of *Hansard* of both houses in French and English, the *Minutes of the Proceedings of the Senate,* the *Votes and Proceedings of the House of Commons,* countless reports of committees, and, in addition, copies of all the bills, in both English and French.

This task requires in its direction a man who has a sense of order, a man who keeps all of those publications in an orderly fashion, and who sees that they are distributed to each one of us.

I believe that Mr. Gray deserves a special tribute.

A tribute also should be paid to his assistant, Mr. J.-E. Lévesque, who has been working for 25 years in the service of Parliament.

Therefore, honourable senators, I believe you will agree with me that the Senate should congratulate Mr. Gray very warmly, and wish him a very happy life in the future.

DIVORCE

RESOLUTIONS ADOPTED

The Senate proceeded to consideration of Resolutions numbered 430 to 514, inclusive, which were presented yesterday.

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, moved the adoption of the following resolutions:

Resolution 430, for the relief of Mona Fergenbaum Folov.

Resolution 431, for the relief of Virginia Marian Leeming Moeykens.

Resolution 432, for the relief of Ilona Kuti Fabian.

Resolution 433, for the relief of Muriel Maud Morris Tinsley.

Resolution 434, for the relief of Seta Horoupian (Horopian) Sarafian.

Resolution 435, for the relief of Marie Lorraine Jacqueline Yollande Gravel Trahan.

Resolution 436, for the relief of Marguerite Tanguay Havard.

Resolution 437, for the relief of Huguette Lefebvre Roy.

Resolution 438, for the relief of Andree Marquis Slater.

Resolution 439, for the relief of Evgenia Chountalou Damilos.

Resolution 440, for the relief of Ruth Eileen Cake German Hofman.

Resolution 441, for the relief of Dolores Ann Saint-Louis Lindsay.

Resolution 442, for the relief of Mary Matilda Scollard Bale.

Resolution 443, for the relief of Leopold Bezeau.

Resolution 444, for the relief of Agnes Fraser Beard Maitland.

Resolution 445, for the relief of Marie Marguerite Suzanne Lapierre Sylvestre.

Resolution 446, for the relief of Patricia Ann Dunning Bates.

Resolution 447, for the relief of Lise Gaumond Roy.

Resolution 448, for the relief of Christiane Brisebois Pranno.

Resolution 449, for the relief of Jean Paul Desjardins.

Resolution 450, for the relief of Jean Daphne Hamshere Spear.

Resolution 451, for the relief of William Joseph Thistle.

Resolution 452, for the relief of Alfred Maccarone.

Resolution 453, for the relief of Mary Patricia Frances Nightingale Reisinger.

Resolution 454, for the relief of Brenda Myrans Berke.

Resolution 455, for the relief of Emma Bazso (Benko) Fekete.

Resolution 456, for the relief of Carolyn Armande Dearden LeBeuf Ladouceur.

Resolution 457, for the relief of Anne Dyson Cribb.

Resolution 458, for the relief of Joseph Yves Emond.

Resolution 459, for the relief of Lorna June McEwen McArthur.

Resolution 460, for the relief of Beverley Ann Sherwood Roberts.

Resolution 461, for the relief of Louise Antoinette Boucher Hinves.

Resolution 462, for the relief of Edythe Diane Myers Schwartz.

Resolution 463, for the relief of Irene (Iren) Margit Lazar Seres.

Resolution 464, for the relief of Marion Mildred McKnight Vidal.

Resolution 465, for the relief of Edward Wilford Montgomery.

Resolution 468, for the relief of Arpi Day-Mable (Mabel) Cowie Devlin.

Resolution 467, for the relief of Ethel Bartel Hanel.

Resolution 468, for the relief of Arpi Dayyan Mandanyan.

Resolution 469, for the relief of Norma Catherine Brown Kazmerchuk.

Resolution 470, for the relief of John Charles Johnson.

Resolution 471, for the relief of Jennie Slotzberg Kravitz.

Resolution 472, for the relief of Marcel Therrien.

Resolution 473, for the relief of Brigitte Vaillancourt Perron.

Resolution 474, for the relief of Joseph Alfred Patrice Marcel Leon.

Resolution 475, for the relief of Monique Filiatrault Soly.

Resolution 476, for the relief of Tatiana Krivoutz Weissberger Dehon.

Resolution 477, for the relief of Amy Ruth Mitchell Shorr.

Resolution 478, for the relief of Helen Patricia Simpson Turner.

Resolution 479, for the relief of Gordon Thomas Holden.

Resolution 480, for the relief of Jacques Galipeau.

Resolution 481, for the relief of Raymonde Belzile Di Massimo.

Resolution 482, for the relief of Roger George Paul.

Resolution 483, for the relief of Frida Litman Marcus.

Resolution 484, for the relief of Harry Duff Reid.

Resolution 485, for the relief of Olive Frances Farmer Robertson.

Resolution 486, for the relief of Rhoda Helen Kennedy Bacon.

Resolution 487, for the relief of Joseph Louis Armand Fournier.

Resolution 488, for the relief of Marie Andree St. Hilaire Fuger.

Resolution 489, for the relief of Grace Electa McMaster Cope.

Resolution 490, for the relief of Rolland Charron.

Resolution 491, for the relief of Ernst Oscar Binoth.

Resolution 492, for the relief of Leontine Tourigny Lafleur.

Resolution 493, for the relief of Pirkko Anja Kaarina Pakarinen Sunstrum.

Resolution 494, for the relief of Guy Robichaud.

Resolution 495, for the relief of Marie Paule Louise Nicole Hamelin Jolicœur.

Resolution 496, for the relief of Daniele Dafau-Labeyrie Dorget.

Resolution 497, for the relief of Jacqueline Tessler Williams.

Resolution 498, for the relief of Denise Joly Latulippe.

Resolution 499, for the relief of Shirley Patricia Duyns Wilkins.

Resolution 500, for the relief of Jacques Boulanger.

Resolution 501, for the relief of Dora Alice Wilson Harris.

Resolution 502, for the relief of Anitta Yvonne Murray Campbell.

Resolution 503, for the relief of Charalambia Katsouli Scordopoulos, otherwise known as Charalambia Katsouli Scordas.

Resolution 504, for the relief of Claudette Irene Vautour Godel.

Resolution 505, for the relief of Gaetan Robitaille.

Resolution 506, for the relief of Robert Bruce Antony Kennedy.

Resolution 507, for the relief of Claire Roussin Provost.

Resolution 508, for the relief of Joseph Leo Marquis.

Resolution 509, for the relief of Fernand Desmarais.

Resolution 510, for the relief of Patricia Dawn Workman Harrison.

Resolution 511, for the relief of Marie Anna Cecile Raymonde Brunet Pageau.

Resolution 512, for the relief of Kiriaki Plarinou Gouskos.

Resolution 513, for the relief or Rita Catherine Phillips Reid.

Resolution 514, for the relief of Joseph Wilfrid Jean Marie Primeau.

Resolutions adopted, on division.

On the motion to adjourn:

Hon. Mr. Connolly (Ottawa West): Before the Senate adjourns may I take this opportunity to wish all honourable senators, and the officials and all members of the staff of the Senate our best wishes for a happy Christmas and for a very prosperous and happy 1968.

Hon. Senators: Hear, hear.

Hon. Mr. Flynn: May I just translate that by saying to all, Joyeux Noël et Bonne Année.

Hon. Mr. Connolly (Ottawa West): Et le paradis à la fin de vos jours.

The Senate adjourned until Monday, January 22, 1968 at 8 p.m.

THE SENATE

Monday, January 22, 1968

The Senate met at 8 p.m., Hon. Maurice Bourget, P. C., Acting Speaker, in the Chair.

Prayers.

FIRST SITTING IN NEW YEAR

Hon. John J. Connolly: Honourable senators, on this first sitting of the New Year I should like to welcome you all and to say how happy I am to see so many here this evening. You are all looking well, and obviously have profited by rest and relaxation during the recess. I hope all have a very happy and very prosperous New Year.

RETIREMENT OF HON. W. ROSS MACDONALD, P.C.

TRIBUTES

Hon. John J. Connolly: Honourable senators, when we reassemble after an adjournment of any length there always seems to be rather a sad note to mention. At this time, with great regret I announce to the Senate —although I am sure everyone knows—that the Honourable W. Ross Macdonald saw fit to retire on the occasion of his seventy-sixth birthday, which was Christmas Day.

I am sure I speak for all honourable senators when I say that this news was received with universal regret, if not with a feeling of dismay, because of the position which he occupied here as a parliamentarian and in the friendship and affection of all honourable members.

Hon. Senators: Hear, hear.

Hon. Mr. Connolly (Ottawa West): Senator Macdonald, a graduate of the University of Toronto, a barrister and Queen's Counsel, had practised his profession in the City of Brantford for many years before coming to Parliament. He had a distinguished army career too. In the First World War he enlisted in the ranks. He rose latterly to honorary colonel of the 56th Regiment R.C.A.

He is a life member and past President of the Brantford branch of the Canadian Legion. Both in and out of Parliament he took a very active interest in the affairs of the veterans and promoted their worthy causes at every opportunity.

Senator Macdonald had a long parliamentary career. He was a candidate for election to the House of Commons in 1926 and again in 1930 without success. Perhaps it is a lesson for young men to remember that even though first attempts to enter Parliament are not successful, nonetheless they can lead to great careers, if young men are persistent—and Ross Macdonald was.

He was first elected to Parliament in 1935. In due time he became the Deputy Speaker of the Commons, and was Speaker in the Parliament between 1949 and 1953.

Senator Macdonald and I were appointed to this chamber on the same day, the 12th day of June, 1953. He was immediately appointed Leader of the Government, a post he occupied until 1957. He was Leader of the Opposition from 1957 to 1963, when he again became Leader of the Government, remaining in that position until his resignation early in 1964.

No one can speak of Ross Macdonald without reference also to the contribution made to his career and indeed to many of the parliamentary traditions and institutions by his late wife, Muriel. All of us who knew this gracious lady knew how deeply her death affected him. His interests centred around his home in Inverness near Brantford and were concentrated on his family.

In later years Ross Macdonald's practice grew and his parliamentary career flourished. His interest in his family and in Parliament, his activities on behalf of veterans through the Legion and other organizations, and his concern in the field of education, culminating in his becoming Chancellor of Waterloo Lutheran University, give some idea of the range of his vision and of his capacity for service.

Ross Macdonald by any count is a great gentleman; he is full of courtesy and there is a warmth about his friendship that is felt by all. However, he is more than that: he is a wise man. He is wise because he is a moderate man.

I hope honourable senators will not mind if I say that from a personal point of view I feel Senator Macdonald's departure from the Senate very much indeed. He encouraged me greatly from the time I came here as a young senator and he gave me additional responsibilities as opportunities presented themselves. He allowed me to consult him on various occasions when I needed help, and that happened often. What I knew about the leadership when I came to it, I learned from him. I always called him the Chef, and I think I always will.

Hon. Jacques Flynn: Honourable senators, it is only a few days ago that I learned of the decision taken by Senator Ross Macdonald to resign from the Senate. I felt, as I suppose did everyone here, great regret and sorrow that a man who was such an ornament of this house had decided to retire.

The Leader of the Government has told us of his military, legal and political career. I knew him more in his role as a senator than in any other aspect of his life. I remember him very well from my first days in Parliament. His political career began in 1935 and extended over a period of 33 years. He was a private member in the other place for many years. Then he became Speaker and gained the best of reputations in that office.

When he was summoned to the Senate he was appointed Leader of the Government and Solicitor General, then Leader of the Opposition, and again Leader of the Government, until he was succeeded by the present leader.

I think it is difficult to pay any higher tribute to Senator Ross Macdonald than to say that he was always and everywhere the great gentleman that we have known in this chamber.

He has only friends on both sides of this house, everywhere in Canada, and in all parties. He has been considered the best example of the type of man who could understand the other's viewpoint. As far as French Canada is concerned, I know that he always liked to speak French and he has shown on all occasions his real understanding and friendliness of French Canadians.

In the name of my colleagues and personally, I wish Senator Macdonald a long, quiet and happy retirement, and I hope that he will often come to visit us on Parliament Hill.

Hon. Jean-François Pouliot: Honourable senators, I agree with all that has been said about Senator Ross Macdonald. I want to speak of him as a friend. I knew him in the House of Commons, where he was Speaker. I recall one occasion when he greeted President Auriol of France and made a very eloquent speech. In honour of the President of the French Republic who was in attendance, he raised his arms and ended his speech by saying, "Vive la France!" It was a great success.

I followed his career with interest and admiration, and when I was appointed to the Senate he was the leader. There were 13 of us promoted to the Senate, 11 of us are still here, and two have gone. When I received my railway pass from Mr. MacNeill, the Clerk of the Senate, what struck me was that I was No. 29, which means that there has been a great change in 12 years. If you subtract the 11 who are left from the 29 who were promoted at that time it means that there are now in the Senate only 18 members who were here before we were appointed. That change is noticeable.

I was with my colleagues in the anteroom of the Senate, when we were each being called in turn. I wondered how it was that all of my fellow-colleagues were passing ahead of me. Finally, only Chubby Power and I were left. I wondered if the Government had changed its mind, but then Senator Power was called and I was called afterwards. Who introduced me to Mr. Speaker? It was my friend, the Honourable W. Ross Macdonald, and the late Senator Bouffard who was representing the district in which I live.

We then started to work together. We started to improve the conditions and the physical appearance of the chamber. When I came here first it was impossible to breathe in the chamber. It was impossible to see. It was impossible to hear the speeches. The windows were painted a dirty brown, because before we came here it seems that the senators thought sunlight was bad for their eyes. I suggested a change in the glass, and it was replaced by new glass which was perhaps tinted but not painted. That was done with the help of Senator Macdonald.

At that time the acoustics were very bad in the Senate chamber, and we had loud speakers installed. There was not enough light even with the change in the glass, so it was suggested that stronger bulbs be put in the chandeliers. Some honourable senators remarked, "How is it that we never thought of that?" However, the bulbs were changed for more powerful ones in order to have better light.

Then, it was impossible to breathe, and the walls were a rather greyish colour and filled with dust. The panelling was removed and scraped, and we had a new system of ventilation which made it easier to breathe.

It is wonderful to think of how all that was done with the help of Senator Macdonald. All of what I have said is in *Hansard* of the Senate of 1956 and 1957.

As a result of Senator Macdonald's efforts we had better lighting, we had better acoustics with loud speakers, and better ventilation, but there was something else.

There are two kinds of senators. There are those who indulge in a certain amount of correspondence and there are those who write no letters at all. Naturally some senators had

decided that after we had stationery to the value of $30 the bell would ring, meaning that would be enough. It included ink, paper, envelopes, wrapping paper, scotch tape and everything—we could not spend more than $30. Some were very adamant about it, but thanks to the assistance I received from my good friends Senator Dessureault and Senator Vien we succeeded in changing that in order that senators could have sufficient stationery to enable them to do their work and reply to people who were writing to them. That was done under Senator Macdonald, and much more as well.

Senator Macdonald was truly a great man, and his wife was a great lady. They were a wonderful couple, remarkable hosts, in the Commons as well as in the Senate.

Senator Macdonald was a true Liberal who defended the party on the hustings everywhere and in both Houses of Parliament. He rendered invaluable service to the great Liberal cause and he deserves to be warmly congratulated on what he has done in that regard.

Now I wish to say something about the position of Leader of the Government and of the Leader of the Opposition. Those two positions are the most painstaking and difficult under this roof, by which I mean the House of Commons as well as the Senate. Both the Leader of the Government and the Leader of the Opposition have much to do in familiarizing themselves with the bulk of legislation which comes before us. Both have to read each piece of legislation, even if they ask some of our colleagues to sponsor the bills in the Senate. First the leaders have to be informed about the legislation and all the minute detail of administration. I have a soft spot in my heart, not only for Senator Macdonald, but for his successor Senator Connolly, and for his predecessors Senator Aseltine and the late Senator Brooks, all of whom were most helpful to me when they occupied the position of Leader of the Government.

One thing which has not been referred to so far is that Senator Macdonald and his wife spent two summers in Quebec City attending summer courses in French at Laval University. There Senator Macdonald familiarized himself with the French language until he could speak and write it fluently; the same is true of Mrs. Macdonald.

No mention has so far been made of the fact that Senator Macdonald's name was mentioned as the first Canadian-born Governor General of Canada. The fact that his name was so mentioned illustrates the esteem in which he was held by the Government and his friends here in Ottawa.

Having said that, I extend my very best wishes to Senator Macdonald. We here in the Senate will miss him. He was a pillar of the Senate, as was Senator Hugessen. Unfortunately they are gone from here. I wish them happiness in the remainder of their lives, during which they will have the opportunity to render great service to our citizens and in particular to the youth of Canada.

I thank Senator Macdonald for what he has done for me as a senator and for what he has done for the country in the high positions he has occupied; and I wish him the very best in the future.

Hon. Arthur W. Roebuck: Honourable senators, I cannot add anything to what has been said in tribute to the honourable senator who has just retired, but I must point this out. When we meet here after a recess, almost always, as the leader has said, we have a sad function to perform, but I would like to make clear that on this occasion we are not pronouncing an obituary of Senator Macdonald.

When I heard the news of his resignation, I was astonished. Shall I say, I heard it with consternation. I went at once to the telephone and called him in Brantford. He assured me that this was by no means a retirement by him from active public life. He said that his reason for leaving the Senate was that he had so much to do elsewhere, that he felt he could accomplish more by not having to travel back and forth from Brantford to Ottawa week after week. He was of the opinion that he could accomplish more as a private citizen than as a member of this body. I could have disagreed with him in that, but that was his opinion and that was his reason, and I take it at its face value.

Honourable senators, I adopt everything which has been said about Senator Macdonald's outstanding career. I sat with him in the Commons. I met him abroad on a number of occasions when he was representing Canada, and I have had many associations with him. I say from the most intimate of knowledge that never in my career have I met a kinder man than the former Senator Macdonald. He was a great humanitarian, his fellowship was complete, his helpfulness was ever ready. I close by saying that he is one of the finest gentlemen I have known in the course of my career. He is a great Canadian.

Hon. Senators: Hear, hear.

[*Translation*]

Hon. Cyrille Vaillancourt: Honourable senators, having heard what has just been said about Senator Macdonald, I wish to add a few words.

When he resigned from the Senate, I wrote to him saying how much I regretted his departure. I wondered if it was not time for me to leave also, because there is a difference of only a few months in our ages.

I appreciated greatly the courtesy of Senator Ross Macdonald when he was Leader of the Government in the Senate and I was his assistant. I have never heard him utter an unpleasant word. I do believe I occasionally stepped out of line and he could have scolded me; on the contrary, he gave me good advice so that I might do better in the future.

I was also keenly interested when Senator Macdonald took French courses at Laval university in Quebec.

If I addressed him in English, he would say: Speak to me in French because it gives me a chance to practise; it is the only opportunity I have to take advantage of the lectures I attended at Laval university.

Again lately, I had written to him and I received an answer in flawless and perfect French; I even think that the words he used were more correct than those I would have used myself.

When he was replaced by the present leader, I thought that time had come perhaps for me to be replaced too. However, he said to me: Stay on, and you will see how well you will get along with the new leader; I think that he is even more skilful than I. Of my two terms as deputy leader, I shall keep an unforgettable souvenir of Senator Macdonald, and I thank him for everything he did for me and for all the good lessons he gave me.

I wish Senator Ross Macdonald a long life. I shall always remember him.

[*English*]

PRIVATE BILL

TRANS-CANADA PIPE LINES LIMITED— COMMONS AMENDMENTS

The Hon. the Acting Speaker informed the Senate that a message had been received from the House of Commons returning Bill S-26, respecting Trans-Canada Pipe Lines Limited, and acquainting the Senate that they have passed this bill with the following amendments, to which they desire the concurrence of the Senate:

1. Page 3, Line 39. Insert the words: "for the purpose of its undertaking" immediately following the words "communications systems"

2. Page 3, Line 44. Insert the words: "for the purpose of its undertaking" immediately following the words "communication facilities".

The Hon. the Acting Speaker: Honourable senators, when shall these amendments be taken into consideration?

Hon. Daniel A. Lang: I move that these amendments be taken into consideration at the next sitting.

Motion agreed to.

DOCUMENTS TABLED

Hon. John J. Connolly tabled:

Report of the Eastern Rockies Forest Conservation Board for the fiscal year ended March 31, 1967, pursuant to section 10 of the Eastern Rocky Mountain Forest Conservation Act, chapter 59, Statutes of Canada, 1947. (French text).

Copy of an Agreement, dated December 12, 1967, between the Government of Canada and Panarctic Oils Ltd., together with Annexes and Schedules related thereto. (English text).

Report of the Superintendent of Insurance for Canada—Loan and Trust Companies, for the year ended December 31, 1966, pursuant to section 9 of the Department of Insurance Act, chapter 70, R.S.C., 1952. (English and French texts).

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, 1966. (English and French texts).

Report of Proceedings under the Trans-Canada Highway Act for the fiscal year ended March 31, 1967, pursuant to section 9 of the said Act, chapter 269, R.S.C., 1952. (English and French texts).

Capital Budget of Central Mortgage and Housing Corporation for the year ending December 31, 1968, pursuant to section 80(2) of the Financial Administration Act, chapter 116, R.S.C., 1952, as approved by Order in Council P.C. 1968-79 on January 10, 1968. (English and French texts).

Revised Capital Budgets of Eldorado Mining and Refining Limited and El-

dorado Aviation Limited for the year ending December 31, 1967, pursuant to section 80(2) of the Financial Administration Act, chapter 116, R.S.C., 1952, together with copies of Orders in Council P.C. 1967-2158, dated November 14, 1967, and P.C. 1967-2350, dated December 21, 1967, approving same. (English text).

Public Accounts of Canada, Volumes I, II and III, and an Abridged Version thereof, for the fiscal year ended March 31, 1967, pursuant to section 64(1) of the Financial Administration Act, chapter 116, R.S.C., 1952. (English and French texts).

Copies of Ordinances, Chapters 1 to 17 inclusive, made by the Council of the Yukon Territory at its 1967 Second Session, which was concluded on December 19, 1967, 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. 1968-83, dated January 10, 1968, approving same. (English text).

Statutory Orders and Regulations published in the *Canada Gazette*, Part II, of Wednesday, December 27, 1967, and Wednesday, January 10, 1968, pursuant to section 7 of the Regulations Act, chapter 235, R.S.C., 1952. (English and French texts).

Report of the National Film Board of Canada, including its Accounts and Financial Statements certified by the Auditor General, for the fiscal year ended March 31, 1967, pursuant to section 20(2) of the National Film Act, chapter 185, 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. 534 to 579, inclusive, and moved that the said reports be taken into consideration at the next sitting.

Motion agreed to.

FEDERAL SCIENTIFIC POLICY

FIRST REPORT OF SPECIAL COMMITTEE ADOPTED

Hon. Maurice Lamontagne presented the first report of the Special Committee on the Scientific Policy of the Federal Government, as follows:

Your committee recommends that its quorum be reduced to five members.

The Hon. the Acting 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.

[*Translation*]

Hon. Jean-François Pouliot: Mr. Chairman, before we go any further, I should like to know what is, at the present time, the quorum that we are asked to reduce to five?

Hon. Maurice Lamontagne: The committee is made up of 18 senators; therefore, the present quorum would be 10.

[*English*]

Report adopted.

DIVORCE BILL

SECOND READING—DEBATE CONTINUED

The Senate resumed from Wednesday, December 20, 1967, the adjourned debate on the motion of Hon. Mr. Roebuck for the second reading of Bill C-187, respecting Divorce.

Hon. Rheal Belisle: Honourable senators, before starting to speak on the subject of divorce, I would like to offer to all of you my sincere best wishes for a most prosperous and healthy 1968. My wishes include the thought that we be more alert than aggressive in the first year of our second century. If I do say more alert than aggressive, it is because I feel that the need for aggressiveness has probably more justification in the other place than in this august chamber.

I am referring to the aggressiveness of the other place for news and the sensation that is derived from it, but we should be more alert in the sense of securing good and positive publicity for this chamber. I am of the opinion that the majority of the people in this country do not have a proper knowledge of the importance of our legislative contribution and our sincere approach to continue to enhance legislation that will conserve the freedom of all our minorities, which is one of the important functions of the Upper Chamber.

We know that the Senate has greatly helped to save the dominion from internal anarchy. Our alertness should be to find a new road where a new image is given to the public of the vital and the imperative position that the Senate must continue to play, if this great Canadian nation is to remain intact from sea to sea. We must concern ourselves

with the false image given to the public that the Senate is only a haven for retired politicians. We must bring to their attention our numerous legislative contributions and the ways in which we save the country from political expediency.

Perhaps it has not come to the public attention that the Senate also has been saving the country from the financial aspect. For example, news media have publicized that this chamber costs the taxpayer $3 million annually—a small sum in a yearly budget of $10 billion. It should also be brought to the attention of the taxpayers that the House of Commons costs the country $13 million annually.

It is with deep regret that I say that for the last few years a few people, mainly for political motives, have succeeded in creating an image of the Senate that it is merely a rubber stamp and that only the elected politicians are in a sense earning their salaries.

Honourable senators, having had the privilege of being elected for many years to all municipal offices and to the Ontario Legislature, with this background of experience I am not ready to concede that only the elected representatives can legislate with intelligence and sagacity. I do not say this for political reasons, because I believe that I could be elected again, but I feel that the amount of experience, knowledge and talent, and the wealth of wisdom which is your lot in this chamber should be known to all. Your contributions and your sincere efforts to apply to all legislation not what is felt necessary politically but what is best for the Canadian nation as a whole will stand the test of time. What is best for today may not be what is best for tomorrow if consideration is not given to legislation for the entire benefit of all our citizens, which also comprises our ethnic minority groups that help to form our Canadian nation of which we are proud, particularly after our magnificent Centennial celebrations.

It is not my intention to suggest that we should try to compete with the elected members for the news; nor am I suggesting that we copy the attitude of the American Senate towards news. But I believe that there is probably some sagacity in this old Chinese proverb that says: "The people or nation will buy only what is offered to them."

May I say briefly that I would like to associate myself with what was said of our late colleague and Leader of the Opposition, Senator Alf. Brooks. The Leader of the Government and the Leader of the Opposition in this assembly described so ably his contribution to his province and to our country that suffice it for me to say that I have enjoyed greatly serving under him. I am convinced that because it was my privilege to be associated with him I am much richer for it. He was a wise and good man in every respect.

To our new leader, Senator Jacques Flynn, I offer my sincere congratulations and my co-operation. He comes to us well qualified, with a wealth of experience that has stood the test of elections and time. In his new position he is, in a sense, writing a new page of history for his province and our country. May I thank him for giving me the opportunity to address you so early in the year? After 48 years of intensive study, it does not take me long to assess that I know very little. You will hear me only occasionally when my conscience stirs me, and you will not be annoyed too often.

Honourable senators, I might say at the very beginning that despite the many shortcomings of this very important piece of social legislation I intend to support it. In all probability I shall vote for it on second reading. I take this position despite the fact that I believe that a valid church marriage cannot be dissolved by any civil authority. However, I must say that I do not expect to impose my belief on all the people of Canada. I am fully aware of the power of the civil authorities to dissolve a marriage. It is now an established fact in our society. I do not expect the laws of this country should be framed in such a way that they would prevent from obtaining a divorce those who in good faith believe that marriage is dissoluble.

I was privileged to be a member of the Joint Committee of the Senate and House of Commons which heard the representations made by the various organizations which appeared before it. Certainly, there seemed to be broad general agreement on the need for legislative reforms which will provide more adequate social means to deal with marital problems. Those of us who listened to the testimony could not help being impressed by the fact that unfortunately there are today some marriages which in fact are hell on earth. We were very often reminded of the heartbreak and sometimes physical cruelty which result from such marriages. For those who find themselves in this unfortunate situation and believe in divorce, there should be some relief. However, in our enthusiasm to provide this relief by a reform of our divorce laws, we must not lose sight of the fact that

lifelong marriage is the ideal, and that actions for divorce must be taken only as the last resort in apparently broken marriages. We must not forget that the family is still the basic unit of society and that any forces which tend to destroy that basic unit are the enemies of mankind and must be recognized as such.

Those who tend to oppose the liberal reform of our divorce legislation do so not because they desire to inflict further unhappiness on those concerned, but because they view the trend as a threat to the established and traditionally ordained institution of the family and the home, which in turn is recognized as the very foundation of our society and nation.

I do not believe that divorce reform will be a cure-all for the social problems that face us. In the committee mention was made of a number of problems such as illegitimacy, the thousands of people living in a common-law relationship, and many others. I am not so naïve as to believe that if we make it easier for people to obtain divorce there will not be common-law relationships, because we know that a great many of these relationships are formed even when there is no impediment to marriage. Therefore, making divorce easier to obtain will not solve this particular problem. It will not mean that those who obtain a divorce and then remarry will be happy. We all know of a great many cases where people have been divorced and remarried three, four, five and even six times and still have not found happiness.

Therefore, honourable senators, this measure cannot be a cure-all as far as the happiness and unhappiness of certain individuals are concerned. Granted, there are those who will benefit by changes and amendments to our divorce laws, but these measures certainly will not meet the situation in every case. I believe it should be a source of great concern to us that we have failed in our endeavour to promote and maintain a society that is built on the Christian concept of the sacredness and permanence of the marriage relationship. I think if we viewed the question from this point of view it would take some of the jubilation out of us as far as the introduction of these new measures of divorce are concerned.

My attitude to the bill before us does not involve a choice between what I conceive to be right or wrong. I am forced into the position where I must choose between the lesser of two evils. On the one hand there is divorce and on the other hand the regrettable tragedy of meaningless legal relationships.

A provision has been introduced in the bill which I have no hesitation in saying is a definite improvement. I refer here to the provision in respect of domicile. Many members of the Bar have struggled with this very difficult problem of domicile in the ten provinces and are greatly pleased with the reform recommended by the joint committee. This will do away with the double standard, and to all intents and purposes will put married women in the same position as their husbands. I congratulate the Government for introducing this important and, I feel, necessary legislation.

With regard to the introduction of matrimonial reconciliation proceedings in the courts for the first time, I believe the provision to be fumbling and weak. A great deal of difficulty will be experienced in trying to apply these provisions. Nevertheless it is a beginning. However, I welcome any attempt on the part of the Government to recognize the role of the courts and government in trying to preserve marriage and to link this attempt with new divorce procedures. I believe such recognition is excellent and represents a step forward, but it does not go far enough.

The Government should have enacted legislation such as the Australian Matrimonial Causes Act which shows how legislation can aid in the development of special services. The Australian Government is empowered to approve private marriage guidance agencies and support them to the extent of approximately $200,000 a year. Procedural rules require Australian lawyers to inform divorce seekers about available reconciliation and counselling facilities. It is my contention that if we are to have new divorce legislation we should keep in mind the postulate that divorce is effect and not cause. The true function of a divorce decree is only to terminate the legal fiction remaining after the spouses themselves have reduced their marriage to a factual fiction by destroying the emotional, physical, social and material bonds which actually united them.

We as legislators must keep in mind that man has moved into a new phase of life and finds himself no longer tied to the soil. Today he is a member of an affluent society, and his value in that society is measured by the product of the human mind. Therefore, it is necessary to provide new legislation to meet the new needs of man in this complex of marriage relationships.

Generally we seem to accept the fact that mistakes are often made. Surely, when this occurs between two people in marriage we should afford them the opportunity, within reasonable grounds and with the obligations attached, to reorganize their lives towards a more pleasant objective. I know there are some who argue that these changes are morally wrong. For those of such strong and good character the new act will not be a temptation. Surely, these same people would not deprive a fellow man of less fortunate circumstances the opportunity to enjoy a happier and, in many cases, a more useful life within the community.

In my view, Judge Alexander's article describes as "a therapeutic approach" what others in the other place are now calling the "marriage breakdown" concept. Instead of looking only at the guilt—involving adultery, etc.— of one partner, the court would examine the whole marriage and endeavour to discover the basic causative factors for disharmony and would seek to remove or rectify them, enlisting the aid of other disciplines and sciences and of all available community resources.

Judge Alexander states:

> The fresh approach, the new philosophy would be signified by the very titling of the case; instead of it being "John Doe vs. Mary Dow", it would be titled "In the Interest of the John Doe Family". There would be no plaintiff, no defendant—only an applicant or joint applicants. The application would be not for divorce but for the remedial services of the state. Petition for divorce would be permitted only after complete investigation and report. The new plan would take over almost bodily the entire philosophy, procedure, and techniques of the juvenile court. As in the juvenile court the criterion (fixed by law as well as philosophy) is "What is best for this child?" so in the divorce court the criterion would be "What is best for this family?"

Practically speaking, it seems clear that Canada does not have the social machinery for a full-scale switch to this new approach or concept. This is why I feel that the most the Government can be asked to do is to examine the marriage breakdown concept seriously and scientifically—and this is what the joint church statement asks. I think it should be further urged in this direction.

The Honourable Mr. Trudeau seems to have been able to argue successfully in the Commons debate that each item of the Government bill can be defended at the present time, one way or another. The more fundamental question to me is this: Does the Government feel that the final passage of this bill is the end of the matter? In my view, true divorce reform has yet to come. I would like to see, first a "trial period" clause in the divorce bill, such as is embodied in the capital punishment bill; second, full-scale government-sponsored research during that trial period; third, reassessment of the present legislation at the end of the trial period; fourth, a start, as soon as possible, on federal-provincial study of the requirements for financial and other aid to agencies or services for marriage preparation, counselling and reconciliation procedures; and fifth, a continuing program of court and law reform in favour of stable marriages.

It is my sincere belief that the best solution is to be found in an extensive rethinking of the entire body of legislation dealing with marriage and the family. An eventual revision of the divorce law makes sense only if it is part of a wide, positive policy for strengthening family values, and particularly for ensuring the serious motivation and proper preparation of couples intending marriage.

Honourable senators, is it not time that the whole question of divorce was studied, and studied in all its serious aspects?

[*Translation*]

Hon. Rheal Belisle: Honourable senators, the political party which forms the government has both the power and the duty to promote what it believes to be the common good; it may never put its own interests above those of the country.

I think we should beware of the intellectual pride of doctrinarians who merely try to interest us in new doctrines. With regard to the serious problem of divorce, we must not think that we will find the key to an infallible and mystical theory by advocating that the only solution to this great problem which undermines the very basis of our Christian society is a greater number of divorces more easily obtained.

Our first duty as legislators is to examine the formulas and the exigencies of the past which gave a great deal of difficulty and caused much trouble to those who needed a divorce in order to start a new life.

Our aim must be, while extending the grounds for divorce, to preserve the sense of sacredness which instills respect for marriage; the respect of tradition whence we hold

a valuable and revered heritage; the intelligent study of history which has formed us. So we should not be guided, during the study of this new legislation, by a pre-established will to make unjustified changes, nor by a desire to reform and amend everything, but rather by prudence and a sensible respect for the probiem involved. Rather than try anything new for novelty's sake, we must strive to act for the best and make innovations liable to benefit society. This will permit us to revalorize the treasures of more inspired times, those which enabled our society to develop in an atmosphere of peace and security.

In considering this legislation which will give new scope to divorce, possibly some of us are asking: Are we legislating on this matter in such a way that we are slowly but surely advancing toward a totally secular civilization from which religion has been thoroughly excluded? Yet, the temporal city should progress toward a clearer awareness of the precedence in certain areas of the spiritual city, the latter becoming clearer to men of good will.

Having had the privilege of being in New York when His Holiness Pope Paul VI visited the United Nations, may I, honourable senators, remind you of the remark of the present president of United States after his meeting with Pope Paul VI in the Waldorf-Astoria, a remark which to my mind may be a sign of the times. "The separation of the spiritual and the temporal", he said in substance, "does not mean that the spiritual should not bear any influence upon the temporal." In other words, distinction—and not separation—must on earth rule the relationship between the spiritual and the temporal.

To my mind transfering divorce from the Senate to the Superior Courts of Quebec and Newfoundland is a very good move. I know some of my colleagues feel that this is another imposition on the provinces by the federal government.

I should like briefly to suggest and emphasize that they should not only accept this requirement but that the two provinces should legislate in this matter so that divorce cases might be heard in county or district courts. This could be done not only in these two provinces but also in all Canadian provinces and would cost less and be much more practical for the witnesses involved.

The suggestion I should like to leave with my colleagues is as follows: If there is one province which should lead the way in this field, it is Quebec where respect for the family has always been highly considered. It should then be important that this social legislation be looked upon by the government of the province as a trial solution to the present uneasiness. To this end, it might be opportune to institute provincial courts to study the possibility of reconciliation of the parties involved.

I would go as far as to suggest that such reconciliation tribunals be organized by the provinces and subsidized by the state.

However, I can already see one thing clearly: sooner or later, the divorce legislation intended for Quebeckers, from whatever source it may come, will have to be applied in their province, for them and by them, in accordance with their legal traditions and their way of life.

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

[*English*]

NATO PARLIAMENTARIANS

THIRTEENTH ANNUAL CONFERENCE AT BRUSSELS, BELGIUM—DEBATE ADJOURNED

The Senate resumed from Tuesday, December 19, 1967, the adjourned debate on the inquiry of the honourable Senator Aird, calling the attention of the Senate to the Thirteenth Annual Conference of NATO Parliamentarians held at Brussels, Belgium, 20th November to 25th November, 1967, and in particular to the discussions and proceedings of the Conference and the participation of the delegation from Canada:

Hon. Eric Cook: Honourable senators, I had the privilege of attending the meeting of the North Atlantic Assembly held at Brussels from Monday, November 20 to Friday, November 24, 1967, and afterwards I visited Berlin as a guest of the West German Government. Perhaps I should commence with a few words about our visit to Berlin.

It is difficult to visualize the destruction there must have been at the close of the war. They have now built more than 250,000 new dwellings, and still construction of residences, industrial plants and commercial buildings continues unabated. There are splendid shopping areas with the stores crammed full of things to buy, and the streets are full of cars of all kinds. In addition you will see magnificent new public buildings, opera houses and theatres, and luxury hotels. The sad thing is that all this is surrounded by the Berlin Wall, a barrier partly erected by man, and partly comprised of rivers, canals and natural barriers, in all 100 miles long.

The wall itself is a most depressing sight, and it chills one to see the sentry boxes occupied by fully armed soldiers, and to hear the continuous howling of the numerous big dogs which also guard the wall. The wall was built, is maintained, and is well guarded for one purpose only, and that is to ensure that the people living in East Berlin stay there. It was not erected to keep the West Germans out; indeed, very few would want to leave the shops, the cars, the new houses and the much higher standard of living for a life in East Germany.

It is interesting to note that the East German authorities freely permit all the older men and women to leave and to settle in West Berlin. When citizens are old and likely to be a burden on the state, no objection is made to their leaving their homes to go to West Berlin, to live on the higher welfare payments obtainable from the West German Government. The wall, however, had to be erected to keep the able-bodied worker in East Germany because so many left that the economy was in danger of being wrecked.

No doubt there are other places in the world where the two systems may be seen close together. However, I think nowhere will the contrast between the fruits of the communistic system and the fruits of the capitalistic system be so clearly demonstrated as in the two Berlins. It struck me very forcibly as we passed the famous "Check Point Charlie," that the communists would not have to build walls to keep their people in if only they could impose their way of life on the rest of us.

It would be well to remember and to keep remembering that the communists at the present time, as much as they ever did, would like the rest of the world to follow their lead and to conform to their system, and if there should be no opposition at the "Check Point Charlies" of the future there will be no stopping the communists from determining the kind of life we in Canada will live in years to come.

May I conclude this brief account of our Berlin visit by expressing my grateful thanks to the representatives of the Berlin Government and to the representatives of the West German Government for the many courtesies extended to us, for the tours of the wall and the city, for the delightful lunches, and for the unforgettable visit to the opera to hear *The Flying Dutchman*.

I should like to say something about the work of the Education, Cultural Affairs and Information Committee on which I served. Our chairman was Senator Mundt, a Republican senator from South Dakota. Senator Mundt is a most able man, and it was indeed very interesting, instructive and pleasant to work under him on this committee. Another outstanding member of this committee was Lady Elliott from the United Kingdom, who asked me to convey her best wishes to our own Senator MacKenzie, which I now gladly do. The committee passed two resolutions, both of which were in due course endorsed by the plenary sessions of the Assembly. The first recommended that information and knowledge about NATO be constantly put into the hands of the young people of the NATO countries so that they would understand and appreciate the importance of the alliance. The second resolution dealt with the question of establishing a training centre for public servants of NATO and other countries.

The members of the committee visited the College of Europe, which is in Bruges, and also were fortunate to hear a number of outstanding addresses, including one from the Rector of the College of Europe, Dr. Henri Brugmans, who during one stage of his career had been a member of the Dutch Parliament. The visit to the College of Europe was an outstanding event, and I was greatly impressed by its work and by the members of the staff I met. I am happy to say that I played a part in drafting the committee's resolution which urges the establishment in the College of Europe of a pilot program in international training for the men and women in important administrative posts in NATO and other governments. Indeed, I feel Canada would profit from taking an active interest in the work of the College of Europe and should send students there.

I should like to give you a much more detailed report of the work of the committee and tell you more about the outstanding addresses we heard, but I fear I would take too long if I dwelt on all the details, interesting though they were. The work of the committee is of course continuing and, as Senator Mundt agreed to serve a further term as chairman, I feel sure it will accomplish its objective, and that eventually we will see the establishment of a new centre for international training which will benefit the members of the civil service who are fortunate enough to attend.

In addition to attending the committee's meetings I also, of course, followed the work of the Assembly as a whole. Not having attended any other meeting of the North Atlantic Assembly it is not possible for me to

say if this meeting was more successful or less successful than in previous years. However, I am bound to say the general overriding impression I gathered is that all is not well between some members of the alliance.

During the plenary sessions of the Assembly many excellent speeches were made, particularly by parliamentarians from the United States, all of whom expressed in forthright terms great dissatisfaction with the present situation. In essence, an alliance between countries is similar to a partnership for particular purposes among people. An unhappy partnership is likely to be dissolved, unless of course it is held together by fear. The NATO partnership does not seem to be a happy one, and certainly some of the partners no longer seem to fear the future.

Official France appears to have little affection for either the United States or the United Kingdom. General de Gaulle, now aged 77, offers Europe his leadership in all aspects, both economically and militarily, but most members of the alliance are not prepared meekly to accept French leadership, and many believe it would be a great blessing if the general decided to accept his well-earned retirement. The general expresses the view that following France's leadership Europe can stand alone, that the United States and the United Kingdom are no longer necessary for her defence and should as far as possible be shut out of any participation in Europe and the Common Market. On the other hand, the United States cannot understand the attitude some of her allies have taken with respect to her involvement in Viet Nam.

How long, therefore, the alliance will remain in its present form is difficult to say. Can countries be united for their common purpose in one part of the globe and be sharply divided in respect of the policies followed in another part of the world? Can we be partners in fighting a cold war in Europe and be divided in fighting a hot war in Asia?

The communistic system perhaps works well for the purpose of redistributing among its followers that which has been already produced at the time the communists take over. It does not, however, work so well to produce new or additional goods thereafter. The Russians have had fifty years of it, and while they are doing well in some directions, such as the race to control outerspace, they produce few consumer goods, while the United States can do both. There are, moreover, no walls in Western Europe or North America to keep people in. People can go where they wish to go and say what they want to say.

However, many people honestly believe the communistic way of life is the best way, and that if the communists wish to take over in some of the underdeveloped areas no one should try to stop them. This was tried in Korea by simply overrunning the country, but the United States stepped in and stopped this. They are now trying to do the same thing in Vietnam by means of the so-called National Liberation movement within the country itself. The United States is also trying to stop this and is helping South Vietnam as it helped South Korea, but at the same time the United States has said over and over again they will talk peace anywhere with anyone, and also if peace comes they will give generous help to rebuild the country. As an example of what the United States can and has done we should recall that they gave Europe the Marshall Plan, which rebuilt Europe after the war but which now unfortunately has been forgotten by many.

If the communistic way of life is the right one then, of course, it is unjust to oppose those who are endeavouring to impose this way of life on any nation. If on the other hand we believe that our way of life is better, that in the long run our way means increased production and better standards of life for all, how can it be unjust to fight to prevent the communistic system from spreading by force bit by bit all around the globe? If countries wish freely to vote the communistic party into power, that is their own business. However, if the local communists wish to take over by force and are supported and backed by the world communistic powers, that then becomes, it seems to me, the business of the western powers, including NATO and SEATO, in both of which the United States plays the major role.

Unfortunately, it seems that many people are not displeased that the United States is going through a troublesome period. No doubt mistakes have been made, but what is more important now is not to dwell on past mistakes but rather to consider the present and the future. Many critics say the greatest mistake the United States makes is to try to maintain the status quo, and therefore she keeps in power bad governments, notwithstanding the laudable desire which the "have-not" peoples of the world have to improve their own lot. In many cases this is muddled thinking, because these critics think the form of government means everything and forget or ignore the fact that the basic trouble is economics.

27059—53½

An Indian writer, Dr. Das, in an article entitled "The Russian Revolution in Perspective," touches on the question of economics as follows:

> There are large communist parties in several Asian countries, and if democratic attempts to solve the people's problems fail, they will undoubtedly propel their countries to revolution.
>
> But is revolution likely to solve their problems? The basic need of Asian nations is elimination of poverty, not its equitable sharing. Needing gigantic steps forward in economic development, they lack the resources of investment which would make increase in national production possible. There is all the manpower that is needed, but not enough capital. Communism cannot provide these resources from outside in the same manner as America did on any large scale, nor can it raise it internally except at the cost of great human suffering as in Russia. But that does not mean that revolutions will not take place.

Unfortunately, it may be only too true that revolutions will take place, and that as a result the citizens of these countries will end by enduring even more poverty and enjoying even less freedom than they do now.

In my view, the citizens of both North Vietnam and South Vietnam would be far better off if the North would agree to cease fighting and co-operate to build up the whole country with the help of massive foreign aid of the Marshall Plan type. Canada could make a very constructive contribution if we made it known that we, together with other countries, would participate with the United States and contribute capital for the purpose of creating a strong and stable economy for the whole of Vietnam.

I have read with much interest and profit the very excellent speech by Senator Aird on our NATO visit, but I am not in complete agreement with his remarks on the war in Vietnam. The merits or lack of merits on both sides is, of course, the subject matter of very great controversy, and one on which there is much honourable disagreement.

For my part, I am of the opinion that a very strong case may be made, and indeed I think a convincing case can be made, for the United States presence in Vietnam on legal and moral grounds. The legal case is well supported by the treaties to which the United States is a party, and by the commitments which she has given. Notwithstanding these, the United States was not eager or anxious to become involved, but as President Johnson so truly said, "We did not choose to be the guardians at the gate, but there is no one else." And as to the moral right, the former Prime Minister of Australia, Sir Robert Menzies, has described the United States stand in Vietnam as "the greatest act of moral courage since Britain stood alone during World War II."

If, therefore, the American actions are justified, indeed not only justified but necessary because of legal and moral considerations, then in my opinion it cannot be that "in strategic terms" the war is a mistake of monumental proportions for the reason that it has to be fought under difficult circumstances. It would, of course, be much easier for the United States to honour her commitments, if Vietnam were next door to her as we are in Canada. However, Australia and New Zealand, to mention only two allies of the United States, would not be very enchanted with the proposition that "the further away you are, the less interest the United States has in you."

No one knows how far the Government of North Vietnam is a free agent, free to cease making war if it should want to stop. But free or not free, it is not yet clear if North Vietnam has any real interest in even talking about peace. It may still be that the North will be satisfied with nothing but complete and total American withdrawal. Whatever the North's true intentions are, she is backed in her stand by Red China and by Russia.

It would appear, therefore, that this is a conflict on the one hand between North Vietnam in the front line, backed and supported by Red China and the Soviet bloc, and the United States alone on the other hand, with some assistance from her SEATO allies, including Australia and New Zealand. In short, on the one side there are the Eastern or communist-ruled countries, and on the other side the United States virtually alone.

However, whatever the true position is, everyone desires peace. No sane man or woman wishes the war to go on for a minute longer than necessary, but we must not forget that while one side can always alone make war, it requires two sides in more or less agreement to make peace. If the North has the slightest desire to stop the war it would surely be easy to make contact with our own country. Canada's stand and work for peace on so many occasions is well known. We ourselves are not involved, and we have made

known our eagerness to assist. There are, of course, other countries also eager to help. Indeed, there is no lack of means of communication which could be used by the North Vietnamese to make known their desires, even if they have only the slightest wish for peace.

In the absence of any clear sign, for the U.S. once again to stop the bombing, or to stop anything else, would be an act justified only if the other side would now show some good faith and be prepared to accept the overtures of the Americans and respond by entering into meaningful negotiations. Indeed, surely the first step on what will be long and difficult negotiations should be preliminary talks to decide under what terms, conditions and safeguards the U.S. will agree to take the important step of stopping the bombing, and for the two sides to disengage.

There has been in the past no good faith, no acceptance of the American overtures, and no entry into negotiations. Unless there is some clear and positive evidence of a change in attitude, I think we should ask ourselves, if indeed there exists any good reason why we should continue to urge the U.S. once again to stop the bombing, without receiving in return any firm commitment whatever from the other side. Indeed, North Vietnam might show more desire to discuss peace, if convinced that the democratic countries are united in their determination to fight aggression, no matter what form it takes.

It is true that some experts may argue that the United States cannot win the war, but experts disagree and in the final event some must be proved to be wrong. In any case, the United States does not desire to conquer anyone. All she is fighting for is to prevent the forceful takeover of governments by minority communistic parties who obtain control, not by votes freely cast, but by terror, subversion and murder. On the other hand, the communists know they cannot win, unless the western allies become disunited, and the American home front becomes tired of trying to keep world peace and withdraws once again into continental isolation, as some American delegates warned us she might do. If for a variety of causes the United States decides to withdraw, she can do so; and, in short order, first most of Asia, then most of Africa, and finally most of Europe, would become communistic, and the world would be a very cold, hostile and uncomfortable place for the democratic countries outside the Americas to live in.

However, I readily agree that it is very difficult indeed to be well informed on many public matters. Events change quickly and so does the public mood. Governments tend to respond to the public mood, but very often the judgment of people is too much influenced by sympathy for the little country, overlooking the fact that it is quite possible for the little country to be wrong, and for the big country to be right.

It cannot be denied that there are many important international questions on which we all need constant information, not only on the day-to-day development, but also on the background, and on the implications for our country and our allies. A few examples of some of these problems, in addition to the war in Vietnam, are:

(i) The conflict between the Arabs and the Jews. Here, once again, we see an example of the hard, unyielding, "no compromise" policy of the communist world. The Arabs are refusing to talk, or even to recognize the State of Israel.

(ii) The seating of Red China in the United Nations. This, too, is of course a very complex and difficult problem, especially since Peking insists on its own conditions for UN membership. Nevertheless, many people feel that Red China must become a member of the United Nations, and the quicker the better.

(iii) The future of NATO itself.

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.

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

BUSINESS OF THE SENATE

Hon. John J. Connolly: Honourable senators, before I move the adjournment of the Senate, may I say I hope that you will agree to proceed with the divorce legislation as a priority item this week—not to the exclusion of everything else but, as far as possible, to continue our debate on that bill.

With that in mind, I would urge members on both sides of the house to advise the Whips if they intend to speak and when they will be ready, so that we can manage the business of the house as expeditiously as possible in this first week.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Tuesday, January 23, 1968

The Senate met at 3 p.m., Honourable Maurice Bourget, P.C., Acting Speaker, in the Chair.

Prayers.

ACADIAN DELEGATION TO FRANCE

PRIVILEGE

On the Orders of the Day:

Hon. Edgar Fournier (Madawaska-Restigouche): Honourable senators, I rise, if I may, on a question of privilege. I may tell honourable senators that, although my subject could be very lengthy, I will take only a few minutes of your time. Again with your kind permission and patience I will try to explain myself in English because I feel that at this moment I am speaking to all the English members of this house and to the Canadian people.

As you are all aware, last week four self-appointed Acadians made a trip to France asking for assistance. This gesture by these self-appointees has made the headlines in the news media right across Canada and has placed French Acadians, or the great majority of them and the French Canadian people, in a very confused situation if not in a turmoil of confusion.

I have no intention of opening a public debate on this matter at this time, but I want to say to honourable senators that these four self-appointed Acadians were not a true representation of Acadians or of French Canadians in New Brunswick or in the Maritime Provinces. The Acadians in their struggle for survival have within their own structure several organizations which usually work hand in hand with everyone else for the better cause. On this occasion all of these organizations have been by-passed or ignored; all preparations for the trip were kept most secret from everyone, at least from those with whom I have talked and whom I happen to know. It was "un secret absolu"—an absolute secret.

If my information is correct, the Province of Quebec had nothing to do with the planning of the trip. The people responsible were the four self-appointed delegates. I am of the opinion that they took on their own responsibility a step which far exceeded their own powers and their own authority.

Now they have returned to Canada with a baggage of promises of various kinds of assistance, and they have also left the image across Canada that we Acadians or French Canadians have reached the begging level.

Honourable senators, I am of the opinion that many questions have to be answered by those four self-appointed persons. First, how were they selected, under what authority and who appointed them? Have they asked for what the Acadians and the French-Canadians desire to obtain? Have they on behalf of the Acadians and the French-Canadian people made any commitment to the French Government? Will the technical and financial assistance, which they claimed to have obtained, be redeemable? If so, under what terms and conditions? And many more questions could be added.

In closing, may I say that I do not oppose anyone promoting aid or assistance to the Acadians and French-Canadians, but, surely, those exposed on the Cross should have the right to know why. I, for one, disagree entirely with the way this delegation was organized and I question its authority. I repeat, they were not representative of any Acadian organization. They have created much confusion, and their action of self-appointment, overlooking all organizations, has left a very sad image of us right across Canada.

It is sad, indeed, that four self-appointees saw fit to go to another country, to speak on behalf of a Canadian group without any authority or, at least without some consultation or agreement with the leading authorities—or, have these four self-designated persons overnight become the masters of this great Acadian and French-Canadian group who, at this moment, are doing their utmost to build a better, stronger and friendlier Canada for all of us?

PUBLIC ACCOUNTS

REFERENCE TO STANDING COMMITTEE ON FINANCE

On the Orders of the Day:

Hon. Allister Grosart: Honourable senators, may I ask the Leader of the Government if he will consider referring to the Standing Committee on Finance the Public Accounts for the fiscal year ending March 31, 1967 which were tabled yesterday?

Hon. Mr. Connolly (Ottawa West): Honourable senators, the honourable senator was kind enough to give me notice of his intention to ask this question. Certainly, I have no objection whatever to such a reference, and before the end of the week I shall make the appropriate motion.

With the Estimates being referred to the Standing Committee on Finance each year, I deem it appropriate that the Public Accounts for the previous year should also be before that committee for consideration, if the committee so desires. I shall make the motion at the appropriate time.

DIVORCE BILL

SECOND READING—DEBATE CONTINUED

The Senate resumed from yesterday the adjourned debate on the motion of Hon. Mr. Roebuck for the second reading of Bill C-187, respecting Divorce.

Hon. Jean-François Pouliot: Honourable senators, this bill concerns the matter of divorce, which I have had the honour of discussing before you and with you on many occasions. It is an important matter. It concerns the happiness of families and should be considered with great care.

Some of the new senators do not know what our practice was up until quite recently when the Commissioner was appointed to report to the Standing Committee on Divorce in respect of the applications that are received. Not long ago the evidence in each divorce case was printed in both languages. I have a copy of such a transcript in my hand. This is an old report. I remember at one time I sent a bundle of these reports to my Archbishop, Cardinal Rouleau, and he died not long afterwards. Later on I sent another large bundle to Cardinal Villeneuve, and he died too. I will not say that that caused the death of those high dignitaries of the church, but I will say that those publications were worse than the yellow press.

They all told the same story. It was the story of a couple being discovered in a hotel room, and of an investigator who had the eyes of a hawk or an eagle, and who could see through a keyhole what was happening in the room from a distance of several hundred feet. That investigator described what he had seen, and usually it was half a bottle of liquor of some kind with two glasses, the clothes of a man on a chair and the clothes of a woman on another chair, and a man in slight attire and a woman covering herself with the bed sheet. The report was that adultery had taken place. It was nearly always the same story, and it was evidently fabricated evidence.

One day I asked for some information about the divorce cases, and the answer I received was half baked. In 1960 I asked for the number of divorce cases in which private detectives appeared before the committee. I received a list that went from year to year, but the names were not in any particular order and it was impossible to understand anything in it. So, I asked my secretary, Miss Marcelle Savard, a very intelligent lady, to prepare a tabulation. The first tabulation I complained of appeared on March 17, 1960, and the revised tabulation appeared on March 29, 1960. I have some copies here which I will send to the Leader of the Government (Hon. Mr. Connolly, Ottawa West), the Leader of the Opposition (Hon. Mr. Flynn) and to honourable Senator Aseltine, who apparently will speak after me.

These deserve to be examined because they mention the number of divorce cases of each investigator. These men were the Grand Moguls of the investigators. There were a number of them, and some had many cases. I will give the number of cases several of them had for the years shown, namely, 1955, 1956, 1957, 1957-58, 1958 and 1959.

In those years, respectively, the first detective I will mention had the following number of cases: 16, 44, 58, 29, 41 and 56. A second man, who was subsequently convicted and sentenced to five years in the penitentiary for perjury, had in those same years 77, 49, 30, 19, 41 and 36 cases. Yet another, who was also a grand mogul and a specialist, had in those years 84, 60, 62, 31, 45 and 57 cases. Another had in the first three years cited 17, 60 and 24 cases. A further man had 89 cases in the first year, and in the subsequent years 60, 77, 36, 50 and 67. The last one to whom I will refer had in those years 28, 19, 26, 25, 32 and 50 cases.

These were the same men using the same kind of evidence and the same description of what they called divorce. They were the most popular and successful. According to *Le Droit* of May 2, 1962, one of the popular Grand Moguls was sentenced to five years for perjury. This was one side of the picture. The other side of the picture was that lawyers used to charge $500 for each case. I do not know how most litigants could succeed in getting that large amount of money, but the rate

was $500 for divorce, one side or the other —both sides, $1,000 each—sometimes more. It was a regular exploitation of the credibility of the people and it was a slur on the Senate. It had to change, and two members of the House of Commons decided to stop it. They said they would have nothing to do with the divorce bills which went before the Private Bills Committee of the House of Commons.

The Private Bills Committee here had it first and then the Divorce Committee, of which Senator Aseltine was the chairman and did his work very conscientiously. Having presided over that committee for many years and doing his work just as well as he could—and the same can be said for his colleagues then sitting with him—he came to the conclusion that the best thing to do was to entrust all the divorce cases to the Exchequer Court of Canada.

In those times the Roman Catholic French Canadians, we are told, had to keep away from the divorce legislation and not to touch it. We were just observers, like Goldenberg—and others—

Hon. Mr. Choquette: Mr. Cohen.

Hon. Mr. Pouliot: —who were at the Toronto "Confederation of Tomorrow Conference" as observers.

We were listening to what was going on. Nobody rose to speak, and the Honourable Alphonse Fournier—who was Leader of the House and Minister of Public Works and afterwards became a member of the Exchequer Court—said it was the practice for all Fench Canadian Catholics to abstain from dealing with divorce cases.

I had that formation when I came to the Senate. I listened to the argument of Senator Aseltine, and I thought personally that it was sound reasoning but I did not accept his views at once. I waited for some time, and finally I was so convinced that I followed the opinion of Senator Aseltine, the late Senator Dupuis and Mr. Stanley Knowles, M.P., and I decided to insist that any divorce cases should be submitted to the Exchequer Court.

Now I say to Senator Aseltine, and I would say to Senator Dupuis if he were still alive, and I say to myself, we have won a great victory, because the Government has finally decided to entrust all the divorce cases to the courts. The House of Commons has been relieved, by the tenacity and perseverance of two members of that house who were strongly criticized in this house where the word liberty is not always well understood. They had the perfect right to say, "We in the House of Commons should have nothing to do with divorce legislation. We will pass it over to the Senate." Strangely enough, it was accepted here. We had that situation for many years.

Now, before coming to the bill itself I would like to read from the last speech made by one of our most eminent colleagues on the last day he was here in his capacity as Leader of the Government in the Senate. When I read it to you you will be surprised, because it concerns some legislation which had been sponsored in the House of Commons by the then Minister of Justice, who hid himself behind the curtains, being replaced in the chamber by another colleague who was not a lawyer but who took charge of that bill, which was entitled Bill C-133, to amend the Judges Act and the Exchequer Court Act. That "last speech" to which I refer was that of the Honourable W. Ross Macdonald. It concerned legislation which had come from the House of Commons at the very last minute on the last day of the session, just on the eve of prorogation. They had waited until the last moment. I remember the occasion very well, as will I am sure many of my colleagues who were in the Senate at that time. It was not so long ago—December 21, 1963, just four days before Christmas. I remember the letter from the Assistant Secretary to the Governor General being read, informing us that prorogation was coming. Everything was ready for that prorogation.

Now I will read that speech I referred to. It is not long and, as I had some difficulty the other day in putting some papers on *Hansard*, I will take the trouble to read it:

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-133, to amend the Judges Act and the Exchequer Court Act.

Bill read first time.

The Hon. the SPEAKER: Honourable senators, when shall this bill be read the second time?

Hon. Mr. MACDONALD (Brantford): May I see the bill?

The Leader of the Government had not even seen the bill. Think of that!

Hon. Mr. CHOQUETTE: I wonder if the honourable Leader of the Government would read the explanatory note to us, because we do not have a copy.

Hon. Mr. MACDONALD (Brantford): I understand copies of the bill have not been distributed, so, as the Deputy Leader of the Opposition has suggested, perhaps I should read the explanatory note.

The purpose of this bill is to authorize the appointment of, and the provision of salary for, one additional judge of the Exchequer Court of Canada, in contemplation of the designation of a judge of that Court to perform the duties and functions of the officer of the Senate referred to in section 3 of the Dissolution and Annulment of Marriages Act, chapter 10 of the Statutes of 1963.

Senator Macdonald goes on.

Honourable senators, it is obvious this is an important bill. It provides for the appointment of an additional judge to the Exchequer Court to perform the duties and functions of the officer of the Senate in connection with the dissolution and annulment of marriages.

Honourable senators, it is now nine minutes to ten. I do not think the Senate could possibly give this bill three readings before 12 o'clock tonight. If we did not complete consideration of it before midnight, it would take us into the Sabbath. I do not think, on the Sunday before Christmas, we would want to discuss a bill which is in some way connected with the dissolution and annulment of marriages. Furthermore, there are in the house at the present time twenty-one senators. A bill of this importance should, I think, receive the consideration of at least the majority of members of this house. I am not blaming anyone for the late arrival of this bill. Although it went through the other place tonight, I do not think the Senate should proceed with it at this late hour. I therefore move that the bill be given second reading at the next sitting of the Senate.

Hon. Mr. MONETTE: Are copies of the bill available?

Hon. Mr. MACDONALD (Brantford): The bill has passed the other house, and I understand there will be ample copies available.

Motion agreed to.

The Senate adjourned during pleasure.

And then Royal Assent and Prorogation followed. The session was finished that very day and the next session met in February.

That speech was to the honour of Senator Ross Macdonald, for he spoke as one who believed in the true British parliamentary tradition. And although he was a staunch supporter of the Government, he could not agree to accept the passing of such a bill at that late hour. As it turned out afterwards, that was the last speech that he made in this chamber as the Leader of the Government in the Senate. He resigned and was replaced by a worthy successor. But it shows the courage that a parliamentarian had on a great occasion. We were nearly at Christmas Eve, and Senator Macdonald, who had strong opinions, expressed his views and said that he could not accept the bill at that time.

I took the trouble to mention it, not to tell you anything new but to remind all my honourable colleagues of a phase that most of us are familiar with and that we should not forget when we are discussing divorce legislation.

There are indeed many exaggerations in connection with the capacity of the committee to deal with a certain number of cases. I have another excerpt from the Senate *Hansard* of April 11, 1962. I inquired as to how many cases the Divorce Committee of this chamber could deal with, and here is a short dialogue which appears on page 491 of *Hansard* of that date.

HON. MR. POULIOT: I have a practical question to ask the honourable gentleman. What is the maximum number of divorce cases that the Divorce Committee of the Senate can handle during one session?

HON. MR. ROEBUCK: Now that is an academic question, and one which I am not able to answer. I would not suggest a maximum number, because if it was our duty to handle a very large number of cases, we would do so.

HON. MR. POULIOT: That is not an answer.

HON. MR. ROEBUCK: No, that is not an answer. I cannot state the maximum number of cases we could handle.

HON. MR. LAMBERT: That is a theoretical question.

HON. MR. ROEBUCK: Yes, that is a theoretical question. When my friend asks me if the committee could handle a specific number of cases, namely, 6,000 a year, my answer is yes.

Mark you, "my answer is yes." The Senate Divorce Committee could handle 6,000 cases a year. But when asked the maximum number the committee could handle, the honourable chairman could not answer that. I will answer it. According to what has been said, the sky would have been the limit. And that was the dialogue that took place.

Honourable senators, it is very easy to pass thousands of divorce resolutions when they are put on the Order Paper without any information and even before we are acquainted with the names of the litigants. You know the procedure: the Chairman of the Divorce Committee rises at his seat and presents a bulk of resolutions with the names of the petitioners. We know nothing at all of what has happened. Sometimes we know the names, but we do not know where they come from. It passes like a cinema that is shown too rapidly before our eyes. We know nothing about them and yet the Senate has decreed in its wisdom that those people shall be divorced from that time on.

It is a most absurd situation, and I cannot understand why the Canadian Bar Association and the local bars and the benchers of Ontario and others have not denounced that kind of legislation. As has been said quite aptly by the Chairman of the Divorce Committee of the Senate, the Senate does not render a judgment; it legislates on each case of divorce. It is high time that it should stop. My honourable and distinguished colleague, Senator Aseltine, was prophetic when he said that for many reasons the courts should handle the divorce cases and render judgments, and one of the best reasons—

Hon. Mr. Aseltine: Could I interrupt the honourable senator for a moment? Does he agree that if and when this Bill C-187 is passed, and all those cases which have been heard by the Senate Standing Committee on Divorce will not be heard by that committee any more but will be dealt with by the Exchequer Court of Canada, he will not then have anything to complain about as to how these matters have been dealt with in the Senate?

Hon. Mr. Pouliot: My honourable friend knows the esteem that I have for him. He is one of the fathers of this house. I gather what he wants me to tell him is whether I am favourable to decisions by courts in all divorce cases. Is that his question?

Hon. Mr. Aseltine: No, not exactly. I want to know if you agree with the provisions in the Bill C-187, which provide for setting up a divorce section of the Exchequer Court of Canada to deal with cases which come from the Province of Quebec and the Province of Newfoundland.

Hon. Mr. Pouliot: Surely. I hope that I have been explicit enough, and I have spoken clearly. I have told my honourable friend that he had converted me to that point of view.

Hon. Mr. Aseltine: I am very pleased to learn that because when I introduced a bill, I think in 1956, my honourable friend voted against it.

Hon. Mr. Pouliot: That is the old story.

Hon. Mr. Aseltine: It is progress.

Hon. Mr. Pouliot: No, but it is the second time in my life that the honourable gentleman blames me for sharing his view. This I cannot understand. It is beyond me. I tell him I agree with him and he says, "You didn't agree with me nine years ago." It is true, and I have explained why. Now I agree with you, so please do not blame me for agreeing with you. That is all I ask of you. I believe that all the cases that are before the judges, acting as Commissioners as they are now, should be given to them in their new capacity with their power to render judgments. Apparently, it will change the procedure very little, but it will mean much.

The judges at the present time are bureaucrats in the service of the Senate of Canada; though they are paid as judges, wear robes as judges and question witnesses as judges, they have no authority at all, and we do not know what their judgments are. If they assume the responsibilities they are paid for—and they have taken an oath to do that too—then justice will follow its regular course, we shall have nothing to regret, and the Senate chamber will be rid of that divorce legislation which should never have come before us. I hope that is an answer which is satisfactory to my honourable friend.

This committee has made an extensive study of divorce matters, and the reasons for

divorce are more numerous by virtue of this legislation than they were before. I am not in a position to give a definite opinion on that, because each case should be discussed separately and it would take a very long time; but, in the main, I am in favour of this legislation, for the very reason that the Senate will get rid of divorce business, we will not hear of it any more, and judges will assume their own responsibility.

Hon. Mr. Aseltine: Hear, hear.

Hon. Mr. Pouliot: How could the Commissioners sit in a dual capacity, as Commissioners to hear the cases that come before them under the old legislation and as judges to hear the cases that will come before them by virtue of this bill when it becomes law? It makes no sense at all. The reports of the Divorce Committe are piling quite high. The members of the committee have done some work which is to their credit, and I have given credit to the members of the Senate Divorce Committee on many occasions. One of our friends, who is no longer with us, did his work conscientiously but found it preposterous—that was his own expression.

There is another matter—and I am not to repeat remarks I have made on some other occasions, but we have the final report of the joint committe which is extensive and deserves reading. It has been widely distributed throughout the country, and rightly so, because it was a good thing for the people to be familiar with the findings of the committee. However most of the people who read it did not understand very much of it; they found it was rather complicated and far from clear.

That being said, I repeat what I have said today and what I said on March 19, 1964, to my honourable friend Senator Aseltine, that I am favourably disposed to discharging the Senate from the duty of dealing with divorce legislation, and I hope the day will soon come when we will hear no more about it in this chamber.

Hon. Walter M. Aseltine: Honourable senators, I am very pleased to hear the honourable Senator Pouliot say that he has been converted and that he agrees with what I tried to accomplish in 1956, when I introduced a bill in this chamber to amend the Exchequer Court Act to give that court jurisdiction to deal with matters of divorce arising in the Provinces of Quebec and Newfoundland.

Before dealing with the bill I wish to make a few introductory remarks which I think may be not only informative but also interesting to honourable senators.

Since Confederation there have been four statutes enacted by the Parliament of Canada in the exercise of its exclusive legislative authority under the British North America Act 1867, section 91, head 26, to make laws in relation to marriage and divorce. I wish to deal briefly with those four legislative enactments.

Firstly, the Marriage and Divorce Act was enacted as chapter 41 of the Statutes of 1925, and now appears in the Revised Statutes of Canada as chapter 176. Under that act provision was made to give a wife the right to apply for a divorce on the ground that her husband had been guilty of committing adultery. Before that act was passed that right did not exist, and I, for one, was very pleased when that act came into force.

Secondly, by chapter 14 of the Statutes of 1930 the Divorce Act (Ontario) was passed, and is now chapter 85 of the Revised Statutes of Canada. That statute gave the Province of Ontario the right to deal with divorce matters according to the law of England as that law existed on the 15th day of July, 1870, and the Supreme Court of Ontario was given jurisdiction for all purposes under that act. Before that time, all Ontario divorce petitions were heard by the Senate.

Thirdly, the Divorce Jurisdiction Act was enacted as chapter 15 of the statutes of 1930, and is now chapter 84 of the Revised Statutes of Canada. The act dealt with the domicile of the wife, and upon desertion by her husband for two years she was given the right to take action for divorce in the province in which she was domiciled at that time.

Fourthly, there is an act that deals with British Columbia, entitled The British Columbia Divorce Appeals Act, which was first enacted by Chapter 4 of the Statutes of Canada of 1937. That statute gave the Court of Appeal of the Province of British Columbia jurisdiction to hear and determine appeals from an order, judgment or decree of a court of the province or a judge thereof having jurisdiction in divorce and matrimonial causes. In addition to these, another act was passed which gave the Senate of Canada authority to have the evidence in divorce cases taken by a commissioner, but I do not regard that act as being in the same category as the four I have just mentioned.

The bill that is now before us, honourable senators, if it is passed, will be the fifth such statute passed by the Parliament of Canada since Confederation.

Except as modified by those statutes to which I have referred, the provinces of Manitoba, Saskatchewan and Alberta have jurisdiction to grant divorces according to the law of England as of 1857 and 1870. British Columbia has that same jurisdiction according to the law of England of 1858, and that was by proclamation issued in that year by Governor Douglas. As I said a moment ago, Ontario was given jurisdiction in divorce in 1930, and in that province the law of England as of 1870 applies.

The Maritime provinces, Nova Scotia, New Brunswick and Prince Edward Island, had passed statutes pre-dating Confederation, which were continued by Section 129 of the British North America Act, and they obtained jurisdiction to grant divorce accordingly. Quebec and Newfoundland have special status with respect to parliamentary divorce, and this was augmented by the statute passed recently, and which I also mentioned a short while ago.

When I was speaking on the motion for second reading of Bill S-19 on March 8, 1966 I gave more detailed information which can be seen by reference to page 260 of the *Debates of the Senate* of that date. Bill S-19 was introduced in this house by Senator Roebuck.

Efforts have been made, honourable senators, to modernize our divorce laws which might have been suitable a hundred years ago but which for a long time have been outdated and most unsatisfactory for a society such as ours. I want to make a brief reference to the bill that was introduced in this chamber in 1938 and which, if it had passed, would have made desertion, cruelty and incurable insanity grounds for divorce in addition to that of adultery. As honourable senators know, that bill was passed by the Senate but was defeated in the other place.

In 1955 a similar bill was introduced in this house, and if I remember correctly, several other bills were introduced at about that time in the other place by members there, all with the same object in view. That bill was also defeated.

In 1956 we debated the bill that Senator Pouliot spoke of which, if it had passed, would have given jurisdiction in divorce matters as far as Newfoundland and Quebec are concerned to a Divorce Division of the Exchequer Court of Canada. As Senator Pouliot said, the passage of that bill would have, to all intents and purposes, done away with parliamentary divorce altogether.

None of these bills were passed by Parliament, but public opinion was gradually mushrooming, with the result was that in 1966 a bill to enlarge the grounds for divorce was introduced in this house by Senator Roebuck, and five or six similar bills were introduced in the other place. These resulted in the formation of a joint committee of the Senate and the House of Commons to study and report upon the entire subject of divorce.

As was explained by Senator Roebuck last December when he moved the second reading of this bill, that joint committee, of which I was a member, held many meetings, studied many reports, heard numerous witnesses representing the public at large, and finally submitted its considered report, including a draft bill for the guidance of the Government. As a result of that report and the public pressure behind it, we now have before us for second reading a Government bill that has been passed by the other place.

I consider this bill, honourable senators, to be very timely indeed. It is a much better bill than all the others previously introduced by members of the Senate and of the other place. It certainly fills a pressing need. I support it, and hope that it will be passed speedily, and will be proclaimed in due course.

This does not mean that I agree entirely with everything in the bill—or, perhaps, I should say that I do not agree with the methods that the bill proposes to adopt in order to accomplish the end in view. But this bill is so far in advance of everything previously attempted that we should give it our wholehearted endorsation.

The grounds for divorce are clearly set out in clauses 3 and 4, which are phrased in simple language and quite understandable by anyone. I do not intend to deal with them. I do intend, however, to make some remarks regarding clause 8, on page 6 of the bill.

Clause 8 deals with reconciliation proceedings and provides that when a petition for divorce comes on for trial it must be dealt with by a superior court judge who must direct certain enquiries in order to ascertain if a possibility exists for the reconciliation of the parties involved. If at that or any later stage of the proceedings there appears to be

any possibility of reconciliation, the judge shall (a) adjourn the proceedings in order to afford an opportunity for reconciliation, and (b) nominate a marriage counsellor or some other suitable person to assist the parties, if he decides to do so. The clause then goes on to say that after 14 days have elapsed either party may apply to have the proceedings resumed, and the court shall resume the proceedings when either party applies to have the case proceeded with.

It is my opinion that if divorce trials can be conducted only by a Superior Court judge, clause 8 is unworkable, because Superior Court judges are located in only the large centres of population. For example, in Saskatchewan all our Superior Court judges—who are called judges of the Court of Queen's Bench—are located in the City of Saskatoon and the City of Regina. They hold assizes for criminal matters and also deal with civil matters periodically in the different judicial centres throughout Saskatchewan. We have 19 such judicial centres. If a Superior Court judge from Saskatoon goes to Prince Albert to hold court and some of the cases with which he has to deal are divorce cases, and if he goes through the procedure I have mentioned and adjourns the trial, no one knows when it will ever come up for hearing again. The Superior Court sits only two or three times a year in Prince Albert, and in the smaller centres, such as North Battleford, Humboldt, Yorkton and Swift Current, only once or twice a year, and I do not know when a judge who heard a case in the first instance could appear again where the trial took place to resume the proceedings.

Hon. Mr. Hayden: Would the honourable senator permit a question? In Saskatchewan do you have provision in your provincial law under which a local judge may in certain circumstances perform the functions of a Supreme Court judge?

Hon. Mr. Aseltine: In divorce matters?

Hon. Mr. Hayden: In any matters?

Hon. Mr. Aseltine: It applies only to chamber matters, as I remember. I have not been practising as much lately as I did formerly, but I think a District Court judge can hold chambers and deal with Superior Court matters in his own jurisdiction, but not otherwise.

Hon. Mr. Thorvaldson: It is restricted, to certain matters, and I am sure it does not include divorce.

Hon. Mr. Hayden: You are speaking for Manitoba now.

Hon. Mr. Thorvaldson: The same situation applies in the Province of Manitoba.

Hon. Mr. Connolly (Ottawa West): I take it the local act in Manitoba sets out particular cases in which the local judge can be nominated to act as Superior Court judges act?

Hon. Mr. Thorvaldson: Yes, and divorce is not included.

Hon. Mr. Aseltine: I am quite sure we have the same system in Saskatchewan.

Hon. Mr. Connolly (Ottawa West): Would the honourable senator allow me to intervene once more to clear up a point in which perhaps Senator Thorvaldson might also be interested? Would there be authority in the provincial legislature to empower a local judge to deal with matters contemplated by the section referred to by Senator Aseltine?

Hon. Mr. Aseltine: By amendment?

Hon. Mr. Connolly (Ottawa West): By amendment, yes. I am not trying to put either honourable senator on the spot; I just wonder whether authority might not rest with the legislature to do that.

Hon. Mr. Flynn: If it is not contrary to the act that we have before us.

Hon. Mr. Connolly (Ottawa West): I think it would not be contrary to the act. I just wondered whether the authority might be there for the legislature so to empower the local judge.

Hon. Mr. Flynn: If it is not in opposition to a federal act, yes.

Hon. Mr. Connolly (Ottawa West): I would think so.

Hon. Mr. Thorvaldson: I am not positive in regard to Manitoba, but I would think it would not apply to matters of divorce. However, I would not want to state positively.

Hon. Mr. Aseltine: In Manitoba you have the Queen's Bench Act. We have the Queen's Bench Act in Saskatchewan, and our judges are known as judges of the Court of Queen's Bench. Our other judges are judges of the District court, because we have no counties in Saskatchewan. In Ontario they are called County Court judges. Such judges are located in the county seat or in the judicial centre,

where they are available at all times, whereas a Superior Court judge holds court only in a judicial centre or a county periodically.

As I said before, if a case is adjourned as provided by clause 8 it might be six months or more before the proceedings could be resumed, and the case might be adjourned again and again. This would involve travelling expenses, witnesses' expenses and the expense of bringing a lawyer long distances. For example, if a petition for divorce were launched in North Battleford and the judge who heard the case was located in Regina, the witnesses and counsel might have to go all the way to Regina, a distance of over 200 miles. In my opinion the travelling expenses involved, together with the witnesses' and counsel's expenses, would be prohibitive and the delay would be most annoying.

My contention has always been, and the joint committee so decided, that district Court and County Court judges should be given jurisdiction to hear divorce petitions. They would be on the ground, so to speak. Usually a District Court judge or a County Court judge is kept busy mainly with surrogate court matters and has quite a lot of spare time on his hands. In my opinion it would be ideal if these cases could be heard and dealt with by such judges.

Referring to the report of the committee, I should like to read what the committee decided at page 162, Part III:

> In any province with courts having jurisdiction to dissolve marriages, the County or District Courts shall have jurisdiction, equally and concurrently with the Superior Court therein, to dissolve marriages and to provide ancillary relief, on any existing ground or on any ground added by this Act: Provided that, on the application of any party thereto, an action for dissolution commenced in a County or District Court shall be transferred to the Superior Court, and provided further that any ancillary relief granted by the Superior Court coincidentally with a pronouncement of dissolution may be enforced, and may be varied from time to time as circumstances may require, by the County or District Court in the county or district in which the petitioner resides.

I was very much in favour of having that clause inserted in our report. I am of opinion that this whole matter should be carefully considered by the Senate when this bill reaches the committee stage.

However, I must admit that the Government seems to be of the opinion that high court judges are absolutely necessary and the Government is not prepared—at this time, at any rate—to accept an amendment giving judges of the lower court a right to try divorce cases. I gather that from reading what took place in connection with this bill in the other place. When the provinces are consulted, it is quite possible that an amendment will be suggested and acceptable.

Honourable senators, I refer now to another matter. Clause 9 of the bill states:

> ... it shall be the duty of the court
> (a) to refuse a decree based upon the consent, admissions—

I emphasize the word "admissions"—

> —or default of the parties or either of them...

In the western provinces the practice has grown up of examining a defendant respondent or defendant co-respondent before setting the case down for trial. I have personally conducted many of these examinations which are known as examinations for discovery. After the usual warning, questions can be asked and admissions obtained, if the person being examined is willing to answer. In that way we obtained the evidence as to the misconduct of the respondent in a more direct and convincing manner than by hiring detectives to snoop around. If clause 9 of the bill does away with obtaining the evidence in that manner, I am strongly against that clause.

I would like to have an explanation of subclause 1(a) of clause 9, as to what it is really intended to accomplish.

Honourable senators, if the bill goes to committee for clause-by-clause study, no doubt the two matters which I have raised will be examined carefully. These are the only two matters which I have decided to raise at the present time.

Hon. Mr. Hayden: Would the honourable senator permit a further question? I notice that in clause 9 (1) to which he referred, the word "solely" is used in connection with consents or admissions.

Hon. Mr. Aseltine: Yes.

Hon. Mr. Hayden: So that would not rule out, I think, the use of a consent or admission obtained on discovery, but it might require corroboration.

Hon. Mr. Aseltine: Only if that is all the evidence there is.

Hon. Mr. Hayden: Yes.

Hon. Mr. Aseltine: Well, sometimes it is.

Hon. Mr. Flynn: It is just too bad.

Hon. Mr. Aseltine: I have known cases before our Standing Committee on Divorce where the respondent was subpoenaed and examined, and that was practically all the direct evidence we had on the question as to whether the matrimonial offence had been committed by that person.

Hon. Mr. Roebuck: Excuse me. As I remember the rules of court in Ontario, an admission made at an examination for discovery is not admissible in court.

Hon. Mr. Hayden: Only if it is used—

Hon. Mr. Roebuck: Not in examinations for discovery.

Hon. Mr. Aseltine: Did you say "not permitted"?

Hon. Mr. Flynn: It would be in Quebec.

Hon. Mr. Roebuck: Admissions when made by the respondent are evidence against that respondent or against the co-respondent; but, speaking from memory, an admission made by a respondent or a defendant on an examination for discovery is not permitted to be used as evidence in the trial.

Hon. Mr. Flynn: Not in civil matters.

Hon. Mr. Roebuck: And for good reasons, too.

Hon. Mr. Aseltine: I am rather disturbed about that clause 9; I hope it does not mean what I think it means.

Honourable senators, before taking my seat, I want to repeat what I have said several times during my remarks, that bill C-187 is a good bill. At any rate, it represents the culmination of my efforts towards divorce reform over the last thirty years. I am particularly gratified to find that the bill provides for an amendment to the Exchequer Court Act, establishing a divorce division of that court to deal with petitions in divorce from the Provinces of Quebec and Newfoundland. If the bill which I introduced in the Senate in 1956 had passed, it would have accomplished this and parliamentary divorce would have become more or less a thing of the past, as it will now become, although I expect that any person could still apply for divorce by way of a private bill.

Hon. F. W. Gershaw: Honourable senators, having been a very humble member of the Senate Divorce Committee for a long time, I have some brief remarks to make. I wish to pay a most sincere tribute to Senator Aseltine and Senator Roebuck for the work they have done over so many years Both have introduced bills to try to correct the difficulties and both have given freely of their professional advice to the Divorce Committee. I hope the record will show that these two chairmen over the years have made a great contribution to parliamentary history.

A question has been asked as to how many cases the divorce tribunal handled. The Divorce Committee tried to handle all the cases that came before it each day. The people who came here at their own expense, and brought their lawyers at their own expense, were entitled to consideration, and we always tried to deal with each and every one of them on the day they arrived.

During the past years there has been great need for reform in divorce procedure. Nearly every member of this chamber has spoken about it at different times. Ten or fifteen per cent of the people who brought hotel room cases before us probably were "putting it over" us and did not deserve a divorce at all. On the other hand, there were very sad cases where people required a divorce but could not get one. The detectives giving evidence before the committee were generally honourable people.

Hon. Mr. Roebuck: Hear, hear.

Hon. Mr. Gershaw: We had full confidence in the majority of the detectives who testified before us. It is true that they had a very unpleasant duty to perform. In perhaps two or three cases we found detectives telling things that were not true, and needless to say they never appeared before the committee again. We took care to see to that.

There were many contested cases, and unfortunately in most of these money was a big factor. The party with the money would seek the divorce and the other party would contest it. Sentiment seemed to take a secondary place to money. But money is needed for another purpose. In practically every case I had anything to do with we told the parties, "If this divorce is granted it does not relieve you of the duty of looking after your chil-

dren. You must look after them." We did not want a man or woman to raise one family and then go and spend his or her money on somebody else's family.

Many delinquent children come from these broken homes, and they often get into trouble later on in their lives because they have not had the education or moral guidance they should have received. Now, section 12 of this bill provides for the maintenance of the children, but I do not know whether it deals with it firmly enough. Certainly it is permissive. It permits a judge to do something about the care of the children. Probably in legal terms it is compulsory, but it seems that if it were a little more mandatory it would be more satisfactory, because children are the ones who suffer most from divorce. They are the ones who need to be looked after—and looked after at the time so that a parent will not have to go to the provincial government for assistance.

The subject of divorce has come before the public in a general way, and of course this probably could not be helped. It is like the news about abortions and heart transplants, it cannot be suppressed. Unfortunately, however, the news has gone throughout the country that abortion is going to be easily obtained and that divorce is going to be easily obtained, but I know from reading this bill and by the judgments that I am sure the judges will give, that such will not be the case.

We do hope that advice can be given to people who are being married, for they should realize that they are taking on a very serious obligation, the gravity of which should be pointed out to them in such a way that they are not likely to forget it.

Many shotgun marriages had to be ended by our committee. Young people would get married just for the sake of giving a child a name, and then they would come before us seeking a divorce. Those are very sad cases.

Honourable senators, I just wanted to bring these points to your attention, especially the fact that children are the ones who suffer most and who need the most consideration. I hope the new morality will not make things worse along this line. The fact that a marriage may be breaking up is something so serious that it should never be taken lightly.

Hon. J. Campbell Haig: Honourable senators, in rising to take part in this debate, may I first congratulate the honourable Senator Roebuck for the great work that he has done in chairing the Standing Committee on Divorce. I have been a member of this divorce committee since 1962. It was a job to be done. I do not think I liked it. The system of handling divorce cases from Quebec and Newfoundland was changed and the work of hearing the evidence was transferred from a standing committee of this house to a Divorce Commissioner, Mr. Justice Walsh of the Exchequer Court.

Honourable senators, I think this bill is moving ahead with society in such a way that we have in addition to the adversary principle, which I intensely dislike, the marriage breakdown theory.

Serving on the Special Joint Committee on Divorce were members of different faiths, and all expressed a desire to clean up what they thought was a bit of dirty mess. I was very pleased that the members of the Roman Catholic faith, although against divorce on religious grounds, stated they did not want to impose their belief on the rest of Canada.

Divorce is a nasty matter. Two people marry and after a number of years their marriage may break down, and they separate. One may have become an alcoholic or been imprisoned, but for some reason there has been a breakdown of the marriage. Why should such a marriage, which is a marriage in name only, be continued? I think this bill will bring matrimonial relief to many, many people. There will certainly be fewer heartbreaks.

A man of high position in my own province told me he wanted a divorce. I said, "You can't get one. Your wife is in mental hospital." He replied that she had been there for 17 years, and I said, "Well, the only thing you can do is get an American divorce, but it is not recognized here."

At this point I would like to discuss court jurisdiction, a subject which the former Chief Justice McRuer of Ontario dealt with before our joint committee. He advocated that District or County Courts should have jurisdiction in divorce matters. When this was discussed previously, before the committee report was brought forward, I spoke to the senior County Court judge in our province. He said, "We don't want the job." Then I spoke to a couple of Queen's Bench judges about delays and the time that it takes them to travel on circuit, and both replied that there was never more than a month's delay

in the hearing of cases and that they could reach any part of the province within a day. It was felt that there was no reason for any lack of attention to divorce cases by Queen's Bench judges in Manitoba.

I like the provision for reconciliation proceedings, because, as most lawyers know, unless there has been a flagrant abuse of marriage, when two people contemplate divorce you always ask them whether they have seen their minister or a social worker or a family counsellor.

Now, I think that the divorce rate will increase in Canada, but only because of the reason that so many marriages which are in name only will be dissolved.

I heartily commend this bill to the Senate, and again wish to congratulate Senator Roebuck for the excellent work he has done in this matter.

Honourable senators, I am glad there is an appeal provision in the bill, because as it is at present I think the appeal system is wrong. Last year the Divorce Committee heard an appeal and allowed the divorce because the evidence was so overwhelmingly in favour of the petitioner. But I am glad to see that that provision is now taken care of by the rules of the Court of Appeal.

Hon. Muriel McQ. Fergusson: Honourable senators, as a member for some years of the Senate Standing Committee on Divorce and also as a member of the Special Joint Committee of the Senate and House of Commons on Divorce which sat during 1966 and 1967, I wish to make some comments on the bill before us.

Anyone who has been a member of either of these committees would be constrained to express admiration and appreciation for the work of Senator Roebuck, Chairman of the Standing Committee for the past 14 years and, together with his very able associate from the House of Commons, Mr. A. J. P. Cameron, Q.C., joint chairman of the Special Joint Committee.

Words are inadequate to express the gratitude of the members of these committees to Senator Roebuck for the tremendous amount of skill, time and thought he has devoted over the years to improving and to bringing up to the needs of the 20th century Canada's outdated divorce laws. The excellent attendance at the joint committee and the interest taken in the work by the members of both houses have resulted in the report submitted by the committee to this house on June 27, 1967, which report, as Senator Roebuck has said, has been closely followed in the present bill.

Senator Aseltine preceded Senator Roebuck as chairman of the standing committee; he devoted ten years to the work of this committee during which time he also made determined efforts to have changes made in Canadian divorce laws.

I support the provisions in the bill which will enlarge the grounds for divorce and which will include provision for divorce based on the breakdown of marriage. It might be ideal to have divorce based only on marriage breakdown, as was advocated by some members of the committee, and was most seriously considered by all members before the committee came to a decision. The reasons given by Senator Roebuck in his excellent speech on introducing the bill explained why the committee decided against making such a recommendation. It is unnecessary for me to repeat or elaborate on them.

The fact that under this bill a married woman will have the same right to domicile in relation to divorce proceedings as her husband pleases me greatly. For years women's organizations have protested against the present law of domicile which they consider discriminatory against women, and have requested that it be changed. This change in the present bill, so far as domicile relates to divorce, will certainly be welcomed, and I am very glad that this has been incorporated.

If this bill becomes law, many people living in common-law unions will be able to secure their freedom from unhappy marriages and will be able to regularize their present status and make legitimate the children born of such unions. I believe this will strengthen and bring happiness and security to many Canadian homes and in the end will add stability to family life in Canada.

Although I am pleased with this bill and certainly will support it, there are one or two areas to which I think further consideration should be given, either before the three-month waiting period provided for in clause 27 has elapsed or by an amending bill. Clause 4 (1) (e) (ii) of the bill provides that a petitioner, having deserted for five years his wife who has committed no marital offence and who does not want divorce, may sue for and obtain a divorce. I do not object to a divorce based on desertion for five years because in such a case the marriage has obviously broken down even though the wife is opposed to

the divorce. However, I am concerned regarding the situation of a faithful wife who may have sacrificed a promising career to be a housekeeper, to bring up a family—the responsibility for which in the early years falls almost entirely on her—and to help her husband reach the position which he has attained. If her husband deserts her for five years and then secures a divorce, it appears to me that under the present bill she will be deprived of rights which she has acquired under provincial statutes, such as Widows Relief acts, Family Inheritance acts, Intestates Succession and Dower acts. Furthermore, through no volition or fault on her part she will also lose her expectation of sharing in the pension rights of her husband which she has helped him to build up and which, if he predeceased her, could very well have provided her with a reasonable income. This bill, it seems to me, ruthlessly and against her will strips her of these rights while it gives her nothing in place of them.

It has been pointed out to me that under clause 11 of the bill the court can, if it thinks fit, make an order for the husband to pay a lump sum or periodical sums for the maintenance of the wife and children. I might say that in that same clause a new principle has been introduced under which, if the court thinks fit, the wife can be required to pay a lump sum or periodical sums for the maintenance of the husband and the children. This provides for equality for the wife in regard to responsibilities, but not so much attention has been given to provide that her rights are observed.

Under clause 11 she may secure, if the court thinks fit, an order for maintenance for herself and her children. Surely, honourable senators, on the dissolution of a marriage a wife is entitled to more than a maintenance order especially when we know the unsatisfactory history of maintenance orders now being issued out of other courts in Canada. Experience has shown that they are of very little value.

A report in the Ottawa *Citizen* of January 16, 1968, regarding a new bill on divorce recently introduced in the British House of Commons, states:

> Precautions are taken to ensure that a wife divorced against her will will be properly provided for financially.

I would like to know what proposals are contained in that bill to provide for a wife so divorced, but I have not been able to secure that information as yet. Also in the Ottawa *Citizen* of January 20, 1968, there is an article that indicates that the Archbishop of Canterbury

> ...has attacked the United Kingdom divorce laws on the ground, among others, that he "did not think enough protection was provided the faithful party and to his or her children."

These two quotations indicate the concern in the United Kingdom about the problem of protecting the innocent party, particularly the wife, who has entered into marriage under a certain set of circumstances and whose property rights will be affected or destroyed by a divorce obtained on the initiative of the guilty party.

Precautions to protect the faithful party should, I think, also be taken in Canada. The joint committee at page 29 of the present report recommended as follows:

> Your committee recommends that the courts of those provinces having jurisdiction in divorce be given power to issue orders coincident with decrees of divorce and ancillary thereto with respect to the division of marital assets between the parties...

The recommendation goes on to say other things, but this is the point I would like to bring to your attention. The bill before us makes no reference to giving the court jurisdiction to make orders for division of the marital assets. I feel that unless the court granting the divorce has the authority to make an order regarding the division of the property held and acquired during marriage, it is impossible to provide fair treatment for both parties.

I am well aware of the constitutional problems that might be involved in such legislation but I firmly believe, and there are authorities on constitutional law that agree with me, that the authority to order the division of family property on the dissolution of marriage is ancillary to, is part of and actually is inseparable from the authority given under the British North America Act to the federal Government to deal with marriage and divorce.

Anyone who has worked on the Divorce Committee is familiar with and relies on that basic textbook on the subject of divorce written by Kent Power, entitled *Power on Divorce*. After research in this area, Power

expresses his opinion in that book that if there were conflict between the authority of the federal and provincial governments to legislate in this field, federal legislation would prevail.

Some provinces have already passed laws providing for the division of property in these circumstances, and unless the federal Government enters into the field and makes laws that will be effective throughout Canada, doubtless more provincial acts will be passed. The recent 1,400-page report of the Ontario Law Reform Commission would indicate that in all probability the Province of Ontario will be legislating in this field. If, as could well happen, the ten provinces and two territories should make their own laws in this area, it could well be that we would have 12 widely differing sets of laws in Canada for the division of marital property following a divorce. This could cause great confusion. If a divorce took place in one province and the family property—including stocks, bonds, real estate and other valuables—is in other provinces, under the law of which province should the division of the marital property take place?

Conflict of laws has not been a great problem in Canada, as it has been in many other countries, and unless the court which grants the divorce deals also with the division of the marital property at the same time, it certainly will occupy much of the time of our own courts in the future. This problem is one that has given some concern in the Common Market countries of Europe and might well do the same here.

I would like to point out that according to recent legislation in the United Kingdom, Australia, and New Zealand, the division of marital property is considered to be something that should be dealt with at the same time as the divorce is considered.

Despite the importance of providing at the time of the divorce for the protection of the wife divorced against her will, and despite the importance of having the same legislation throughout Canada regarding the division of marital assets on dissolution of marriage, if the federal Government has doubts on its right to legislate in this area, it is my belief that a reference should be taken to the Supreme Court for a ruling, as was done in the "Persons" case, which the women of Canada will never forget, for it resulted in a clarification of the British North America Act which determined that women are "Persons" and can be appointed to the Senate.

Another reason why I would like to have one law throughout Canada to govern the division of marital property on divorce is that in this Human Rights Year I trust that Canada will sign and ratify the International Covenants on Human Rights. One of these is the International Covenant on Civil and Political Rights which requires ratification by states to "Ensure equality of rights and responsibility of spouses as to marriage, during marriage and at its dissolution."

The same covenant requires federal states, such as ours, to see that the provisions of the covenant extend to all parts of the federal state. If Canada ratifies this covenant, which I hope she will, she will have the obligation to "ensure equality of rights and responsibilities of spouses" at the dissolution of marriage, and it would be almost impossible for the federal Government to make sure that this equality exists if each province passes its own legislation in this area.

For all these reasons, honourable senators, I would ask that consideration be given to the rights of the faithful party who is unwillingly divorced, and also that the courts granting divorces be given the right coincident with the decree of divorce to issue orders with respect to the division of marital assets between the parties. Although I would like consideration given to these matters, I have no intention of holding up this bill, for I believe it will greatly improve the present situation and will also greatly improve social conditions in Canada. I gladly support the bill.

Hon. Malcolm Hollett: Honourable senators, my main purpose in rising is to pay my respects to that dedicated senator, Senator Roebuck, under whom—in my case, since 1961—I have tried to serve to the best of my ability, as have quite a number of other senators. I am sure we all agree that but for the dedication of Senator Roebuck many people in Canada today would be very unhappy. He watched over the proceedings of all the committees which served under him. He worked like a slave. To be honest, I do not know what this "young fellow" is going to do when this bill passes. I hope that he will find something to do.

I am speaking now for Newfoundland and am looking at the bill as it appears to me. If it passes, barring a proclamation by the Governor in Council, a poor man or woman in some isolated community seeking a divorce

will have to present a petition to the Exchequer Court. Just think of that poor person, with not too much money, having to appear before the Exchequer Court, having to come here to Ottawa—

Hon. Mr. Roebuck: No, he will not have to.

Hon. Mr. Hollett: Well, that will help; but he has to present a petition, obtain the services of lawyers, and that sort or thing.

Hon. Mr. Aseltine: That has to be done in every divorce case.

Hon. Mr. Hollett: I hope the Lieutenant Governor in Council will make the proclamation very soon, so that our people will at least have an opportunity, as have the residents of some of the other provinces, to have the divorce law operate in a humane manner.

The other point I wish to make is that the quicker we pass this legislation, which has already been passed by the House of Commons, the better it will be. Perhaps the less time we waste in saying too much about it, the better. I say this because I am quite sure that amendments will be made from time to time which will improve the act. I am very happy that legislation has been introduced which will take divorce out of the hands of the Senate and, as I say, the quicker it passes the better for everybody.

Hon. Mr. Sullivan: Might I ask the sponsor of the bill, my good friend Senator Roebuck, a question? Do you really feel that when this legislation passes we will have enough lawyers in Canada to take care of the situation? We have not enough doctors for medicare!

Hon. Mr. Aseltine: We might not have enough judges.

Hon. Mr. Roebuck: I do not think the question was asked very seriously. I think we will be able to get along.

Hon. J. Harper Prowse: Honourable senators, in speaking briefly to this bill I too would like to join with those before me who have paid tribute to the work that has been done by all members of the committee, and in particular to that done by Senator Roebuck. I should like to make a personal observation, that not only his work in this particular committee and the way he has pursued it throughout, and the tremendous amount of time he has given to it, but the amount of time that he finds to devote to so many other things, has been, I can assure him and you, an inspiration and an example to all of us who have come more recently to this chamber. We thank him for it.

Honourable senators, I do not suppose anybody would suggest that this bill is perfect. I do suggest, however, that it goes a long way towards accomplishing that which is necessary and possible. When we realize that in Canada up until the time this becomes law we will have been operating under what was the law of England in 1857, or 110 years ago, without any substantial or useful change during that period, I hardly think it is necessary to justify the fact that changing social circumstances over those years has made something along these lines necessary.

Senator Fergusson has expressed concern as to the possibility that a faithful wife might be deprived of her rights merely because of the absence from her of a dissolute spouse for a period of time. I think that that is actually taken care of by this bill because section 9(1)(d) provides that where a decree is sought under section 4—which is the section that contains the provision Senator Fergusson was concerned about—it is the duty of the court to refuse the decree if there is a reasonable expectation that cohabitation will occur or be resumed within a reasonably forseeable period.

There are then the exhortations in sections 8 and 9 as to reconciliation proceedings. A lawyer, before he presents a petition, must give an endorsation stating to the court that he has advised the parties of the necessity of attempting to create a reconciliation. Section 8 provides that the court itself, on a petition for divorce, shall have the duty before proceeding to hear the evidence to direct such inquiries to the petitioner and, where the respondent is present, to the respondent, as it deems necessary, in order to ascertain whether a possibility exists of their reconciliation.

In other words, it goes on from there, and the whole purpose of this is that before anybody is going to get a divorce at all the court has to be satisfied that that marriage has broken down beyond the point of no return. Then, if the marriage is broken down beyond the point of no return as the result of the action of the petitioner—which was the case that was worrying Senator Fergusson—the court may still grant the divorce in the interests of the public and the children and the other parties, even though the woman might not think she wants it. The court then has at

its disposal, as means of seeing that justice is done, powers under the corollary relief sections, among which is section 10 which provides for interim orders for alimony, and sections 11 and 12 which contain provisions for the granting of alimony orders and the making of satisfactory arrangements for the maintenance of the wife and children.

Hon. Mrs. Fergusson: But may I bring to the attention of the honourable senator that this provides only for maintenance? It provides for nothing beyond that. There is nothing about the capital going to the family, or any division of it at all. Surely, a faithful wife who does not want to be divorced is entitled to more than just an order for maintenance, which is given only if the court thinks fit.

Hon. Mr. Prowse: With all due respect to the honourable senator's opinions, and with all due respect to most faithful wives, there are undoubtedly cases in which the fidelity of a wife, and that alone, is probably the poorest thing in the world to entitle her to any consideration from the court.

Some Hon. Senators: Oh, oh.

Hon. Mr. Prowse: But if she were something more than a faithful wife, if she were a good mother and a good citizen, and the petitioner were a dissolute no-good, then even though he may have a lot of money—and this is what we are talking about here, I think—then I am completely satisfied from the experience I have had in the courts that no judge—none that I have ever appeared in front of, in any event—would fail to find some way of using his powers to provide maintenance for the wife and the children. He would make sure that a substantial chunk of that money was directed to their care and he can order that payment be made either in a lump sum or by periodic payments.

Hon. Mrs. Fergusson: But this is not provided for in the legislation.

Hon. Mr. Prowse: Without any intention of getting into a discussion I would point out that this is something that can best be decided by a judge, and I am satisfied that so far as the legislation is concerned it is wide enough to enable a judge to do what he believes to be correct. If he does something that is not correct then there is the Court of Appeal to straighten him out, and if the Court of Appeal is wrong then there is always the Supreme Court of Canada to put things right. I am satisfied that with that procedure there is little likelihood of there being any great injustice done, even in the unusual situation that Senator Fergusson is concerned about.

But, something more important is going to be done by this legislation. It will free a large number of ordinary decent people who have made the forgiveable mistake of thinking they could live happily together with one of the opposite sex, and who afterwards discovered that they had only the capacity to make each other unhappy. This legislation will make it possible for that kind of person to get decently out of the mistake that has been made, and many of them, it is hoped, into a situation where they can find happiness and make some useful contribution to the country as happy citizens. That is the purpose of this bill.

I have no doubt that as we obtain experience with it there will be changes made. It is my hope that the provincial courts that have to deal with these matters will learn from the investigations that have been carried out in other parts of the world, and that there will be eventually special divisions of the superior courts—and I think we need courts of that level to handle these matters—which will be concerned solely with family matters and not just divorce. This will get around the problem that is causing concern. It is my hope that family disputes will be dealt with by a family division, or whatever it may be called, of the Superior Court, or a court of that calibre. We do not want anything as important as the status of the family, and the status of men, women and children, being decided by people who are anything but the best that we can get.

The court will have available to it social workers, councillors, psychiatrists, and the specialists necessary to provide an ancillary service of that court, and who will, during the periods of adjournment that are provided for in the bill, make actual attempts at conciliation. The conciliation courts in California—for example, those in the Los Angeles area which contains Hollywood, which I am sure all of us have considered to be a hotbed of sin and free love—have discovered that even where divorce petitions have been initiated, as a result of conciliation procedures they were able to bring 33 per cent of those couples back together again and continue on apparently in a happy life after counselling

procedures. Where they were merely having difficulties, 70 per cent of them went no further than the conciliation procedures and they were satisfied at that level.

In other words, we must look at this divorce act not as something which will provide easy divorce, even though it does provide broader grounds for divorce, but as something which will make for better and sounder marriage, and a better and sounder social life for our people. We do that by getting rid of the kind of thing that makes for bad homes, delinquency and unhappy people. I should like to congratulate the committee on having produced such a bill as this, and I would ask everybody to give it support.

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

PRIVATE BILL

TRANS-CANADA PIPE LINES LIMITED— COMMONS AMENDMENTS CONCURRED IN

The Senate proceeded to consideration of the amendments made by the House of Commons to Bill S-26, respecting Trans-Canada Pipe Lines Limited.

Hon. Daniel A. Lang moved that the amendments be concurred in.

He said: Honourable senators, you will recall that this bill was before the Senate last month and passed here without amendment. It went to the other place where two very minor amendments were made to clause 3. It now comes back to us for concurrence in those amendments. I might say, if I can remember the legal maxim with any accuracy, *ex abundanti cautela*. I think these words inserted by the other place go beyond what is necessary to obtain the objective, and I think the limitations they impose are inherent in the wording of the bill itself. In my opinion they do not alter the legislation, but there is certainly no harm in their being inserted.

Specifically, the two amendments are designed to insert the words, "for the purpose of its undertaking". That is the undertaking of Trans-Canada Pipe Lines. It is a qualification to the powers given in the bill to operate aircraft and maintain telephone, teletype and telegraph communication systems. The power in the bill permits the pipe line company to operate radio, microwave, television or other electronic communication systems. In other words, the other place wants to be sure that Trans-Canada Pipe Lines does not get the power to operate an air line for the sake of operating an air line, or to operate a radio station for the sake of operating a radio station. I am quite satisfied that that injunction will be readily accepted by Trans-Canada Pipe Lines.

Amendments concurred in.

DIVORCE

REPORTS OF COMMITTEE ADOPTED

The Senate proceeded to consideration of reports of the Standing Committee on Divorce Nos. 534 to 579, 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 515, for the relief of Beverly (Beverley) Richardson Leclair.

Resolution 516, for the relief of Ruth Bunny Finkelstein Weiss.

Resolution 517, for the relief of Jane Elizabeth Almond Joslin.

Resolution 518, for the relief of Barbara Jean Meyer Morrison.

Resolution 519, for the relief of Fernande Pichette Bedard.

Resolution 520, for the relief of Melda Madeleine (Madeline) Hilchey Van Bommel.

Resolution 521, for the relief of Howard Charles Harding.

Resolution 522, for the relief of Jean Joseph Pierre Benoist.

Resolution 523, for the relief of Carol Gloria Pincox Benoit.

Resolution 524, for the relief of Evelyn Ellen Fleming Johnson.

Resolution 525, for the relief of Liliane Pouliot Therriault, otherwise known as Liliane Pouliot Theriault.

Resolution 526, for the relief of Hilary Joanna Fryer Ruesch.

Resolution 527, for the relief of Maureen Blake Roy.

Resolution 528, for the relief of Francoise Aubert Trudel.

Resolution 529, for the relief of Stephen (Stefan) Petriw.

Resolution 530, for the relief of Emma Jean Anthony Trawick.

Resolution 531, for the relief of Margaret Mary Bagley Goodenough Snow Sewell.

Resolution 532, for the relief of Nancy Myrna Kape Kivenko.

Resolution 533, for the relief of Eva Szabo Pekari.

Resolution 534, for the relief of Rita Barry Kaczkowski.

Resolution 535, for the relief of Crystelle Grandmont Burelle.

Resolution 536, for the relief of Jeanne Cliche Longtin.

Resolution 537, for the relief of Edward Irwin Tager.

Resolution 538, for the relief of Lisette Marie Meriot Caralopoulos.

Resolution 539, for the relief of Felicia (Freida) Steigman Costea Carmelly.

Resolution 540, for the relief of Lillian Jean Nichol Cramm.

Resolution 541, for the relief of Ilse Gruhn Wisch.

Resolution 542, for the relief of Hazel Theresa (Therisa) North Hooper.

Resolution 543, for the relief of Yvon Real Prevost.

Resolution 544, for the relief of Huguette Angers Dupuis.

Resolution 545, for the relief of Violet Snow Aylward.

Resolution 546, for the relief of Christopher John Clark.

Resolution 547, for the relief of Rita Catherine McMenemy Stewart.

Resolution 548, for the relief of Kazimierz Kreft.

Resolution 549, for the relief of Michelle (Michele) Fraser Thibaudeau.

Resolution 550, for the relief of Helen Irma Patscheider Johnson.

Resolution 551, for the relief of Beverley Faith Steinberg Wasserman.

Resolution 552, for the relief of James Leo Smith.

Resolution 553, for the relief of Ruth Naomi Margaret Evestaff Bird.

Resolution 554, for the relief of Richard Victor Dziewaltowski-Gintowt, otherwise known as Richard Victor Gintowt.

Resolution 555, for the relief of Norma Lea Lipsett Meyer.

Resolution 556, for the relief of Louis Philippe Robert Masse.

Resolution 557, for the relief of Joseph Rothbart.

Resolution 558, for the relief of Marie Angelique Horth Michel.

Resolution 559, for the relief of Odon Lantos.

The Hon. the Acting 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 Thursday next.

Motion agreed to.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Wednesday, January 24, 1968

The Senate met at 3 p.m., Hon. Maurice Bourget, P.C., Acting Speaker, in the Chair.

Prayers.

DOCUMENT TABLED

Hon. John J. Connolly tabled:

Order in Council P.C. 1967-2400, dated December 27, 1967, authorizing, under section 21 of the Export Credits Insurance Act, a contract of insurance by the Export Credits Insurance Corporation for the sale of 12 "Buffalo" aircraft, equipment, tools, supplies and services by The de Havilland Aircraft of Canada, Limited, to Ministerio da Aeronautica, Brazil, pursuant to section 21B of the said Act, chapter 105, R.S.C., 1952, as amended 1960-61. (English text).

FOOD AND DRUGS ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Salter A. Hayden, Chairman of the Standing Committee on Banking and Commerce, presented the following report:

Your committee recomends that the witnesses who, upon request of the committee, appeared and gave evidence before it at the meeting held on Wednesday, December 6th, 1967, to consider Bill S-21, "An Act to amend the Food and Drugs Act", be paid fees and expenses as follows:

Dr. L. P. Solursh $161.50

Dr. E. F. W. Baker $200.00

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.

HAZARDOUS SUBSTANCES ACT

REPORT OF COMMITTEE—DEBATE ADJOURNED

Hon. Salter A. Hayden, Chairman of the Standing Committee on Banking and Commerce, reported that the committee had considered Bill S-22, to prohibit the sale and advertising of hazardous substances, 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 with the following amendments—

He said: Honourable senators, may I suggest that we dispense with the reading of the amendments. With leave, I move the adoption of the report now so that I can give the explanation; then the amendments will appear in *Hansard* and you will be able to read them tomorrow.

Hon. Senators: Agreed.

The amendments follow:

1. Page 1, line 10: Immediately after "disposition" insert "to the general public".

2. Page 2: Strike out clause 3 and substitute therefor the following:

"3. (1) No person shall advertise or sell a hazardous substance included in Part I of the Schedule.

(2) No person shall advertise or sell a hazardous substance included in Part II of the Schedule except as authorized by the regulations.

(3) Every person who violates subsection (1) or (2) is guilty of

(a) an offence and liable on summary conviction to a fine of one thousand dollars or to imprisonment for six months or to both fine and imprisonment; or

(b) an indictable offence and liable to imprisonment for two years.

(4) A prosecution under paragraph (a) of subsection (3) may be instituted at any time within twelve months after the time when the subject matter of the prosecution arose.".

3. Page 2: Strike out clause 4 and substitute therefor the following:

"4. (1) The Minister may designate as a hazardous substance inspector any person on the staff of the Department of National Health and Welfare who, in his opinion, is qualified to act as an inspector.

(2) A person designated an inspector pursuant to subsection (1) shall act for such time as he is employed in the Department of National Health and Welfare or for such time during the period of such employment as the Minister may specify.".

4. Page 7: Strike out clause 13 and substitute therefor the following:

"13. This Part does not apply to any substance or article that is

(a) an explosive within the meaning of the Explosives Act;

(b) a cosmetic, device, drug or food within the meaning of the Food and Drugs Act;

(c) a pest control product within the meaning of the Pest Control Products Act; or

(d) a prescribed substance within the meaning of the Atomic Energy Control Act.".

5. Page 7: Strike out clause 14 and substitute therefor the following:

"14. Subsection (2) of section 3 shall come into force on a day to be fixed by proclamation.".

6. Page 8: Strike out items 2 and 3 of Part I of the Schedule and substitute therefor the following:

"2. Furniture, toys and other articles intended for children, painted with a liquid coating material containing lead compounds of which the lead content (calculated as lead) is in excess of 0.50 per cent of the total weight of the contained solids, including pigments, film solids, and driers.

3. Liquid coating materials and paint and varnish removers for household use having a flashpoint of less than 0°F as determined by method 3.1 of Specification 1-GP-71 of the Canadian Government Specifications Board.".

Hon. Mr. Hayden: Formally, I am speaking to the motion to adopt the report, for the purpose of giving the explanation, and then the matter may stand until the next sitting or whenever the Senate would like to consider it.

I should first say that this bill dealing with hazardous substances has had a very interesting course and that I think the members of the committee did excellent work on it.

The witnesses we heard included representatives of the Canadian Manufacturers of Chemical Specialties Association, the Canadian Paint Manufacturers' Association, and Mr. Archer of the Toronto Board of Education, and the departmental officers.

In the course of the presentation of the briefs, and the remarks by representatives of those two associations in particular, it appeared that there were matters in connection with the schedules to this bill prohibiting the use of certain hazardous substances and permitting the use of others only by regulation, and that there was some merit in the representations that were made. That was the feeling of the committee, and I think it was also the feeling of the departmental officers who were present, because they asked for time in which to consider the briefs and to decide upon how to approach the points that had been raised.

Subsequent to that your committee staff followed the matter up, and conferences were held at which the departmental officers and their legal counsel were present. There were drafts prepared of amendments dealing with those points raised by the industry, and also of amendments in clarification of the other points. The representatives of the associations were invited, and they sat in on the conferences. So, to the extent that the amendments touch on points that they raised, they carry the viewpoint and support of the industry affected, or the associations of those industries; they carry also the judgment of the department, and they certainly carry the judgment of the committee.

May I tell you what those are. For instance, in clause 2, page 1, of the bill the word "advertise" is defined so broadly that it would affect any transaction in relation to a hazardous substance that was being offered for sale or other disposition. The real purpose of this legislation is to get at the level of the disposition of hazardous substances to the general public. As you will see from the amendments, we propose putting in qualifying words in the definition of "advertise". After the word "disposition" in line 10, page 1, we have inserted the words "to the general public", so that the definition of "advertise" will now read:

> "Advertise" includes any representation by any means whatever for the purpose of promoting directly or indirectly the sale or other disposition to the general public of a hazardous substance.

On page 2 we strike out clause 3, and rewrite the clause. This was internal mechanics in order to clarify the clause. It has to do with two aspects, namely Part I of the schedule, which deals with the prohibition of the sale of certain types of hazardous substances, and Part II, where the disposition may be by regulation. These had all been lumped together in the wording of one clause.

For the purposes of clarity we have subdivided them so as to make clear that certain of these provisions will come into force on Royal Assent and others, which are not so dealt with, will come into force on proclamation. Then there is a consequential amendment to provide specifically for the latter portion coming into force on proclamation.

Some objection was raised on clause 4, which gives power to the minister to appoint what is called a hazardous substance inspector. This discretion was completely unfettered, and it was argued, particularly by the Chemical Specialties Association, that some duty should be imposed upon the minister to make sure that in the exercise of his discretion he chose some person who was fitted for the job. Therefore, in re-writing clause 4 we have inserted this limitation:

> The Minister may designate as a hazardous substance inspector any person on the staff of the Department of National Health and Welfare who, in his opinion, is qualified to act as an inspector.

Before that there was no qualification in the clause. Then there is the consequential amendment in clause 14, to which I referred.

Those two groups, particularly the Canadian Paint Manufacturers' Association, made representations in connection with the two schedules, one in respect to the prohibited substances and the other with respect to those that could be disposed of by regulation. One which honourable senators can read at their convenience is the method of providing for the description and tests in connection with what is prohibited in dealing with lead oxide, which is an ingredient of paint or lacquer which may be used to coat furniture, toys and other articles of that kind to be used by children, where the risk of poisoning must be taken into consideration in deciding what to permit, and the tests which must be applied in permitting lacquers to be used and applied to toys and such articles.

Part I of the schedule as drawn in the bill provides for determination in the following fashion:

> Furniture, toys and other articles intended for children, painted with a paint containing lead in excess of 0.1% expressed by weight of lead oxide.

That is a prohibited hazardous substance. Objections were raised by the Canadian Paint Manufacturers" Association on the ground that the wrong base was being used as a measurement of the percentage of lead oxide; that instead of taking the whole product, which includes the paint and the ingredients of the paint as opposed to the solids that must be in it, they were not reckoning with the dilution which the paint solution provides. The association therefore argued that the standard set was too high.

In the revision we have made this change and it carries the approval of all persons—the committee, the departmental officers, the experts from the departments and the association. We made the change in order to go to a different basis. That is, we made the change in relation to the percentage of solids, which seems a more sensible way of doing it. So, as amended, the provision in the schedule reads:

> Furniture, toys and other articles intended for children, painted with a liquid coating material containing lead compounds of which the lead content (calculated as lead) is in excess of 0.50 per cent of the total weight of the contained solids, including pigments, film solids, and driers.

As to item 3, in Part I of the Schedule, dealing with the flashpoint of these liquid coating materials—I am not an expert, but I understand the flashpoint has something to do with a situation where a lacquer coating is subject to heat as result of which it gives off a vapour, and it is a question of the degree or intensity of a spark or a short circuit from a switch, or a lighted cigarette near where that is being applied, which determines the flashpoint at which the vapour will ignite.

In the bill the provision is simply:

> Paints for household use having a flashpoint of less than 40°F.

The evidence before us was that there are many such paints but they are perfectly safe to use if people will observe the instructions in their application; in other words, have a current of air when applying them and also do not light a cigarette. These seem to be sensible measures. Setting the standard as high as 40°F. was really imposing too difficult a standard, and more than was needed for safety.

Therefore, we have by amendment, agreed to by all parties concerned, changed this provision to read:

> Liquid coating materials and paint and varnish removers for household use having a flashpoint of less than 0°F as determined by method 3.1 of Specification

1-GP-71 of the Canadian Government Specifications Board.

This is a standard of general specifications that the Canadian Government establishes and maintains. We specify the method there that must be used.

At first, we were fearful that we were locking this method within the limits of this specification and that only Parliament could make any change; but it was pointed out that there is in the bill itself provision for regulations from time to time, as a result of which, as more knowledge and understanding of this particular situation is acquired, this method of measurement can be varied.

Hon. Mr. Connolly (Ottawa West): Does the honourable senator mean that if a regulation were made which would change the method of reference—perhaps flashpoint is the more appropriate way to say it—which is inconsistent with the provision of the act, would the regulation be valid?

Hon. Mr. Hayden: Let me first say what is the power to do it by regulation. Clause 7 provides:

> The Governor in Council may make regulations prescribing...
>
> (d) generally, for carrying out the purposes and provisions of this Part.

For instance, in relation to this schedule, if the method 3.1 of the specification referred to, in the light of the developments which take place and the additional know-how that may be gained, was setting too high a standard, that could be changed by regulation. It seems that this is a place where flexibility is desirable. This carried the approval of all those who were concerned.

This very question was discussed—indeed the members of the committee spent a good deal of time right on this point—as to whether it was desirable to lock ourselves into this particular specification, or whether or not we were locking ourselves in, and what would happen if the specification were changed by the outside agency of the Government. We felt that there was enough flexibility in putting this formula in Part I in the revision and we have taken power by regulation to vary it. We must assume that no person will dare to make a variation that would undo the purpose of this legislation, which is to provide a safety factor in relation to the flashpoint.

Hon. Mr. Roebuck: Would the senator explain what he means by a flashpoint less than zero? I do not understand that.

Hon. Mr. Hayden: Let us say that you have a lacquer coating which has a temperature just below zero Fahrenheit. Then, under the circumstances of having a spark or a short circuit, that is the flashpoint at which the vapour coming from the lacquer paint will ignite.

Hon. Mr. Roebuck: That is a flashpoint above zero?

Hon. Mr. Hayden: No. The prohibition here is against having a flashpoint less than zero.

Hon. Mr. Roebuck: Thank you.

Hon. Mr. Hayden: Then the other amendment which we made was simply to add another subparagraph to the exclusions. In other words, there are certain substances which are hazardous substances but which it was felt were specifically covered by other legislation. The bill covered three such items. One was an explosive within the meaning of the Explosives Act. It was felt that there was ample protection concerning it in that statute, and therefore there was no need for any duplication in this bill. The other one that was added was a prescribed substance within the meaning of the Atomic Energy Control Act. It was felt that in that relationship this bill did not need to deal with such a prescribed substance, because it was sufficiently dealt with under the Atomic Energy Control Act.

That covers the range of the amendments.

You may have noticed in the morning paper reference to another advance in the use of materials having a legitimate purpose in order that one may "take a trip" or go on a psychedelic jaunt, or something of that kind. A person in Montreal had taken a treatment for asthma, consisting of burning or heating a substance to give off fumes, the inhalation of which is supposed to bring relief for those afflicted with asthma.

Apparently some ingenious people—perhaps that is the wrong word—discovered that if you put this substance into a solution and drink it, you really get a terrible kick and a rough ride. The degree of difference between getting to the point at which you would get a kick and getting to the point at which you would have a lethal dose is almost infinitesimal. Therefore, it is really a dangerous misapplication of an item which is wholesome for its main purpose.

Our leader asked me if we had discussed this in committee this morning. We did, and

we felt that there is the machinery in this bill to deal with it, because a drug under the Food and Drugs Act is defined as a substance which is used for the treatment of disease—and there are all these various purposes. That substance when it is so used is called a drug. Therefore, in the application of this substance as an asthmatic treatment, it is a drug.

Then, in the Narcotic Control Act there is a provision defining a controlled drug. It defined a controlled drug as meaning any drug included in Schedule G of the Narcotic Control Act. The department felt that this did not go far enough, and they had proposed an amendment which we were pleased to have before us this morning. They proposed an amendment to the definition of a controlled drug, so that this bill will include any drug or other substance included in Schedule G. That means the mechanics now are that at any time, by order in council, a substance may be put into the category of a drug in the schedule. The substance may also be put in, and if the substance is used not for the treatment, which makes it a drug, but for other purposes or if it is misapplied, then it comes under the category of another substance and is still under the control of the Narcotic Control Act. So, we have given a substantial degree of flexibility to the department in dealing with this particular thing, and who knows what may appear on the front pages tomorrow.

Hon. Jacques Flynn: I think it is obvious that the committee has done excellent work, but in view of the complexity of the amendments suggested, I move that we adjourn the debate so that honourable senators may have the opportunity to examine them when they appear in *Hansard.*

Hon. John J. Connolly: Before the debate is adjourned I should like permission to make a few remarks on what was said by the chairman of the committee, Senator Hayden.

Perhaps honourable senators may think that at times I rise too often to commend the Senate for good work. Nevertheless, I rise now to say that I think this bill is a particularly good example of the kind of good work the Senate can do. This bill was initiated here; it was explained and sponsored by Senator Carter; it was debated in due time, and it had a full debate. But more important still—and this I say for the public record—the bill went to a committee where it had the scrutiny of members of the Senate who are as good at draftsmanship as will be found in any legislative body in the world. Furthermore, this committee heard not only the point of view of the officials from the department, but they brought in from the industry that was affected representatives who knew what they were talking about. The committee has now put forward amendments which not only improve the bill to the satisfaction of the industry, but to the satisfaction of the department itself.

In many instances in a bill of this nature you have the spectacle of amateurs pitted against professionals—although I am bound to say that the way Senator Hayden spoke this afternoon shows that he can no longer be classified as an amateur in this field. He has mystified all of us with his versatility. But apart from this flattery and, I may say, well-deserved compliment I pay him, I pay a special tribute to the work of this committee for having conducted this kind of inquiry as thoroughly as it has. This is helpful to Parliament, and I am sure that when the bill reaches the other house it will be better measure than as originally introduced here.

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

CRIMINAL CODE (HATE PROPAGANDA)

FIRST REPORT OF SPECIAL COMMITTEE ADOPTED

Hon. J. Harper Prowse presented the first report of the Special Committee on the Criminal Code (Hate Propaganda) as follows:

> Your committee recommends that its quorum be reduced to five (5) members.

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

Hon. Mr. Prowse: Honourable senators, I move, with leave of the Senate, that the report be adopted now.

Hon. Mr. Thorvaldson: Honourable senators, before this motion is adopted, may I ask what is the membership of the committee now?

Hon. Mr. Prowse: There are 18 members on the committee, but no quorum was set. After discussion at the first meeting it was decided that since for a 35-member committee the quorum is seven, and with a view to keeping this committee working even while other committees were sitting, five members would be a satisfactory quorum. This was unanimously agreed to by the members present, comprising more than 50 per cent of the committee.

Report adopted.

PUBLIC ACCOUNTS

FINANCE COMMITTEE EMPOWERED TO EXAMINE AND REPORT

Hon. John J. Connolly moved, with leave of the Senate:

That the Standing Committee on Finance be authorized to examine and report upon the Public Accounts of Canada, Volumes I, II and III, for the fiscal year ended March 31, 1967, tabled in the Senate on 22nd January, 1968; and

That the committee be empowered to send for persons, papers and records, to print its proceedings upon the said Public Accounts of Canada and to sit during sittings and adjournments of the Senate.

Motion agreed to.

DIVORCE BILL

SECOND READING—DEBATE CONTINUED

The Senate resumed from yesterday the adjourned debate on the motion of Hon. Mr. Roebuck for the second reading of Bill C-187, respecting Divorce.

Hon. John M. Macdonald: Honourable senators, the bill before us has been discussed already at considerable length and in very favourable terms. Indeed they were so favourable that I think some of the clauses in the bill have not yet been given adequate consideration. Now while I wish to direct my remarks primarily to the question of the jurisdiction to hear divorce petitions given in this bill, before doing so I should like to make a few general remarks on the bill.

Honourable senators, I think we should try to keep a sense of proportion when we are discussing this measure. Before we heap too much praise upon it I think we should remember that in our Christian tradition the family is the true basis of the larger unit which we call society. And since divorce strikes at this basic unit of society, it must adversely affect it. Consequently, it has always been discouraged. Now as divorce becomes more and more common the greater will be the evil effect upon society. On the other hand, it has long been recognized that divorce should be granted under certain circumstances.

Over the years the grounds for the granting of divorce have become broader, and this bill before us is simply one which will broaden the grounds for divorce in Canada. It has to be recognized too that over the years public opinion has changed in reference to divorce and what was once looked upon as a necessary evil is in many instances today looked upon as being socially desirable.

It is easy to cite particular cases where great hardship and unhappiness is suffered through the parties to a marriage not being allowed to be divorced, but we must also remember that here we are not dealing with particular cases, no matter how pitiful they may be. We are legislating on a matter which greatly concerns the common good. So we have to try to keep our sense of proportion in the matter and balance the benefits—if that is the proper word to use—to the individual against any general injury to society as a whole.

Honourable senators, apparently, from the figures which have been given, the problem which this legislation is designed to correct is a serious one. I noted that the sponsor quoted from the Ottawa *Citizen* to the effect that to hundreds of thousands of Canadians locked in hopeless marriages this is probably the best legislation to appear in many a day. He himself was more cautious, and felt it would bring relief to a large number of our people. I believe that one of the submissions made to the joint committee estimated that about 400,000 people in Canada were living in what is erroneously called a common-law relationship. So, if these figures are approximately correct, it is obvious that a serious situation exists which calls for a solution.

Hon. Mr. Roebuck: May I interrupt here to say that I did not adopt that last figure? I thought it too high.

Hon. Mr. Macdonald (Cape Breton): But I think the quotation is correct.

Hon. Mr. Roebuck: Oh, yes.

Hon. Mr. Macdonald (Cape Breton): So, if this bill is a solution, then we should adopt it; but it will only be known as a solution if there is a great rush for divorces by this vast multitude of people.

In the light of the figures given, I think our attitude should be that we pass this bill with regret, realizing that it or something like it is needed, but sorry that it should be needed, and that in passing it we are performing an unpleasant task. At the same time, since we do have to deal with it, we should go over it very carefully and see if improvements can be suggested.

Honourable senators, I mentioned that I am primarily interested in the jurisdiction of courts to hear divorce petitions. Other speakers have mentioned the matter of having divorce petitions heard by County Court judges. In Nova Scotia we have a different situation. There we have a separate court for the hearing of these petitions, and its jurisdiction to do so would probably be taken away from it by the provisions of section 2(e) of this bill.

I believe this is the only court of its kind in Canada. It was set up in 1841, and while the legislation concerning it has been amended from time to time, the court itself has been in existence ever since. It may be of some interest to honourable senators to know that divorce legislation was passed in Nova Scotia at the very first session of the First Assembly, which met in 1758. Under that legislation—which is chapter 17 of the Statutes of Nova Scotia, 1758—all matters relating to prohibitive marriages and divorce were to be heard and determined by the Governor or the Commander in Chief and His Majesty's Council of the province.

It is also of some historical interest to note that under the 1758 legislation wilful desertion and withholding of necessary maintenance for three years constituted a ground for divorce. However, in 1761 this ground for divorce was abolished as, it was stated, it was in conflict with the laws of England.

So, honourable senators, since 1841 Nova Scotia has had a separate divorce court, known as the Court for Divorce and Matrimonial Causes. This court does not have separate judges, because judges of the Supreme Court are also named as judges of this court; but in 1962 an amendment was made to the legislation to enable judges of the County Court also to be named judges of this divorce court. I believe it was in 1965 that six judges of the county court in Nova Scotia were named as judges of the Court for Divorce and Matrimonial Causes.

Hon. Mr. Connolly (Ottawa West): Does the honourable senator know by whom those appointments were made?

Hon. Mr. Macdonald (Cape Breton): Certainly. The appointments were made by the Governor in Council; in other words, by Ottawa.

Hon. Mr. Roebuck: There were seven County Court judges in all, and six were named?

Hon. Mr. Macdonald (Cape Breton): Six County Court judges—omitting the seventh, which is the judge of District Court No. 1, Halifax County—were made judges of the Court for Divorce and Matrimonial Causes. In Nova Scotia we have six judges of the Trial Division of the Supreme Court and six judges of the County Court who are also judges of the Court for Divorce and Matrimonial Causes. This has given general satisfaction, and it is felt that it would be a most backward step to take the jurisdiction from this court and to allow only the six judges of the Trial Division of the Supreme Court to hear petitions for divorce. Especially at a time when divorces will be increasing, it does not appear logical to cut in half the number of judges who can hear these cases. In fact, we see no good reason—and certainly none has been advanced to date—why the system for hearing divorce cases in Nova Scotia should now be tampered with. So, I do hope that the legislation will be amended so as to permit the Court for Divorce and Matrimonial Causes to continue to function in Nova Scotia.

Honourable senators, I expect this bill will be going to a committee for detailed study. I would suggest that the committee take a look at section 3(d). I believe this section could be improved if it simply stated:

> ...has treated the petitioner with physical or mental cruelty...

I believe that using the word "intolerable" will only cause confusion. It is much too vague.

Again, I believe that section 4(b) is much too vague in the words:

> ...no reasonable expectation of the respondent's rehabilitation within a reasonably foreseeable period;

No one that I know of can tell us just what "reasonable" means under these circumstances.

I think too that a new subsection might well be added after section 4(e) which would have the effect of allowing a judge to find that some other reason, apart from those listed, has led to the permanent breakdown of the marriage. Indeed, it might be well to allow divorces when both parties want one, when there has been no matrimonial offence and where no persons are affected apart from the husband and wife.

The committee might take a look at section 7 also. I do not know where the federal Governments gets the authority to say what the

duties of a barrister are when practising in a provincial court. Even if such authority does exist, I think it a useless provision. I believe it to be a sort of pious gesture indicating a vague goodwill towards reconciliation proceedings. Surely, some better procedure than that can be devised to bring reconciliation procedures to the attention of persons seeking divorce.

Honourable senators, before closing my remarks I would like once more to urge that an amendment be made to the bill so that the Court for Divorce and Matrimonial Causes in Nova Scotia can continue to hear divorce petitions in that province.

Hon. Allister Grosart: Honourable senators, my chief purpose in speaking to this bill at this time is to support the position taken yesterday by Senator Fergusson in respect of clause 4(1)(e)(ii), which provides as an additional ground for divorce—where a husband and wife are living apart—the right of a spouse who has deserted, to petition for divorce after desertion for a period of not less than five years. Senator Fergusson objected to this subparagraph because it provides, as I read it, that a man may desert his wife, or vice versa—it is usually the husband who deserts his wife—for five years, and then after the expiration of five years petition for divorce as of right using the fact of his desertion as a ground. It seems to me that this is a jarring note in an otherwise generally good bill.

I should say at once that I regard this bill as progressive legislation, and a measure that should do a great deal to help solve some of the problems that arise out of the breakdown of marriages. I am, therefore, not against the bill. I support the general extensions of the grounds for divorce which it contains, and I congratulate those, particularly the two eminent senators here, who have been largely responsible for bringing about this advance. This is a good bill, but I suggest it can be made a better bill.

Senator Fergusson has made that suggestion. The honourable sponsor of the bill (Hon. Mr. Roebuck) made the suggestion. Senator Macdonald (Cape Breton), who has just spoken, has made a similar suggestion. I think when we add all these up we must come to the conclusion that in the haste to right some wrongs—and unquestionably this bill will right many wrongs—those who have been responsible for the drafting of this bill have not fully looked at all the consequences of its provisions.

As I read clauses 3 and 4, which deal specifically with the grounds for divorce—and that group of clauses is so headed—I find that in all cases the grounds for divorce arise out of a reasonable grievance on the part of a petitioner, or where there has been separation for three years by mutual consent to live apart for three years, or, in some cases, separation for reasons beyond the immediate control of either spouse. I think that is a fair summary of the bill up to the point where we reach this particular subparagraph. This to me makes sense, but I must say that subparagraph (ii) of clause 4(1)(e) jars both my conscience and my reason.

I see no justification whatsoever for making desertion the only single wrong—and it is a wrong, as the law stands; I believe some of my learned friends would call it a tort—which the wrongdoer himself can use as a ground for divorce. If this is a sound principle then why do we not allow the same privilege to adulterers, rapists and bigamists under the basic clause 3(a), (b) and (c)? What is the difference? Why do we select the deserter as the one who can use, as of right, his desertion as a ground in itself for divorce? We all know that as these acts become operative, and particularly this kind of act, the emphasis comes to be placed on the grounds for divorce specified as grounds on which divorce may be obtained as of right.

It is true, of course, that there are qualifications in the bill. Some of them are rather strange to me. As Senator Macdonald (Cape Breton) has just suggested, there is an assumption on the part of the federal Government of the right to tell lawyers practising in provincial courts how they must act, and there is also an assumption by the federal Government of the right to tell judges how they should act. After reading those particular sections which are under the heading of "Additional Duties of Court" I have to say that were I a judge I would not find it flattering to be told that I was not to make decisions which are "unduly harsh or unjust." However, I see the purpose of them. They are instructions to the judges in an obvious attempt to rationalize some of the oddities contained in the other sections of this bill.

Senator Fergusson put her reasons for objecting to this particular subparagraph well and eloquently while speaking of clause 11, which is one of the ameliorating clauses. At page 743 of the *Debates of the Senate* of yesterday she said that under clause 11 the wife:

> ...may secure, if the court thinks fit, an order for maintenance for herself and her children. Surely, honourable senators, on the dissolution of a marriage a wife is entitled to more than a maintenance order especially when we know the unsatisfactory history of maintenance orders now being issued out of other courts in Canada. Experience has shown that they are of very little value.

As Senator Fergusson pointed out, the only provision here is for maintenance of the wife or children. Whether we assume that the lump sum alimony provided for, and the alimentary pensions, and so on, are ameliorating, certainly it is clear in the bill that they are to be for maintenance only.

Senator Fergusson went on, after quoting some experience in the United Kingdom, and said:

> These two quotations indicate the concern in the United Kingdom about the problem of protecting the innocent party, particularly the wife, who has entered into marriage under a certain set of circumstances and whose property rights will be affected or destroyed by a divorce obtained on the initiative of the guilty party.

I believe that the honourable sponsor of the bill (Hon. Mr. Roebuck), who is certainly one of Canada's leading experts in this field, agrees in substance with Senator Fergusson's point. I say that is so because in introducing the bill he pointed out that this right of the deserter was not recommended by the joint committee. If I may quote him, he said on December 20, 1967, as reported at page 702 of the *Debates of the Senate*:

> As regards desertion, when the separation is caused by the desertion of the respondent, the period of desertion must be not less than three years, but if the petitioner is himself the deserter, then the period of desertion must be not less than five years. Now, that was not so recommended by the committee. We refrained from enabling anyone to benefit by his own wrong.

I can only say that that last sentence expresses exactly my objection to this strange provision, which to me is completely out of step with the basic concepts of the bill. I repeat Senator Roebuck's statement:

> We refrained from enabling anyone to benefit by his own wrong.

The bill before us certainly does not refrain from giving that benefit to a deserter, and it was specifically to the deserter that Senator Roebuck referred. He went farther, and later on in the same speech, at page 706, he said this:

> In addition to what I have said, there is also omitted from the bill our recommendation with regard to wilful non-support.

That is one of the elements of desertion.

> The duties of marriage, of course, are divided; the wife takes care of the home, and the husband is expected to provide. When a husband wilfully refuses to carry out his part of the arrangement, very serious consequences follow, not only for the wife but also for the children. The family courts of the City of Toronto, for instance, are swamped with complaints of that kind from women. We of the committee felt that when the refusal to give support was wilful, that the least we could do for the poor woman caught in the bonds of such a marriage would be to release her.
>
> I am hoping—and I have grounds for my hope—that these matters that I have mentioned, and particularly, that of the county courts will be dealt with during the three months' wait after this bill has received Royal Assent and before it is brought into effect by proclamation, in order that these matters may be investigated and perhaps dealt with in an amending bill, which could be before us in a very short time.

Senator Roebuck suggests there may be an amending bill which would tidy up this untidiness. I ask, why wait? Certainly I am sure that nobody here wants to hold up this bill, but on the other hand, assuming this bill will right many wrongs, does it make any sense to pass legislation which will, on the evidence I have presented, create a whole new set of wrongs? I understand this bill will go to a committee. Surely in that committee we can obtain from the Government agreement to make these amendments which Senator Roebuck spoke of as being on their way. Why do we not make them now? Surely it is

a prime function of this chamber to take good legislation such as this and make it into better legislation now, and not content ourselves with any such statement, which I know was made in good faith by Senator Roebuck and on which I compliment him. I say that it would not be to the credit of the Senate to content ourselves with this excuse that we are passing a bill which is full of deficiencies because later on the Government will give us an amending bill.

This sub-paragraph on desertion is completely unnecessary, because after three years of separation and living apart either party may, under other provisions of the bill, bring an action for divorce. It may be salutory, and I think it is, in the case of desertion to extend the period in respect of the deserter, but that is a minor point.

As one reads the bill one wonders where this strange concept came from. As I have already said, it was not recommended by the committee, and I begin to wonder if this was just an aberration of draftsmanship. I say that because if you transpose the two words "respondent" and "petitioner" it begins to make sense. Looking at page 4 of the bill, at present it reads:

> by reason of the petitioner's desertion of the respondent, for a period of not less than five years.

If you made the transposition I suggest, it would read:

> by reason of the respondent's desertion of the petitioner, for a period of not less than five years.

I wonder if somebody merely got his petitioners and respondents mixed up?

There is further evidence of confusion in this matter. Even Senator Roebuck—I apologize for quoting him so much but he is the expert on this—was, I think, a little confused, because in his speech introducing the bill on December 20, at page 702 of *Hansard* I find him saying this:

> The next circumstance is very sweeping and very important.

He had been indicating the various circumstances which may be grounds for divorce.

> It is clause (4) (e)—

which is the one of which I am speaking.

> desertion by the respondent.

Those are the words of the sponsor of the bill. The subparagraph speaks of desertion by the petitioner. That may very well have been a slip. I do not want to labour the point but it does seem to me to indicate that there is a whole area of massive confusion about this strange concept, because I repeat that it is the only time in the whole bill when one gets this complete switch of concept, where we say that the wrongdoer can use his wrongdoing as grounds for divorce.

Hon. Mr. Roebuck: Would the honourable senator permit me to ask a question?

It is in respect of his thought that this was a slip, or rather that I had in mind something different from what is expressed in the bill. He mentioned that instead of saying "desertion by the respondent", I said "desertion of the respondent". I know I had it very firmly and vividly in my mind at that time that I was critical of that clause, which I certainly made clear in my later remarks. It may even have been a misreporting of "by" instead of "of" because I never had it in my mind to reverse the wording as the honourable senator is suggesting.

Hon. Mr. Grosart: I thank Senator Roebuck for his explanation, which I of course accept without question. At least it proves that there is confusion somewhere, perhaps even in the minds of our reporters. There is confusion somewhere. I fully accept his statement that his speech was not intended to be read in the sense in which I read it. However, I still suggest it is evidence of the confusion that this strange kind of language and this strange concept can introduce into a bill otherwise as good as this one.

Senator Fergusson spelled out in eloquent words the rights of the married woman which would be in danger by this and by some other clauses. It is not necessary for me to repeat them, but I would urge any senators who may be interested to re-read Senator Fergusson's speech on this matter.

I may say I have some reason to believe that the five lady senators—I am not committing them; I am merely saying I have some reason to believe—might be inclined to support the deletion or revision of this subparagraph. If that is so, I think it would be a great distinction to the Senate, because it would indicate that on a matter which concerns women to the extent that this bill does, we have here a much larger pro rata representation of the lovely distaff side of parliamentary life than they have in the other place.

Honourable senators, there are a few other aspects of the bill which I would like to mention quickly in passing.

Senator Roebuck and Senator Fergusson discussed the clauses dealing with corollary relief and made a very strong assertion of the right of this Parliament to place on the judges the obligation to make the necessary additional benefits available to aggrieved parties in divorce. These are covered by clauses 10 and 11. I am fully aware that there are those who regard this as an invasion of provincial rights guaranteed them by Section 92 of the British North America Act, subsection 13, Property and Civil Rights in the Province.

I do not think this question, no matter in which way it is resolved, in any way alters my particular argument that there should be no provision in this bill giving a right to the deserter of wife and family to use that desertion as grounds for a petition in divorce.

The imprisonment grounds in clause 4 concern me also. I wonder if consideration has been given to the fact that there is no distinction made between imprisonment in Canada and imprisonment elsewhere. The thought occurs to me that this might cover imprisonment in jurisdictions where the charge and the evidence would not be acceptable in Canada—for example, the reciprocal imprisonment of a newspaper correspondent or a diplomat in one of the Iron Curtain countries.

I wonder about the new ground for divorce—one of the basic grounds for divorce, under clause 3—"engagement in a homosexual act". There are reasons for my objection, which any psychologist can readily explain, in connection with the more or less normal development of human beings, through the stages of auto-homo and hetero-sexual sex in their youth. I wonder whether that phrase would not be improved if the words "since marriage" were inserted after the words "homosexual act", in clause 3, paragraph (b).

Honourable senators, I come to my final point, which is the inclusion of what is called alcoholic addiction as a ground for divorce. The words in clause 4 (1) (b) are "grossly addicted to alcohol or a narcotic, as defined in the Narcotic Control Act." My first objection is a very minor one. It seems to me that the comma after "narcotic" is misplaced, because as it is written it reads that there is a definition of "alcohol" in the Narcotic Control Act, which is not so. I think the comma, if this ground is to stand, should come after "alcohol": otherwise, the wording is not correct in fact.

My other objection is more important, because I do not think that alcoholism should be included at all among the grounds for divorce. I admit that the word "grossly" is a strong, perhaps useful, qualification. On the other hand, I have had experience of many cases of alcoholics and with the general subject of alcoholism, and I know that, perhaps the greatest single cause of alcoholism, is the attitude, the conduct or the callousness of the other spouse. This is generally agreed by those who have expert knowledge. I also know that the most important single element in the cure of alcoholism is the devotion—Christian devotion, if you will, but any kind of devotion—of spouse and family to an understanding of the problem of the alcoholic. I know also that alcoholism is a disease, not just a bad habit: it is a disease but, as hundreds of thousands of members of Alcoholics Anonymous can testify, it is a disease which is curable, and it is curable particularly if it has the help, the dedication and the devotion of spouse and family which, after a period of time, this bill would deny.

I suggest for the consideration of honourable senators that alcoholism should not be classed as a drug addiction. I suggest that the draftsman here was under the misapprehension that "alcohol" is described in the Narcotic Control Act—which, from the information I have received from the department, simply is not so.

Honourable senators, that is all I have to say on this bill. I hope that the suggestions which have been made for amendment will be carried by the Leader of the Government to the Government, in time so that we may have in committee a receptive attitude to important changes when the committee sits, not months later after the damage has been done.

Hon. Senators: Hear, hear.

Hon. Mr. Roebuck: I join in that applause. May I ask, for the record's sake, did the committee recommend the inclusion of the homosexual act, to which my friend has referred?

Hon. Mr. Grosart: My recollection is that the committee did not recommend the inclusion of the homosexual act—I believe because it considered that the general area was covered by other wording in clause 3. The honourable senator would know more about that than I.

Hon. Mr. Roebuck: That is sufficient.

Hon. Norman A. MacKenzie: Honourable senators, I have very little to add to this debate.

Some months ago, Senator Roebuck was good enough to send me a copy of that admirable report for which he had major responsibility. I read it with a great deal of interest. A few days later he permitted me to sit with the committee in discussing the report on which this bill is based. I would like to pay my tribute along with those of so many others to the invaluable and important work that Senator Roebuck in particular has done, as well as the members of his committee, in respect of a very important matter and problem of our society.

Honourable senators, my major concern in this situation is for the preservation of the family and for the protection of children. For that reason I believe that our main concern should be, in so far as it is feasible, to do everything we can to ensure that marriages endure. I happen to be one of the fortunate individuals who have had a good marriage, and from my point of view a happy marriage. I believe that is true in the case of the majority of people in society. However, we know that many people are not so fortunate, and for them it has been agreed that provision be made for the dissolution of marriage.

I like to think that in our consideration of this legislation we would pay special attention to those provisions, or suggestions, in it in respect of the counselling of those proposing to enter into marriage, or for those who are married and who are having difficulty achieving a happy relationship with each other. I would hope, too, that special attention would be given to the provisions of the act that provide for the possibility of reconciliation of separated spouses, for the bringing together of men and women who earlier in their lives and careers did apparently love each other and did want to marry and did want to live together. This is particularly true in the case where there are young children.

Now, I agree with the statements of Senator Macdonald, that to impose these duties of counselling and striving for reconciliation upon lawyers, barristers, or the courts as now constituted, or upon the judges, may be asking of them not only a great deal but what may be in fact almost impossible. His report on the history of marriage and divorce in Nova Scotia suggests to me that in due course it might be in order to establish in every jurisdiction a special court for matrimonial and family causes which would concern itself in the main with this business of counselling, with the aid of the social agencies in the community, and would concern itself too with the reconciliation of those who might not inevitably or necessarily reach the final breaking point in their relationships and in their marriage.

Granting with the best will in the world that there will still be those marriages that are not happy marriages and not good marriages, and that there will be individuals who, without relief will be doomed to endless days and nights of unhappiness, then for them there should be, as this bill proposes, relief through divorce.

One of the matters that interested me in the report of the committee and in the discussions of the committee was the proposal that the major reason for granting divorce should be what is described as "marriage breakdown". With that proposition I have a great deal of sympathy, although I would go along with the point that Senator Roebuck himself made at the time, that it will be difficult for a court or a judge to determine this and so decide what in fact constitutes marriage breakdown. And so other causes of a specific kind which are set out in the bill do become a help in determining when a marriage has really broken down. With that I agree.

I am not as concerned, as my good colleague Senator Grosart seems to be, about the issue or the case of an individual, usually a man, who has lived apart from his spouse for a period of years, in the sense that the wife at least could describe it as desertion and asks for a divorce on this ground. I am not as concerned as he is that this should not be considered to be a proper case for determining that there has been marriage breakdown. As I have said, if it is the intention of at least one of the parties never again to live with the other, it would seem to me that that marriage, to all intents and purposes, no longer exists, and the law might properly give recognition to the fact.

I have only two other points to make, because I understand that this bill will go before a committee for detailed and careful study and examination. Those points are, that the committee should look with considerable care on the clauses dealing with domicile, particularly foreign domicile. This is a difficult and complicated field of law, although as set out in the bill it seems to be about as straightforward as it can be stated. The other point was raised by Senator Fergusson and discussed later by Senator Prowse. It has to do with the provision—if I may so put it—for

the wife and the children or the husband and the children in case divorce is granted.

I do think that there is a good case to be made, despite the difficulties which Senator Prowse pointed out, for some assessment and proper division of property that has been acquired after the marriage has taken place. Again I think this is the kind of matter that could be referred to one of the courts that I am suggesting might in due course be thought of and established to deal with marriage and matrimonial causes and the like.

Hon. Mr. Connolly (Ottawa West): Would the honourable senator allow a question at this point? Does the question of jurisdiction bother him in connection with this problem of separation of property?

Hon. Mr. MacKenzie: I would not think it would necessarily follow. I grant you that there are difficulties in it, but I do think that the wife might be entitled to more than maintenance or alimony in view of the circumstances of marriage. As I say, granted that the property she brings into the marriage or the property he brings into the marriage may be considered apart, the property that has been acquired in common after the marriage might be considered to be the common property of both, and a proper division of that property might be arranged and arrived at, particularly if there are children to be considered.

Hon. Mr. Connolly (Ottawa West): I do not argue the equity of the point. It is only the question of the probable jurisdiction.

Hon. Mr. MacKenzie: I think it would raise a question of jurisdiction, and it is one that the committee should look into.

Honourable senators, these are the only points that I want to raise about this very interesting and important piece of legislation.

Hon. Harry A. Willis: Honourable senators, this is the first time that I have had the opportunity of speaking in this house since the honourable Jacques Flynn became the leader of our party in Opposition. I pay my congratulations to him and say that, if we had searched the whole country over we could not have found a better man.

Hon. Mr. Connolly (Ottawa West): In any party.

Hon. Mr. Willis: And I think very soon he will exchange places with Senator Connolly to become Leader of the Government.

I was away at the time Senator Brooks died. I join with those who paid tribute to him at that time. I also want to pay tribute to my friend Sandy Baird, who died while I was away. Perhaps none of you know, but he was almost like a father to me. We had many chats, and I think he was one of God's finest gentlemen. I want to pay a sincere tribute to his memory.

With respect to the bill before us on divorce, as everyone knows, the problems thereof have been with us for years—yes, for centuries. In 1927, when I was still a student at Osgoode Hall in Toronto, the only law school then in the Province of Ontario, I was presented with a book from which, with the Senate's permission, I will quote. It is entitled *Law Life and Letters* by the Earl of Birkenhead. As is well known, the Earl of Birkenhead was Lord Chancellor of England, the man on the woolsack. He devoted an entire chapter of his book to divorce law reform, and I shall read one paragraph which deals with the background to the trouble he had with divorce laws in England.

> It is to be regretted that the problem in this country has been complicated by the fact that matters both ecclesiastical and matrimonial were profoundly affected by the matrimonial eccentricities of Henry VIII.

Instead of divorcing them he had them beheaded. That fight went on for many, many years.

Hon. Mr. Beaubien (Bedford): There was no alimony there.

Hon. Mr. Willis: Oh, yes, there was. There were pearl necklaces and things like that.

It was not until 1912 or 1913 that a committee was appointed in the United Kingdom to investigate the question of divorce and perhaps to bring in some amendments. The committee sat for some weeks, and in the interval, on August 4, 1914, the First World War broke out. Of course operations were suspended, and it was not until 1920 when Lord Buckmaster, who was also a member of the House of Lords, became chairman, that the committee reconvened and recommended that a petition could be brought on five additional grounds. These were: wilful desertion for three years; cruelty; incurable lunacy of five years' standing; habitual drunkenness; and imprisonment under a commuted death sentence. This recommendation was introduced in a motion in the House of Lords in 1920 and

was passed in April of that year. It was then sent to the House of Commons where it went down to ignominious defeat, and so the law remained as it was before. Of course, as all honourable senators know, since that time and particularly during the Second Great War the laws of England were amended extensively, and those who have practised divorce law in Ontario know that because of the number of marriages between Canadian soldiers and girls residing in England an opportunity was provided that divorce actions could be brought here and decrees granted.

Honourable senators, I have been practising law for some time, and during that time I have had a varied selection of divorce cases. In fact, my first divorce case was heard here in the Senate Divorce Committee downstairs in the office which is now occupied by Senator Belisle and Senator Yuzyk. That was the divorce court at that time. I appeared before that committee in 1930 and, fortunately for my pocketbook and for my client, the petition was granted.

Then in the same year, 1930, under a new government—because R. B. Bennett came into power in the election of 27th July 1930—a new act was promptly introduced called the Marriage and Divorce Act which conferred—and I am speaking only of Ontario—on the judges of the Supreme Court of Ontario the power to hear and grant divorces, or refuse them, and to provide for the custody of children and so on. That act also gave to the courts of Ontario the right of granting annulment, which up to that time had not been available to them. I understand that the honourable Senator Walker is going to speak extensively on this point a little later and so I only mention it in passing.

I do not know how many honourable senators have read the letter of the Honourable R. A. Bell in the other place to the Minister of Justice pointing out that if this act is passed in its present form the provisions of the Marriage and Divorce Act of 1930 will vanish and Ontario will be left in the same position as it was prior to the passing of that act. Unlike the Province of Quebec and the Maritime Provinces, as I understand the situation Ontario never had the right to grant annulments except under a very limited provincial jurisdiction, limited almost completely to cases where the consent of the parents had not been obtained by one of the parties who was under age.

So, honourable senators, if this bill is passed in its present form the courts of Ontario will have no jurisdiction to grant annulments. I think that is wrong. I am sure the framers of this act and most senators here will agree that this act should provide for the restoration of the power to grant annulments to the courts of Ontario.

Hon. Mr. Roebuck: If I may interrupt the honourable senator for a moment, the point he has raised is very well taken and I assure him that it will be taken care of.

Hon. Mr. Willis: I do not take any credit for raising the point; it was raised by Mr. Bell. But when I studied it I considered it was an excellent one because so far as the courts of Ontario are concerned we would be left up in the air.

Now I want to discuss for a moment the objections which have been raised in the other place to this bill. Most of those objections emphasized the fact that the County Courts of the provinces should have jurisdiction in divorce matters. I agree with my friend the honourable Senator Macdonald, the Whip of our party, that the case of Nova Scotia is somewhat different and for this reason. Again I would remind all honourable senators that I am speaking only for the Province of Ontario. At the same time I want to say, since I understand that this is a free debate, that I disagree with some of the speeches made by some of my colleagues on this side, in that I am in favour of the Supreme Court judges of Ontario being the judges appointed to act in divorce cases. One of the arguments mentioned was that where there is a possibility of a couple being reconciled, and the case is adjourned for some weeks or for some months, it would be almost impossible for the parties to the action to appear before that same judge again unless they come to Toronto.

Now, all of us who practise law in Ontario know that in most cases, other than in the larger cities, when the Supreme Court judges go to smaller county towns, their lists are completed within two or sometimes three days, and in many cases in one day. Then they go back to their offices in Osgoode Hall. I have sufficient faith in the Chief Justice of the Supreme Court of Ontario, Mr. Justice Wells, that I am sure he will devise some system whereby a Supreme Court judge, who defers a divorce matter which is before him in some county town, will find the time to return to that county town and deal with the matter of reconciliation.

Secondly, the County Court judges are really so busy that they cannot take on any more work. I do not know whether it is generally known outside of Ontario that three or four years ago the province established the position of Chief Judge of the County Court Judges of Ontario, and that has proved most satisfactory. On the advice of the Province of Ontario some roving judges have been appointed. They are not stationed in one particular county town, but are designated by the Chief judge of the County Courts of Ontario to sit in the larger centres where the lists are clogged. This too has worked out very well, except that it has imposed much more work on the County Court judges. In the County Courts today the situation is not as it was years ago, when you could almost obtain an appointment with a county judge any time. The population explosion in Ontario, particularly in large centres such as Toronto, Windsor, London and Ottawa, has increased the work of the County Court judges enormously, and this has made it very difficult to obtain an appointment with one of these judges.

Also, the County Court judges in Ontario are the only ones who handle surrogate court work, which has become more and more onerous. Larger estates are being dealt with by them, much larger than ever before in the history of the surrogate courts. Not only that, but much construction is being carried out throughout the Province of Ontario and there are numerous mechanics' liens actions which are presided over only by the County Court judges. In Toronto they have several Junior Masters who are designated to sit in the mechanics' liens courts for the City of Toronto, but, by and large, it is the County Court judges who hear these actions; and, as my friends Senator Roebuck and Senator Connolly (Ottawa West) know, they are increasing in number all the time.

The opponents of the Supreme Court judges handling divorce say that divorce proceedings would cost less before County Court judges. I do not believe that at all. I am supporting this bill and I want the Supreme Court judges to be the sole judges to hear divorce cases.

No doubt, at some later date amendments will be introduced, but I say, for goodness sake, let us stop talking about small, inconsequential matters and pass this bill. It is the first breakthrough we have had in Canada, and I think the majority of us want it passed. Those of us who practise in the legal profession can recite instances of individuals coming into our offices who are living in particularly distressing circumstances, and yet, apart from adultery, there is no ground upon which they can obtain relief.

You talk about desertion. I know of cases where the parties have parted and one or the other has gone to live with someone else in a common-law relationship. I know of one case in which a man and woman have lived for 11 years in a common-law relationship. He is a professional man, his legal wife and children have been amply provided for, and there is a child of the common-law relationship. Why should not such a man or woman be able to go to court and testify to having been separated for five, six or seven years, that there is no possibility of their living together again, and that he is now living with the same person that he went away with, and has a family by her—and on that evidence why should not that individual be granted the relief asked for, provided, of course, that his legal wife is amply provided for according to the means at his disposal?

I agree with some of Senator Fergusson's objections with respect to the desertion clause, but I would rather discuss that in committee than in this chamber at the present time. Certainly, there are "bugs" in this bill; we anticipated there would be.

Senator Aseltine pioneered divorce reform when he was Chairman of the Divorce Committee back in the fifties. He ably guided his bill through the Senate, but it was defeated in the other place. He was then succeeded by Senator Roebuck as chairman of the Divorce Committee, who has laboured industriously on this matter. I say the progress we have made in divorce reform is due more to these two gentlemen than to any other individual or body I know of in the Dominion of Canada. This piece of legislation—lame duck though it may be for a while—will be the breakthrough and will remedy the misery that thousands and thousands of people are presently living in.

I have nothing more to say on the subject at this time; I shall perhaps have much more to say in committee.

Hon. David Walker: Honourable senators, I want to join with my friend who has just spoken in paying tribute to Senator Roebuck who has received so many tributes on this matter. But also may I particularly mention

Senator Aseltine, the Leader of the Government in his time, the Leader of the Opposition in his time, and the pioneer of this present divorce legislation. When history is written, probably his thirty years of struggle for a modern, up-to-date divorce act will be appreciated; and I am sure that Senator Roebuck would be one of the first to recognize that Senator Aseltine's bill of 1955 was the precursor of the present one, and that Senator Aseltine, in those days—as Senator Pouliot was good enough to admit yesterday—was trying to convince many people who were at that time unconvincible. He was, as was John the Baptist, "a voice crying in the wilderness." At last, his day of triumph has arrived and this modern bill, which has been taken up by Senator Roebuck, is about to become law.

I am glad to know that the argument of the Honourable Mr. Bell (Carleton) in the other place is going to bring about an amendment. So that the amendment may be such as to satisfy not only the Government but also the Opposition, may I briefly place before this honourable house the reasons why we feel amendments are necessary?

Section 26(1) of Bill C-187 repeals the Divorce Act (Ontario) of 1930, and that act provided that the law of England as to the dissolution of marriage and as to the annulment of marriage, as that law existed in 1870, is in force in the Province of Ontario. That is very important to us, because prior to that act it is clear that no court in Ontario was able to exercise any jurisdiction to hear an action for annulment, except in the case of very limited jurisdiction such as lack of parental consent.

Now the repeal of the Divorce Act (Ontario) at the present time is going to put us in Ontario in a dreadful position, because it remedied this self-asserted jurisdiction of limitation and conferred on the courts of Ontario specific jurisdiction in respect of the annulment of marriages—a jurisdiction which the courts of Ontario have regularly exercised since that date.

When this act was passed in 1930 it opened up in a very satisfactory way the grounds for divorce and the grounds for annulment, but when it is repealed, as it will be repealed the moment this bill is passed, unless there is an amendment to the bill proposed during the committee stage, that jurisdiction will disappear. This bill does not confer any jurisdiction upon the courts of Ontario in respect of annulment, except that contained in section 4(1)(d), about which I shall speak.

Unless this bill is amended later on there is, as I shall point out, one item which is placed under the divorce jurisdiction which is generally considered in Ontario more akin to annulment than to divorce. I refer to section 4(1)(d) which provides that if the marriage has not been consummated, and the respondent for a period of not less than one year has been unable by reason of illness or disability to consummate the marriage, or has refused to consummate it, a divorce can be granted. In other words, the bill that is now before the house incorporates as a ground for divorce what was originally in Ontario a ground for annulment. But, what concerns us in Ontario particularly is the fact that since 1930 the courts in Ontario have exercised a very broad jurisdiction, having in mind that they were able to take over the laws that existed in England in 1870. They exercised this jurisdiction in annulment, and in other cases than non-consummation, which is only one ground for annulment.

There is, for instance, among the grounds for annulment that of duress in bringing about a marriage. That was a ground for annulment, and a very good one too. Another ground is the intoxication of one of the parties. This is not an unknown way to get married. If one party will not agree to the marriage, the other party gets him or her intoxicated, up to the altar, and married. That too in Ontario has been a ground for annulment.

Hon. Mr. Connolly (Ottawa West): Have there been any cases decided on that ground?

Hon. Mr. Walker: Yes, there are some. Perhaps your law officers will advise you.

Hon. Mr. Connolly (Ottawa West): Perhaps there were too many cases.

Hon. Mr. Walker: This all seems to be very humourous, but these marriages are tragic in the way they work out. Only the people who attend the wedding and see the couple trying to stand up at the altar realize how tragic such a marriage sometimes turns out to be.

Then, of course, there is a ground which is equally important, that of the mental incompetency of one of the parties when the marriage takes place. That too in Ontario has been a ground for annulment.

There are many cases which the law officers, I hope, will bring to the attention of Senator Roebuck when consideration is being given to this amendment. But the point I want to make is this, that the end of our

Ontario act, as is prescribed by section 26(1) of this bill, means that from now on, unless an amendment is introduced in this house or in committee, the grounds which we have used in Ontario for the annulment of marriage will be done away with, and instead of going forward as far as annulment is concerned we will be taking a very retrograde step.

Therefore, it is my earnest hope that this will be corrected. I know that when Senator Roebuck tells us that this matter is being considered by the Government of the day, of which our friend the honourable Leader of the Government in this house is a member, I am sure that these matters also will be taken into consideration.

Hon. Mr. Connolly (Ottawa West): I can give the honourable senator an assurance that this amendment will be made.

Hon. Mr. Walker: Can the honourable senator also give me an assurance that the amendment will cover all the points that I have mentioned?

Hon. Mr. Connolly (Ottawa West): I understand that that is so.

Hon. Mr. Walker: That is very good.

Divorce is a nasty matter, in any event. None of us here are rejoicing today. We are sorry that these things have to be. But, I sometimes suspect that the grounds are being widened farther than perhaps they should be. During the war my firm handled over a thousand divorce cases for Canadian military headquarters in London, and we soon came to realize that the easier the obtaining of a divorce is made the more families will be broken up. There is still something to be said for the old saying that if you make it difficult for people to break up then they are more likely to get together and mend their differences.

I am an amateur in this matter. I am, like Senator MacKenzie, so happily married that I cannot conjure up all the things that can happen. However, it seems to me that we are going a long way by this bill towards making it easier to break up marriages. Whether this is good or not, I am in no real position to say, but I do most assuredly say that the grounds I have enunciated as being grounds for annulment in the Province of Ontario are very important. But instead of being removed by this bill it is my understanding that they will be restored. Speaking to this matter was my only reason for participating in this debate.

Hon. Mr. Connolly (Ottawa West): Honourable senators, I want to say to Senator Walker that I did not interrupt his discussion of the jurisdiction of the Ontario courts with reference to annulment precisely, because I wanted the record to show the argument he made so clearly. I can assure him that he will be quite satisfied with the amendment when it is made.

Hon. Josie D. Quart: Honourable senators, it may be a little late but we are still in the month of January, and I wish all honourable senators a very happy New Year. I hope and trust that as yet you have not broken your New Year's resolutions, and that you will keep them for a long time, because I know they must have been very good ones.

First, I have to say that I support this bill. As many honourable senators have said, it is a step in the right direction with respect to those citizens of Canada who can benefit from its provisions.

The honourable sponsor of the bill (Hon. Mr. Roebuck) is to be congratulated, and I echo all the complimentary remarks that have been made about him, as well as those about Senator Aseltine for his past as well as his present efforts. I particularly commend Senator Fergusson for her suggestions which, in my opinion, would result in a protection of women. Following her speech yesterday I assured her I would gladly second her recommendations. In fact, I offered to be her second in the event any war ensued.

Senator Grosart's flattering reference to the distaff side of the Senate was very much appreciated, but it did not influence my decision, but further strengthened it in support of Senator Fergusson's position. The amendments suggested by Senator Grosart, Senator Macdonald (Cape Breton), Senator MacKenzie, Senator Willis, Senator Walker and others should further strengthen the bill.

As a member of the Catholic Women's League of Canada I should like to place on record some of the views contained in the brief which was presented before the Joint Committee on Divorce by that League. Incidentally, Senator Roebuck, the National President and Vice President who appeared before the committee were deeply appreciative of the courteous reception extended to them by you and other members of the committee, and were delighted to have had a little chat with you prior to going before the committee as witnesses.

Hon. Mr. Roebuck: Thank you.

Hon. Mrs. Quart: To begin with, may I express a personal opinion. I consider divorce a tragedy. A marriage can break down to a point where reconciliation is impossible, and when there is no hope it will ever work again divorce may be considered as the last resort or a necessary evil. The Catholic Church recognizes this situation, and after due consideration allows the couple to separate, but prohibits a separated Catholic to marry again as long as the other partner is still alive.

My main objection to divorce is principally because it is the children who suffer the most. I realise that there is another side to the argument, for when parents do stay together for the children's sake, do the children really benefit? No child can escape being emotionally upset when living in a home where there is continuous bickering of the parents, and this constant tension could hurt rather than help the child, resulting in bewilderment and confusion. In these cases I agree that only separation of parents will provide relief for the child's inner turmoil.

Then again, the custody of the children presents another unhappy situation, and although the courts may legally determine the custody of the children, is it ever definitely decided? Living with one parent, mother or father, and having the other parent entitled to visit the child once a week or so seems a confusing solution for the child. But it seems the only arrangement to cope with an abnormal problem that breeds unhappiness for all parties, children and parents alike.

Most Catholics are staunch in their view that marriage is a lifetime proposition—till death do us part—and for the present there is no indication that the Catholic Church will change its stand on the indissolubility of marriage, but in special cases out of pastoral solicitude the church grants permission for remarriage in some exceptional circumstances. No amount of money or influence can change the Catholic Church's stand on divorce and remarriage. This stand has caused hardship and required heroic virtue from the faithful, but we must obey.

Some discussion persists on the interpretation of what truly is a valid, consummated, sacramental marriage, but at the present time the stand of the church remains firm. Many people differ from this viewpoint. As Catholics we must respect their right to follow their conscience, and we expect those who differ from us to try to understand and respect our viewpoint. This view of freedom of conscience demonstrates that no one section of a community should force its beliefs upon all its members. This position was stated by the Catholic Women's League of Canada in its brief on divorce as follows:

> While we do not believe in divorce ourselves, we cannot expect the laws of the country to be used in such a manner as to prevent those who, unlike ourselves, do not believe that marriage is monogamous and indissoluble from acting in accordance with their own religious convictions. We would also emphasize that, while we have beliefs in the matter of marriage, we do not wish to impose those beliefs on the entire Canadian society through the medium of civil law.

Surely that is fair enough. Be fair to us.

Hon. Jacques Flynn: Honourable senators, I intend to deal very briefly with the problem of the courts having jurisdiction in divorce. The bill would give jurisdiction in all provinces except Quebec and Newfoundland to the Supreme or Superior Courts. In Quebec and Newfoundland it would be the divorce division of the Exchequer Court, until there is a proclamation that the Superior Court or the Supreme Court would have jurisdiction.

Some objections have been raised to this provision. We have heard the viewpoint of Nova Scotia, which wants to retain its present divorce court. We have heard Senator Aseltine explain that in Saskatchewan it would be more practical to have the County Courts hear petitions for divorce. We have also heard the viewpoint of Senator Willis who favours the trial division of the Supreme Court of Ontario continuing to deal with these matters. Furthermore, we have heard that in some provinces consideration is presently being given to the creation of family courts which could deal with divorce and all related matters, about which Senator Fergusson spoke yesterday.

Paragraph 14 of section 92 of the British North America Act refers to:

> 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.

Because of that, and because of the divergent views to which I have just referred, it seems to me that the bill would be improved by an

amendment giving complete discretion to the provinces in divorce jurisdiction. I do not see why Parliament should dictate to the provinces which court should deal with divorces. Nobody has indicated that there is something wrong with the systems in force in Nova Scotia and Ontario. Why, therefore, tell the provinces that they will not be able to give competence to any other court than the Supreme Court? This is what in fact we would be telling Quebec, for instance, where for some time consideration has been given to the creation of a family court which would have jurisdiction over separation as to bed and board, and eventually divorce if the Legislature wants to give this court such jurisdiction. We should not therefore restrict the freedom of the provinces in a domain which in my view belongs to them.

One must remember that divorce and marriage were considered and classified as matters of exclusive federal jurisdiction in 1867—for but one reason, that then the Fathers of Confederation did not want a religious majority to impose its views on a minority. Otherwise, divorce and marriage would properly belong in the field of Property and Civil Rights. In fact, Parliament has always been reluctant to legislate in the matter of divorce and marriage for this very obvious reason. Therefore, as we rationalize our divorce laws, we should not go further than is necessary; we should not try to change the whole family and matrimonial system but merely to achieve the objective we have in mind.

For this reason, I would urge the Government to consider an amendment. I have given my thoughts in this respect to the Leader of the Government. It seems to me that we could amend clause 2, paragraph (e) to say that:

> "court" for any province means a court which is given jurisdiction by the law of that province and, if no such jurisdiction is given, the Divorce Division of the Exchequer Court.

That would go for Quebec and Newfoundland until they determine for themselves that from then on it will be the Family Court or the Supreme Court or the Superior Court. It would be their own business to decide that. In the Yukon and the Northwest it would be the Territorial Court. In that way we would solve the problem and meet all the contradictory viewpoints which have been expressed.

I urge the Leader of the Government to have the officials of the Department of Justice consider an amendment along those lines. It seems to me that it would effectively meet the objections which have been raised.

On motion of Hon. Mr. McDonald debate adjourned.

The Senate adjourned until tomorrow at 3 p.m.

27059—5½

THE SENATE

Thursday, January 25, 1968

The Senate met at 3 p.m., Hon. T. D'Arcy Leonard, Acting Speaker, in the Chair.

Prayers.

NATIONAL AND ROYAL ANTHEMS

JOINT COMMITTEE—CHANGE IN COMMONS MEMBERSHIP

The Hon. the Acting Speaker informed the Senate that a message had been received from the House of Commons to acquaint the Senate that the name of Mr. Laflamme has been substituted for that of Mr. Tremblay (Matapédia-Matane) on the list of members appointed to serve on the Special Joint Committee on the National and Royal Anthems.

DOCUMENTS TABLED

Hon. John J. Connolly tabled:

Statutory Orders and Regulations published in the *Canada Gazette*, Part II, of Wednesday, January 24, 1968, pursuant to section 7 of the Regulations Act, chapter 235, R.S.C., 1952. (English and French texts).

Report of the Registrar General of Canada for the fiscal year ended March 31, 1967, pursuant to section 10 of the Government Organization Act, 1966, chapter 25, Statutes of Canada, 1966-67. (English and French texts).

ADJOURNMENT

Hon. John J. Connolly: Honourable senators, I move, with leave of the Senate, that when the Senate adjourns today it do stand adjourned until Tuesday, January 30, at 8 o'clock in the evening.

Motion agreed to.

DIVORCE BILL

SECOND READING

The Senate resumed from yesterday the adjourned debate on the motion of Hon. Mr. Roebuck for the second reading of Bill C-187, respecting Divorce.

Hon. A. Hamilton McDonald: Honourable senators, I yield to the honourable Senator Fournier from Madawaska-Restigouche.

Hon. Edgar Fournier: Honourable senators, I know very well that this bill is for the professional. I am neither a lawyer nor a clergyman, so my remarks will be very brief.

In my opinion, Bill C-187 is the most important piece of legislation that this house has had to deal with at least during the time I have been a member of it. However, after listening to the debates, the arguments, and the recommendations I have been led to believe that we are far from a sensible solution of the divorce problem.

As a Roman Catholic I am somewhat hesitant about the whole matter. However, I fully realize the importance of trying to do something which will improve the existing situation, and at this moment I wish to compliment the chairman and members of the Joint Committee on Divorce for the exhausting work they have performed in this field.

I cannot conscientiously support any movement which will open the doors to mass divorce, but I will support any effort to remove some of the evils in the existing divorce laws. I am confident that the chairman and members of the Joint Committee feel as I do towards a too-easy divorce procedure, and I am also confident that the aim of this new bill is not to enlarge the facilities for divorce. I also fully understand that the bill will put to an end a situation whereby thousands of Canadians have for valid reason had to live under the most difficult circumstances, as was mentioned during the introduction of the bill and the subsequent debate.

When I stand back and look at what has been taking place in our modern society in the last 15 or 20 years I get a little nervous. We have seen a deterioration in family life, a loss of parental respect by the children and a loss of respect by parents towards their children. We have seen educational reform which is losing control of its purpose and aim. When we regard the so-called modern morality, the corrupted T.V. programs poisoning the soul of our youth, the "Go-Go" life, *la jeunesse dans le vent*, the Hippies, the free love clubs, LSD, the pills, the loss of respect for any authority, when conscience is now almost a thing of the past, one may justly ask: Where are we going? What can we expect? Can it go on as it is or get worse? The aspects I have just mentioned are mostly all the result of abuses by usually a few, but these small groups are clouding our liberty and our future.

Honourable senators, I am afraid that this bill will become the subject of abuse by those who want to swop wives or husbands like horse traders at the least excuse. Will our teenagers who blindly fall in love at the age of 14 say, "Let's get married. If we don't like it we can get a divorce at 16, remarry at 17 and divorce again at 19"?

In closing, I wish to say that I will support the bill but with some reservation. I hope the courts will be presided over by judges who are above reproach and possess a very high calibre of judgment, in other words, the best this country can provide.

Hon. Arthur W. Roebuck: Honourable senators—

The Hon. the Acting Speaker: Honourable senators, I wish to inform you that if the honourable Senator Roebuck speaks now it will have the effect of closing the debate.

Hon. Mr. Roebuck: Honourable senators, may I at the outset heartily agree with the senator who has just spoken (Hon. Mr. Fournier (Madawaska-Restigouche)), that this is one of the most important bills to come before this house in many years. I also join with him in expressing the hope that the changes we may make in the divorce laws will not result in mass divorce or in people changing their marital allegiance as one changes an old hat; rather, that we may correct abuses and bring about a greater freedom in this matter of marriage and certainly not a degradation of the institution of marriage.

My first duty, and it is a very pleasant one, in closing this debate is to state my grateful acknowledgement of the kind commendations expressed by all those who have spoken, of the work of the Standing Committee on Divorce of this chamber and of the work of the joint committee of both houses appointed recently to study the whole question of divorce. Of both of those committees I have had the honour to be chairman, the first of them for the last fourteen years.

Honourable senators, I am doubly grateful that in your expressions of kind appreciation you have not failed to include my predecessor in this office, the honourable Senator Aseltine—

Hon. Senators: Hear, hear.

Hon. Mr. Roebuck: —and his associates, who carried on the work of divorce for ten years prior to my becoming chairman. Senator Aseltine pioneered the reform of the divorce laws of the Dominion of Canada. That he failed to bring about the changes which now seem to be imminent, was not as a result of any lack of force or vigour or intelligence or anything else on his part, but rather that he was ahead of his times. That is always a compliment, in my judgment, to be ahead of your times—certainly never to be behind your times.

> There is a tide in the affairs of men,
> Which, taken at the flood, leads on to fortune.

It has been my good fortune to be chairman of both of those committees at a time when the flood of public opinion made it possible for us to take the action which is before us now.

May I point out to you that I waited no less than a dozen years before launching the motion to which Senator Aseltine referred two days ago in this house, asking for the joint committee which brought in its notable report. We waited twelve years until the time seemed ripe to make a motion in this regard. Apparently we were right in that, because no bill that I know of, no important bill, has received such active, conscious approval of the people of Canada, apparently of all denominations and from coast to coast, as has this bill.

It certainly is not my wish to disagree with any honourable senator in their commendation of the industry and devotion of the members of the Standing Committee on Divorce who have worked with me for all those years. It has been a long pull, of nearly a quarter of a century, under the successive chairmanships of Senator Aseltine and myself, during which we have provided divorce facilities first for the Provinces of Ontario and Quebec, and in more recent years for the Provinces of Quebec and Newfoundland.

During all that period there, of course, have been sporadic criticisms of the divorce situation—not so much of the committee, but of the divorce situation—based on the assumption at times of an alleged fabrication of evidence by one class of witness, which I thought very much exaggerated, and also of the enormity of a legislative chamber such as ours being saddled with a judicial responsibility. It is not without precedent, but I would like to point out that in marked contrast to the criticisms from individuals at

times in the chamber and out, we—and I speak for all the committee—have enjoyed the wholehearted, sympathetic and understanding confidence and support of this whole chamber over all these many years.

Some Hon. Senators: Hear, hear.

Hon. Mr. Roebuck: Not once, certainly while I have been chairman, has any motion made by this committee or by me on its behalf been even referred back for further consideration. But day after day, week after week and year after year, in the carrying on of the duties of the committee, we have had the sympathetic and understanding support of every member of this chamber. And for that trust and appreciation expressed on numerous occasions, but at no time more graciously than now, I tender to the house our deeply felt thanks and gratitude.

For the wonderfully gracious remarks addressed to me personally, by I think every one of the senators who have spoken in this present debate, I am deeply moved and intensely gratified and grateful. I admit that the task has been longdrawn out, arduous, time consuming and exacting, but we all have stayed with this work because we are convinced that we are rendering an important public service, and because we believed that our work was contributing to the unity and the well-being of the Dominion of Canada. And I now feel that the generous praise and gracious commendation that I have heard from one after the other of you as you have risen in your places is an ample reward for all the time that has been spent. I thank you each individually and collectively with all the fervour over which I have command.

When this bill becomes law, the jurisdiction of the Senate will be transferred from this chamber to the Exchequer Court of Canada, and the long drawn-out task extending over nearly 100 years will soon be finished. And this feature, it seems to me, has received the unanimous approval of this chamber.

The joint committee, however, made no recommendation in this regard, and at this point I would like to explain to you why we did not do so. In the first instance, it has been long felt that public opinion in the Province of Quebec was strongly opposed to the constitution of a divorce court for that province, and any test that I could have made, or did make in the years gone by—and I made a number of them—led me to believe that that prejudice or opinion still existed, and we of the committee hesitated to recommend what would be purely a procedural reform that might jeopardize the success of the reform in the substantive law which we were recommending. Therefore, we thought it wise to leave the question of mere procedure that might raise a storm to some other occasion, while we concentrated on the much more important reform of the substantive law which we were proposing to recommend. That, honourable senators, is why we made no reference to it, or practically none. So far as I was personally concerned, I was opposed to touching the question because I did not want to be in the position of recommending a change which might appear as an attempt on my part to escape an arduous and time-consuming job. But now the Government has taken the responsibility, without any action on my part or that of the committee, and I welcome this change that will allow me and the other members of the committee to direct our energies and our thoughts to other matters—though not more important matters —while the mere conduct of courts of law is carried on by paid judicial officers.

Honourable senators, may I say with due humility that the debate on this bill has been truly magnificent. It has been thoughtful; it has been highly informed; it has been in keeping with the high standards of debate which we expect to take place and which do take place in this chamber. While there has been considerable criticism of the bill, Senator Aseltine summed it up to my satisfaction when he said, and I read from page 737 of Senate *Hansard* of January 23, 1968:

> I consider this bill, honourable senators, to be very timely indeed. It is a much better bill than all the others previously introduced by members of the Senate—

And that includes his own, of course.

> —and of the other place. It certainly fills a pressing need. I support it, and hope that it will be passed speedily, and will be proclaimed in due course.
>
> This does not mean that I agree entirely with everything in the bill—or, perhaps, I should say that I do not agree with the methods that the bill proposes to adopt in order to accomplish the end in view. But this bill is so far in advance of everything previously attempted that we should give it our whole hearted endorsation.

I think we should do our best to pass the bill, get it into action, and find out its workings in the community; but that does not mean that we should not do our best to improve the bill in every way we can before it becomes law. Let us get on with the passage of the bill.

However, there has been such a series of questions raised, including those of mere draftsmanship, that I propose to move, upon the bill receiving second reading, that it be referred to committee for study in detail.

I would refer to three major points that were raised. There have been others, of course, but I think these are the outstanding criticisms that I have heard as I have sat listening with great interest to, and approval of, the various speeches made.

The first of these points was mentioned by both Senator Macdonald (Cape Breton) and Senator Walker. In 1930 this Parliament conferred on the Supreme Court of the Province of Ontario jurisdiction to grant the dissolution and the annulment of marriages. Section 26 of the bill repeals that act, and while it grants to the Supreme and Superior Courts of the provinces authority to decree dissolution of marriages, it apparently overlooks the annulment of marriages. There are not as many annulments as there are dissolutions of marriages in the Province of Ontario and elsewhere, but there is a substantial number. We recommend approximately a half-dozen to a dozen each session, and in the Province of Ontario many more such cases are heard and disposed of; so that is a matter that must be taken care of.

There is no reference to annulments, other than as Senator Walker pointed out. Section 4 (1) (d) is, in some ways, in regard to annulments, because non-consummation, with the limitations involved, has been dealt with by annulments. By that section, it is now made a matter for divorce. But, other than that, there is no reference in this bill to annulments, and that of course must be corrected.

I may tell you that I have a proposed amendment which has been drafted by the department and approved by the minister. May I add that the department is fully aware of this slip in draftmanship, which could have been very important. May I also point out that it passed the Commons without comment, but was spotted later by one of the members of that house who brought it to the attention of the proper authorities. The slip was at once admitted by the officials. As I say, I have an amendment already drawn by the department, approved by the minister, the deputy minister and others involved, and which our Leader, Senator Connolly (Ottawa West), said only yesterday he thought would entirely satisfy the needs of the situation.

The next question that I would refer to is that raised in this Chamber with very great ability and most acceptably, by my friend Senator Fergusson. The point was in regard to section 4(1) (e) (ii) of the bill, which gives to a deserting husband or wife the right to divorce from a faithful partner, from an unwilling party to the action, after five years of separation. I have said that the joint committee did not recommend this particular provision because—to quote the phrase used when I introduced this bill—we refrained from permitting a partner to plead his own wrongdoing and to profit by it. Senator Fergusson has drawn to our attention the serious consequences to a faithful wife who is unwillingly divorced under such powers. I would like to read briefly from page 743 of the Senate *Debates* of January 23. She said:

> If her husband deserts her for five years and then secures a divorce, it appears to me that under the present bill she will be deprived of rights which she has acquired under provincial statutes, such as Widows Relief acts, Family Inheritance acts, Intestates Succession and Dower acts. Furthermore, through no volition or fault on her part she will also lose her expectation of sharing in the pension rights of her husband which she has helped him to build up and which, if he predeceased her, could very well have provided her with a reasonable income.

I did not realize the loss could be so serious until I heard the senator—who is always well informed and is most industrious in the preparation of her addresses in this chamber —speak upon it. Of course, as you know, I did not like that provision, but I would point out that the deserter—in mitigation of your criticism of the section—might expect scant sympathy, under those circumstances, from any judge of any Canadian court.

Section 9(1)(f) makes it a duty on the part of the court to refuse a decree under these circumstances if it "would be unduly harsh or unjust to either spouse." Section 9(1)(f) reads:

> Where a decree is sought under section 4 by reason of circumstances described in

paragraph (e) of subsection (1) of that section, to refuse the decree if the granting of the decree would be unduly harsh or unjust to either spouse or would prejudicially affect the making of such reasonable arrangements for the maintenance of either spouse as are necessary in the circumstances.

Well, that might help a little because it gives to the court a certain discretion, but after all it is a pretty poor proposition when in cold type a deserter is granted the right to divorce on the ground of his own wrong.

I should point out to you, honourable senators, although it is not a satisfactory answer, that such a divorce would not deprive a divorced wife of such property rights as she might possess, other than dower. First, should there be a joint tenancy she could apply to the provincial courts for partition. Second, if she had contributed money to the acquiring of property she could ask the court for a declaration of her equity in the property. Third, it seems to me, if she contributed to the acquiring of a marital estate by making a home while her husband was making money she should be entitled to a share of the estate in proportion to her contribution. She would have no such claim at common law, and I am unable to say just what decision the courts in Canada might be expected to make in future cases when these circumstances come before them. I hope that equity and justice would give her the share to which she is entitled in the common estate. But, all this is cold comfort, I know.

We might strike out subparagraph (ii) of section 4 (1) (e), but if we did so, honourable senators, we are into other troubles. Let me read that clause:

(1) In addition to the grounds specified in section 3, and subject to section 5, a petition for divorce may be presented to a court by a husband or wife where the husband and wife are living separate and apart, on the ground that there has been a permanent breakdown of their marriage by reason of one or more of the following circumstances as specified in the petition, namely:

(e) the spouses have been living separate and apart

(i) for any reason other than that described in subparagraph (ii), for a period of not less than three years, or

And this is the exception

(ii) by reason of the petitioner's desertion of the respondent, for a period of not less than five years, immediately preceding the presentation of the petition.

That is to say, they have added a couple of years when the petitioner himself or herself is the deserting party.

We can easily strike that out, but are we satisfied with what would remain? Let me remind you of what the committee said along these lines in its recommendations:

Your Committee recommends that marriage breakdown as evidenced by at least three years of separation immediately preceding the institution of proceedings in which the parties have not cohabited and in which there appears no reasonable expectation of a resumption of cohabitation within a reasonable period of time, be made a ground for divorce—

Then follow a number of protective provisions which, for my purposes at the moment, I need not read.

It will be observed that there is not only the separation that constitutes a marriage breakdown such as would be a ground for divorce, but the fact that the parties have not cohabited during the three years and there appears no reasonable expectation of a resumption of cohabitation within a reasonable period of time. In the initial sentence of section 4, which I have read, you will note the words "permanent breakdown of marriage." That is, "permanent breakdown" is substituted for the carefully devised words of the report.

What is a permanent breakdown I do not know, because neither you nor anyone can look so far into the future as to say that a marriage now in existence will remain broken down permanently, or forever, or until one of the parties dies, which may be many many years hence. No one can foresee forever, but we can say that there is no reasonable expectation of a resumption of cohabitation.

So, you have this permanent breakdown, and the spouses have been living separate and apart "for any reason" for not less than three years, and—now listen to this; this is subsection (2) of section 4:

On any petition presented under this section, where the existence of any of the circumstances described in subsection (1) has been established, a permanent breakdown of the marriage by reason of those

circumstances shall be deemed to have been established.

That is to say, you are putting aside this adjective "permanent" as applied to "breakdown," and you are leaving out all the rest that was so carefully thought out by the committee, and leaving the matter to turn entirely on the fact that the parties have been separated, with no qualification or definition of what "separation" means, for a period of three years, after which either party may apply for a divorce.

Honourable senators, that is far below what the committee recommended in its report. That would be sufficient for a wife to divorce a soldier on foreign service who had been supporting her during the period of his absence, and who had no intention whatever of terminating his marriage relationship. A modern Marco Polo who was away travelling for more than three years for some reason might return to his home to find that he had been divorced, and his wife had married somebody else—a fine homecoming for anyone. It is a clause which in my judgment we simply cannot allow to stand. I rather fancy that the gentleman of the department who drafted it probably had little experience in these matters and did not appreciate the effect of these words. That is one of the points we must take up with the minister, and I think we will have his sympathy in changing it in some way. It is easy enough to change it.

Let me tell you one of the reasons why the words "for any reason" were used. The committee recommended that rather than adopting the English language to meet the circumstances where a man or woman is permanently disabled for physical or mental reasons, and to avoid saying it in cold type, the draftsmen used the phrase "for any reason". This wording was supposed to cover the problem of mental disorder—a spouse confined to an asylum, for instance. Quite a number of persons are in that position. That is why they used the phrase "for any reason". I cannot understand why three years should constitute an irrebuttable presumption that the marriage had permanently broken down. I am sure that when we reach the committee stage this matter will be thoroughly discussed, and I hope the department will agree with us and make the necessary amendments.

Hon. Mr. Grosart: May I ask the honourable senator a question? When he refers to a paragraph that in his opinion should not be allowed to stand, is he referring specifically to the whole of paragraph (e) in section 4(1)?

Hon. Mr. Roebuck: Paragraph (e), yes.

Hon. Mr. Grosart: The whole of paragraph (e), including the two subparagraphs?

Hon. Mr. Roebuck: Let me make this clear. I said we could strike out (ii) of paragraph (e) where we would give a person a right to plead his own wrong, and I was then discussing the first part, (i) where an application may be made for divorce after an absence of three years "for any reason", which goes much too far.

Hon. Mr. Grosart: I wonder if I could ask the honourable senator another question by way of explanation. In view of what he has said, is it the honourable senator's view that the phrase "for any reason" in (e) in effect makes all the other paragraphs needless? The others refer to where they have been living apart and cite certain circumstances, then (e) comes along and says those other circumstances do not matter if "for any other reason". Would the honourable senator agree that (e) makes (a), (b), (c) and (d) completely meaningless and unnecessary?

Hon. Mr. Roebuck: I suppose we could abolish the whole bill and merely have this section so that anybody who had stayed away from their spouse for three years could get a divorce or be divorced, or we could do what some have advocated and allow people to consent to divorce. But we do not do that, and do not intend to do it. I object to the phrase "for any reason". We must state our reasons, as we have in the report. We must change that word "permanent" to the phraseology the committee chose and make clear what we mean. We may avoid saying "by reason of physical or mental disability", as the committee did when actually meaning insanity; it is unnecessary; but we must make clear what we mean before ever launching this bill upon the public.

The last point I would mention concerns the committee's recommendation that co-ordinate jurisdiction be given to the County Courts of the various provinces. Incidentally, I would recall that we also said either party could by motion move a case from the County Court into the Supreme Court so that if anyone thought he needed or preferred a Su-

preme Court trial he might have it. We softened the situation in that way.

I will not take time now to re-state the many reasons for giving jurisdiction to the County Court. I would only point out in passing that Senator Aseltine, who is a practising solicitor of the Province of Saskatchewan and is also familiar with conditions in the Province of Alberta, made a powerful plea for County Court jurisdiction in his own province. I would further recall to your memory that Senator Macdonald of Cape Breton, a barrister of Nova Scotia, told us that this bill will actually destroy the County Court jurisdiction in his province which has been in existence for many years and is very satisfactory, and that if the Supreme Court alone is left to adjudicate on these matters probably two additional judges will be required.

That applies all over the Dominion of Canada. We are adding to the number of divorce cases which we expect will flood the courts in the immediate years to come. This was one of our means for meeting that possible situation, by giving County Court judges jurisdiction in these matters. I will not argue it again. I would only point out that Senator Macdonald from his intimate knowledge of the situation in Nova Scotia strongly condemned the bill as it stands.

Hon. Mr. MacKenzie: Is the honourable senator sure it was the County Court in Nova Scotia with which Senator Macdonald was dealing?

Hon. Mr. Roebuck: Not quite the County Court.

Hon. Mr. MacKenzie: I do not think so.

Hon. Mr. Roebuck: It is a special court in the Province of Nova Scotia.

Hon. Mr. MacKenzie: I think it is a special court under the jurisdiction of the Supreme Court.

Hon. Mr. Roebuck: Not under the jurisdiction of the Supreme Court. It is a special court of divorce and matrimonial causes, which was in existence prior to Confederation, which in recent years has had High Court judges appointed to its Bench, and in still more recent years has had County Court judges added with concurrent jurisdiction.

Hon. Mr. MacKenzie: That was my point.

Hon. Mr. Roebuck: There are six County Court judges and six High Court judges. So, if we allow this bill to go through as it stands, there will not be twelve judges hearing these cases, but six judges. In addition, we will increase the number of cases, in all probability, by these added grounds that we are proposing.

Senator Macdonald has the support of the attorney general of his province, as expressed in a letter by Richard Donahoe, Attorney General of Nova Scotia, written to the Minister of Justice of Canada, in which he says:

> Since the result of the appointment of County Court judges served to reduce the demands made upon judges of the Trial Division, it was possible to establish a Trial Division consisting of only six judges. Had the divorce jurisdiction not been granted to the Country Court judges, I think it will be clear to you that it would have been necessary to ask for a larger number of judges on the Trial Division.
>
> Bill C-187 takes no account of the existence of the Court for Divorce and Matrimonial Causes in Nova Scotia and in its definition sections provides that the Court for Divorce in Nova Scotia shall be the Trial Division of the Supreme Court. Even without any extended grounds for divorce, this would have returned a substantial burden to those judges. With the extended grounds for divorce proposed in Bill C-187, it seems obvious that, at least in the initial years of operation of the act, there will be an increase in the number of divorce cases to be heard by the judges of the Trial Division which might be as large as four or five hundred cases a year—

He agrees with Senator Macdonald in the strongest terms and he also supports the historic and most interesting explanation which Senator Macdonald gave to us. That is enough as far as Nova Scotia is concerned.

Honourable senators, I personally am a solicitor of the Province of Ontario, of very long standing, and I have support for the position which I have taken in regard to this matter. First, I have the support of the committee which made this monumental report. In addition, I have the evidence given by the Honourable James C. McRuer, a former Chief Justice of the High Court of Ontario, strongly advocating that co-ordinate jurisdiction be given to the County Courts of my province. I

am not going into the reasons he gave, as honourable senators know them.

When one considers that Quebec and Newfoundland are not interested at this moment in this matter, I may say that we have received from most of the provinces information upon which we can rely as to the necessity for the granting of jurisdiction to the County Courts. Furthermore, the proposal has been supported overwhelmingly by the speakers in this debate, with the exception only of Senator Willis, who felt that for the moment, due to the changes being made, the jurisdiction should be retained in the highest court of the province. I bow to his opinion in that regard, but I have never been very much impressed with the superiority of one court over another, and, as I say, I do not propose to argue it.

In addition to that, and to be fair in this argument, you will find when we meet the minister that he will argue that the provinces have authority to make judges of the County Courts local judges of the High Courts, as has been done in British Columbia, where it is working very satisfactorily.

In this connection, may I call your attention to the Judicature Act of the Province of Ontario, section 115(1):

> Except in the County of York, every judge of a County Court is a local judge of the High Court for the purposes of his jurisdiction in actions in the Supreme Court, and may be styled a local judge of the Supreme Court, and have, in all causes and actions in the Supreme Court, subject to the rules, power and authority to do and perform all such acts and transact all such business in respect of matters and causes in or before the High Court as he is by statute or the rules empowered to do and perform.

That is to say, it is possible under the statute for the legislature, or I expect for the judges of the High Court, to empower the County Court judges to act as local judges of the High Court. In doing so, however, they would operate on the High Court scale of fees. One of the reasons for bringing divorce into the County Courts is a lower scale of fees.

Hon. Mr. Benidickson: Hear, hear.

Hon. Mr. Roebuck: The "hear, hear" comes from a lawyer who knows what he is talking about. Excessive fees provide relief at law for the rich that does not extend to the poor.

The County Court judge may be given jurisdiction in another county as well as his own. That may be a partial answer to what we have been advocating, but it is only a partial answer. The responsibility that Parliament possesses is to the people of Canda, everywhere, in every province. Particularly, that is our duty with regard to those matters which, by the British North America Act, are given to us to administer. Why should we leave an important matter of this kind to the haphazard action of the various provinces?

Senator Willis recalled that the British North America Act gives authority, for the constitution of provincial courts, to the provincial legislatures. That is head 14 of section 92 of the B.N.A. Act. That is right. The act does give power, to constitute courts of justice, to the provincial legislatures; but I call the attention of the honourable senator to section 101 of the B.N.A. Act, which gives to the Dominion Parliament power:

> for the Establishment of any additional Courts for the better Administration of the Laws of Canada.

Therefore, we have co-ordinate jurisdiction with the provinces in this matter of the constitution of the courts; and we are not left, as Senator Willis would lead us to believe, to depend on the provinces for such action. But may I also point out that we are not now concerned with the constitution of courts. We are concerned with the granting of jurisdiction to courts already established. I call as my witness to that the act of 1930, when we conferred jurisdiction on the Supreme Court of the Province of Ontario in this matter of divorce. All that I am asking now is that we do exactly the same thing under the same authority with regard to the County Courts.

I did not intend to make a long speech in closing, but I thought these matters were important to bear in mind when in committee and we try to make of what I consider a good bill a better bill. Someone said there are "bugs" in this bill, as there are in most bills, which is one of the reasons for the existence of this chamber: we have rubbed so many bugs out of so many bills. I hope that when we are through with this bill in committee we will make a better bill and that we thus can hope for a better administration.

Honourable senators, in closing the debate on my motion for second reading of this bill,

I hope for unanimous approval of the principles involved in the bill, and I give the assurance that should you give it second reading it will be referred to one or other of our standing committees.

Some Hon. Senators: Hear, hear.

Hon. Mr. Carter: Honourable senators, if I may be permitted to ask Senator Roebuck a question? I believe he said at the beginning that when this bill becomes law the jurisdiction of the Senate in matters of divorce will be transferred to the Exchequer Court of Canada. I may be mistaken in this, but, rightly or wrongly, I have always had the impression that despite the existence of divorce courts in the provinces, a Canadian citizen nevertheless did have the right to apply to the Parliament of Canada for a divorce. While this may be an academic question, because provincial courts are more convenient than the procedures we have been following here, yet I have been wondering, if in fact such rights do exist, will the effect of this bill be to abrogate the right of a citizen under the Constitution of Canada?

Hon. Mr. Roebuck: No, it will not. I should have made it more clear. I did not say that all the jurisdictions of this chamber would be transferred. I was speaking of the jurisdiction which we had exercised in recent years under the Dissolution and Annulment of Marriages Act. That will be all transferred. But no bill of ours will ever take away from Parliament the power to pass a private bill giving divorce to anyone in the Dominion of Canada, or even domiciled anywhere. That is a power of Parliament that has existed for many years. It was recognized in the time of Henry VIII, as all of you may recall. It has been a power possessed by the Parliament of Great Britain and exercised through all these centuries, and it has been a power exercised by us since 1867 and of course will continue. Thank you for allowing me to elucidate that point.

Hon. Mr. Aseltine: There is not any doubt about it.

Hon. Mr. Roebuck: None.

Hon. Mr. Grosart: May I ask the honourable senator another question? In view of the delays, procedural so far and which may occur in making the amendments suggested, has consideration been given to making a further amendment which would shorten the three months' waiting period between Royal Assent and the effective date of the bill?

Hon. Mr. Roebuck: It is suggested to me that that question be directed towards the minister when we are in committee. I do not know what consideration he has given to it. My own thought is that we should not shorten the three months. The courts of the provinces must frame rules of court, and the solicitors of the provinces must learn this new procedure. Perhaps a delay of three months is not very important after the 100 years that have gone by.

Hon. Mr. Grosart: It will be important to some people.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

Hon. Mr. Roebuck moved that the bill be referred to the Standing Committee on Banking and Commerce.

He said: Honourable senators, I move that this bill be referred to the Standing Committee on Banking and Commerce. If anyone disagrees with that particular committee, I would like to hear from him. I chose that particular committee in consultation with others, but I would like to hear if anyone disagrees.

Motion agreed to.

DIVORCE

RESOLUTIONS ADOPTED

The Senate proceeded to consideration of Resolutions numbered 515 to 559 inclusive which were presented on Tuesday, January 23.

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, moved the adoption of the following resolutions:

Resolution 515, for the relief of Beverly (Beverley) Richardson Leclair.

Resolution 516, for the relief of Ruth Bunny Finkelstein Weiss.

Resolution 517, for the relief of Jane Elizabeth Almond Joslin.

Resolution 518, for the relief of Barbara Jean Meyer Morrison.

Resolution 519, for the relief of Fernande Pichette Bedard.

Resolution 520, for the relief of Melda Madeleine (Madeline) Hilchey Van Bommel.

Resolution 521, for the relief of Howard Charles Harding.

Resolution 522, for the relief of Jean Joseph Pierre Benoist.

Resolution 523, for the relief of Carol Gloria Pincox Benoit.

Resolution 524, for the relief of Evelyn Ellen Fleming Johnson.

Resolution 525, for the relief of Liliane Pouliot Therriault, otherwise known as Liliane Pouliot Theriault.

Resolution 526, for the relief of Hilary Joanna Fryer Ruesch.

Resolution 527, for the relief of Maureen Blake Roy.

Resolution 528, for the relief of Francoise Aubert Trudel.

Resolution 529, for the relief of Stephen (Stefan) Petriw.

Resolution 530, for the relief of Emma Jean Anthony Trawick.

Resolution 531, for the relief of Margaret Mary Bagley Goodenough Snow Sewell.

Resolution 532, for the relief of Nancy Myrna Kape Kivenko.

Resolution 533, for the relief of Eva Szabo Pekari.

Resolution 534, for the relief of Rita Barry Kaczkowski.

Resolution 535, for the relief of Crystelle Grandmont Burelle.

Resolution 536, for the relief of Jeanne Cliche Longtin.

Resolution 537, for the relief of Edward Irwin Tager.

Resolution 538, for the relief of Lisette Marie Meriot Caralopoulos.

Resolution 539, for the relief of Felicia (Freida) Steigman Costea Carmelly.

Resolution 540, for the relief of Lillian Jean Nichol Cramm.

Resolution 541, for the relief of Ilse Gruhn Wisch.

Resolution 542, for the relief of Hazel Theresa (Therisa) North Hooper.

Resolution 543, for the relief of Yvon Real Prevost.

Resolution 544, for the relief of Huguette Angers Dupuis.

Resolution 545, for the relief of Violet Snow Aylward.

Resolution 546, for the relief of Christopher John Clark.

Resolution 547, for the relief of Rita Catherine McMenemy Stewart.

Resolution 548, for the relief of Kazimierz Kreft.

Resolution 549, for the relief of Michelle (Michele) Fraser Thibaudeau.

Resolution 550, for the relief of Helen Irma Patscheider Johnson.

Resolution 551, for the relief of Beverley Faith Steinberg Wasserman.

Resolution 552, for the relief of James Leo Smith.

Resolution 553, for the relief of Ruth Naomi Margaret Evestaff Bird.

Resolution 554, for the relief of Richard Victor Dziewaltowski-Gintowt, otherwise known as Richard Victor Gintowt.

Resolution 555, for the relief of Norma Lea Lipsett Meyer.

Resolution 556, for the relief of Louis Philippe Robert Masse.

Resolution 557, for the relief of Joseph Rothbart.

Resolution 558, for the relief of Marie Angelique Horth Michel.

Resolution 559, for the relief of Odon Lantos.

Resolutions adopted, on division.

The Senate adjourned until Tuesday, January 30 at 8 p.m.

THE SENATE

Tuesday, January 30, 1968

The Senate met at 8 p.m., Hon. Maurice Bourget, P.C., Speaker *pro tem,* in the Chair.

Prayers.

PRIVATE BILLS

CABRI PIPE LINES LTD.—COMMONS AMENDMENTS CONCURRED IN

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons returning Bill S-16, to incorporate Cabri Pipe Lines Ltd., and acquainting the Senate that they have passed this bill with the following amendments, to which they desire the concurrence of the Senate:

1. Page 2, line 30. Delete the word "refining".

2. Page 2, line 38. Delete all after the words "said pipe lines" to the end of the clause on line 8, page 3, and add immediately after the words "said pipe lines" the following: "and own, lease and operate such communication equipment as is necessary for the purpose of its undertaking."

3. Page 3, line 14. Strike out all the portion of subclause (b) after the words "property so acquired" down to the word "and" on line 27, page 3.

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

Hon. J. Harper Prowse: Honourable senators, I move, with leave of the Senate, that these amendments be concurred in now.

These are amendments to the bill as previously passed by the Senate. The first amendment would take from the various powers sought by the company the right to operate refining processes. However, this right is not necessary to the operation of the pipe line the petitioners have in mind here, which is for the carrying of surplus gas from wells in Saskatchewan to a reservoir field in Alberta, to be used for peak-load distribution during the winter months.

The second amendment takes out references which would enable the company to deal with hydrocarbons and related substances, and to provide for and operate aerodromes, aeroplanes, TV antennae and all other necessary facilities. For this has been substituted the following:

> and own, lease and operate such communication equipment as is necessary for the purpose of its undertaking.

The final amendment deletes a portion of paragraph (b), clause 6, on page 3, which gave the company the right to subdivide property and in effect to build towns. This too is a power it does not require. These provisions were drafted by solicitors but are unnecessary for the operations of the company. I would submit that the bill should be carried with the amendments, and that the report be concurred in.

Amendments concurred in.

VAWN PIPE LINES LTD.—COMMONS AMENDMENTS CONCURRED IN

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons returning Bill S-17, to incorporate Vawn Pipe Lines Ltd., and acquainting the Senate that they have passed this bill with the following amendments, to which they desire the concurrence of the Senate:

1. Page 2, line 30. Delete the word "refining".

2. Page 2, line 38. Delete all after the words "said pipe lines" to the end of clause on line 7, page 3, and add immediately after the words "said pipe lines" the following:

> "and own, lease and operate such communication equipment as is necessary for the purpose of its undertaking."

3. Page 3, line 13. Strike out all that portion of subclause (b) after the words "property so acquired" down to the word "and" on line 26, page 3.

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

Hon. J. Harper Prowse: Honourable senators, I move, with leave of the Senate, that these amendments be concurred in now.

Honourable senators, these amendments are precisely the same as those in Bill S-16. In other words, they delete certain words which

were not considered necessary in their specific form in the operations which were anticipated.

This bill, to incorporate Vawn Pipe Lines Ltd. was passed by the Senate; it went to the other place and there it was amended in these particular aspects. These amendments have removed from the bill the right of the company to run television stations and certain facilities of that nature, except in so far as they may be necessary for their own particular operation. If the company gets to a point where it has an automated system, it still would have the right to have it.

It must be remembered that the operations under the bill itself will be subject to control in particular respects by the Energy Board of Canada; and the communications and other operations will be subject to the supervision of the Transport Commission, in any event.

Honourable senators, I suggest that the bill be accepted with the amendments.

Amendments concurred in.

DOCUMENTS TABLED

Hon. John J. Connolly tabled:

Report of the Department of Forestry and Rural Development for the fiscal year ended March 31, 1967, pursuant to section 25 of the Government Organization Act, 1966, chapter 25, Statutes of Canada, 1966-67. (English and French texts).

Statement of the Chartered Banks of Canada showing Revenue, Expenses and Other Information for the fiscal year ended October 31, 1967, pursuant to section 119(1) of the Bank Act, chapter 87, Statutes of Canada, 1966-67. (English and French texts).

Copies of communications dated between December 1, 1967 and January 16, 1968, exchanged between the Prime Minister of Canada and the Premiers of the provinces with reference to the proposed federal-provincial conference on constitutional matters. (English and French texts).

Report of the Solicitor General of Canada for the fiscal year ended March 31, 1967, together with Reports of the Commissioner of Penitentiaries, the Royal Canadian Mounted Police and the National Parole Board, pursuant to section 5 of the Government Organization Act, 1966, chapter 25, Statutes of Canada, 1966-67. (English and French texts).

Capital Budget of The St. Lawrence Seaway Authority 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. 1968-128, dated January 23, 1968, approving same. (English text).

Report of the Department of Industry for the fiscal year ended March 31, 1967, pursuant to section 16 of the Department of Industry Act, chapter 3, Statutes of Canada, 1963. (English and French texts).

PRIVATE BILL

THE BONAVENTURE AND GASPÉ TELEPHONE COMPANY LIMITED—FIRST READING

Hon. Leopold Langlois presented Bill S-33 respecting The Bonaventure and Gaspé 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 Thursday next.

Motion agreed to.

HAZARDOUS SUBSTANCES ACT

REPORT OF COMMITTEE ADOPTED

The Senate resumed from Wednesday, January 24, the adjourned debate on the motion of Hon. Mr. Hayden for the adoption of the report of the Standing Committee on Banking and Commerce on Bill S-22, to prohibit the sale and advertising of hazardous substances, to amend the Food and Drugs Act and the Narcotic Control Act and to make a consequential amendment to the Criminal Code.

Hon. Jacques Flynn: Honourable senators, when the chairman presented the report of the Standing Committee on Banking and Commerce on this bill I adjourned the debate only to give an opportunity to honourable senators to take cognizance of these amendments and to give them an opportunity to express any observations they might wish to make on them.

Not having heard from anybody wishing to speak on the matter, and these amendments appearing to be adequate, I have nothing further to say. If there is no objection I think the report should now be adopted.

Report adopted.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Connolly (Ottawa West) moved that the bill be placed on the Orders of the Day for third reading at the next sitting.

Motion agreed to.

NATO PARLIAMENTARIANS

THIRTEENTH ANNUAL CONFERENCE AT BRUSSELS, BELGIUM

The Senate resumed from Monday, January 22, the adjourned debate on the inquiry of the honourable Senator Aird, calling the attention of the Senate to the Thirteenth Annual Conference of NATO Parliamentarians held at Brussels, Belgium, 20th November to 25th November, 1967, and in particular to the discussions and proceedings of the Conference and the participation of the delegation from Canada.

Hon. Allister Grosart: Honourable senators, I am taking part in this debate on the implied invitation of Senator Aird's motion because some two or three years ago I had an opportunity, in company with honourable Senator Isnor, of representing this chamber on a tour of the entire NATO front line all the way from Kirkenes in Norway on the Arctic through Europe to Turkey and the Eastern Mediterranean. On that tour we had extensive briefings at various strategic points along the line, and since that time I have, of course, followed the progress of NATO with intense interest.

I am most gratified to find my own confidence in the necessity and viability of NATO so completely confirmed by the very remarkable speeches that have been made by our two latest observers to NATO, Senator Aird and Senator Cook. I say "remarkable" because they were remarkable speeches, and I felt proud to belong to a chamber in which two senators, having had the experience they had, could rise and draw the attention of the Canadian Senate to Canada's attitude to and participation in our international obligations with such precision and detail and with such breadth of view.

What I will add tonight will not be of that calibre. My main emphasis will be on the fact that, in spite of some statements to the contrary in quite recent times, it is not, as far as I know, the attitude of the party with which I am associated to oppose the frequently declared policy of the Canadian Government to maintain the NATO and NORAD alliances and, of course, our membership in the United Nations, as cornerstones of our foreign policy. I repeat, there is no evidence that I know of that the party with which I have the honour to be associated opposes the maintaining of these alliances. It is important that those who feel this way should speak up at this time particularly because next year any NATO nation which wishes to may invoke Article XIII and withdraw from that alliance. I do not think there is much likelihood that many of them will.

We are all aware, of course, that France has partially withdrawn, but I think it is significant that France has given agreement in principle to the Harmel Report which charts the new course of NATO.

There is some indication in recent despatches of a change of government in Denmark. The government party which brought Denmark into NATO suffered a reduction in its numbers and may be replaced by a coalition which may not be as dedicated to the NATO concept as is the present government. However, I am sure that Senator Aird and Senator Cook agree that it would appear to be nothing short of national suicide for Denmark, geographically or historically, to withdraw from that alliance.

On the other hand, as the senators pointed out, it is most significant that NATO has weathered the storm of the French partial defection and is today recharting its course, as we were told, politically, economically and militarily in a thoroughly modern manner, in keeping with the international requirements of that alliance. This is so, I think, because, as Senator Aird put it so well:

> NATO is still a very necessary constituent of European stability and world peace.

The basis of my belief in NATO is still the fact that since its inception not one square inch of Europe has gone behind the Iron Curtain. We know what happened before NATO came into being. Towards the end of the war Estonia, Lithuania and Latvia were totally annexed by the U.S.S.R., as were parts of Finland, Poland, Rumania, North-East Germany and eastern Czechoslovakia—a total of 180,000 square miles and 23 million people. And then, as Sir Winston Churchill put it so eloquently in his great speech at Fulton, the Iron Curtain descended across Europe. Many countries went behind that curtain and are still there—Albania, Bulgaria, Rumania, East Germany, Poland, Hungary and Czechoslovakia—390,000 square milles and 90 million people, not one of them Russian by

background. Next, there were attempts by the communist bloc to take over other countries, most of them largely unsuccessfull, but not all of them entirely so. There was aggression in Iran, Turkey, Greece, Manchuria, Korea, Indo-China, Malaysia, Burma, and the Phillipines.

I say, honourable senators, let us never forget that where Red aggression was stopped, it was not stopped by "peacenik" demonstrations; it was not stopped by the idealistic illusions or the wishful thinking of academics; it was not stopped because Soviet ambitions and aims had changed. It was stopped by action, and in some cases by military action, particularly that conducted under the great Truman Doctrine which is sometimes forgotten but which is still in effect and still the justification for the United States presence in Vietnam. In 1947 President Truman declared as the policy of the United States:

> It must be the policy of the United States of America to support free peoples who are resisting attempted subjugation by armed minorities or by outside pressure.

Western resistance was also dramatized on the economic front by the Marshall Plan. General Marshall, in introducing that plan, made its aims very clear when he said that it was directed not against any country or any doctrine, but against hunger, poverty, desperation and chaos.

Let us not forget either that aid under the Marshall Plan was offered to the U.S.S.R. It was offered to every one of the satellite countries behind the Iron Curtain, and in spite of the fact that many of them made it clear that they wished to take advantage of the generous terms of the Marshall Plan they were prevented from doing so by Soviet pressure.

Naturally, honourable senators, I have not the time to detail the succession of events that led up to the formation of NATO. There was the important Brussels Treaty under which Great Britain, France, and the Benelux countries joined in a pact of mutual defence. Soon after that a very great speech was made in our House of Commons by Mr. St. Laurent, the then Prime Minister, and it was on the basis of that speech that the Brussels Treaty or alliance was expanded into NATO. Mr. St. Laurent suggested that that alliance should be broadened to permit the entry of Canada, the United States and, eventually, the fifteen other countries which became members. The treaty was signed in 1949 and subsequently Greece, Turkey and West Germany came in.

So, when we think of NATO it is important to remember that Canada played a very important role in it from the start. Moreover, our present Prime Minister, Mr. Pearson, was one of the famous Three Wise Men who re-charted the course of NATO. Today one of the leading articles of the treaty is still known generally as the Canadian Article.

I recall this background, honourable senators, because it is highly relevant to the situation in the world today. When I consider the places in the world where attempts are being made by our allies to halt aggression it seems to me unfortunate that the original NATO concept was limited to the defence of Europe. This fact in itself has caused some of the difficulties among the partners. How much better it would have been had all the parties at that time realized, as I am sure they do now, that Russian or Chinese or any other aggression anywhere in the world is, in the long run, aggression against every NATO country.

Senator Cook put it very well when he asked this pertinent question:

> Can we be partners in fighting a cold war in Europe and be divided in fighting a hot war in Asia?

I would say to Senator Cook that I believe the answer to that question is, "No". I agree with his defence of the United States purpose in Vietnam, although, like Senator Aird, I have some concern about some of the logistical consequences. However, I cannot go quite as far as Senator Aird went in suggesting that the United States should not have become involved in a land war. I would ask: How could they have avoided it, assuming that the intention was to stop Red aggression in Vietnam before it moved all over Southeast Asia? What other kind of war could they have fought?

To point out the alternative I would quote Senator Cook again:

> If for a variety of causes the United States decides to withdraw, she can do so; and, in short order, first most of Asia, then most of Africa, and finally most of Europe, would become communistic, and the world would be a very cold, hostile and uncomfortable place for the democratic countries outside the Americas to live in.

I agree. I would add that in due course it would also be uncomfortable for some of the countries in the Americas.

Honourable senators, it is all very well to talk about détente versus deterrent. They are handy words, and they appeal to some of the academics. Speaking for myself, the word "détente" should fool nobody. It should fool nobody who has even a cursory recall of the facts of the Munich agreement, and the terrible speed with which the Hitler holocaust followed the Munich appeasement—as cause follows effect. "Deterrent", on the other hand, is a fact of life—of life with the Reds—in the world as it is today. Surely, the way to stop war is to deter it, and the way to deter it is to make clear to any agressor that he cannot win any war, and that if he starts something it will not be finished on his terms.

One wonders sometimes how short national and individual memories can be. NATO, as it stands, is an alliance, and an alliance pre-existent to the outbreak of war. It is one in which the response to any agression has been planned and co-ordinated in advance. Today the NATO nations are allies, and yet in two world wars it took us months and sometimes years to get to the point of saying, "We are now Allies." It was not until the very end of the Second World War that the Allies, so-called, had anything like the integrated command structure that already exists among the Allies of NATO.

I am not saying that all is well in NATO. Senator Cook, if I may quote him again, said:

> The NATO partnership does not seem to be a happy one, and certainly some of the partners no longer seem to fear the future.

But, Senator Aird gave us a good explanation of that when he said that NATO has been the victim of its own success. How true that is.

When NATO contained the U.S.S.R. in Europe, how quickly the Soviets turned to trouble-making in the Middle East and Asia generally. How quickly they began to cause trouble between the Israelis and the Arabs. How soon their partner, Red China, was fomenting an attempted take-over of Malaysia and Indo-China.

Honourable senators, I have lived in China, and I am in no way convinced that there is any worth in the happy theory that we do not have to worry because the Red Russians and the Red Chinese are not at the moment in complete agreement ideologically on everything. What we do know is that they are completely in agreement, that one or other or both of them intend to take the rest of us over and insist that we live according to their standards which are vastly different from ours.

To me it is mere wishful thinking to place any confidence in the détente. Yet, as Senator Cook pointed out, it is this false feeling of security which has caused most of the difficulties in the alliance, although they have not been insuperable. I note that Senator Jacob Javitz, known to many honourable senators here, reporting for the Political Committee of the Conference attended by our two senators, said this:

> While we all welcome any thaw in the cold war atmosphere, there is as yet no sign that the basic objectives of the Soviet Union towards the west have changed. Warsaw Pact military strength is formidable indeed...

And he cites Mr. Brezhnev's attack on NATO at the Communist Parties' Conference in Czechoslovakia as evidence of the real Soviet attitude.

There is a rather strange parallel between some of the problems within NATO and some of our own problems in Canada. While he did not draw that parallel exactly, the leader of the Canadian delegation, Mr. Perry Ryan, a member of the other chamber, who was referred to in glowing terms by our two senators, spoke of the problems of NATO in these terms. I am sure anybody will see that it is not difficult to apply this to our own situation in Canada. Mr. Ryan said:

> In this time of tension within the alliance, we must not forget how much we still all need each other. Speech after speech in committee has made this very clear. We must acknowledge and respect each others differences and rediscover, and I repeat, rediscover the intrinsic values in our varied positions and aspirations.
>
> The great quality of western civilization is its diversity within a common framework of values. Provided we do not allow our adversary to exploit our differences and fatally weaken us, this diversity is our greatest advantage over the Communists. Instead of being alarmed by our differences, let us profit and take

> strength from them, and where we cannot find common expression for our underlying unity let us not accuse each other of disloyalty to our common cause.

How applicable to Canada! I must say that I am always amazed when I hear some academic gentlemen—some of them friends of mine—criticizing, even demonstrating against, the United States purpose in Vietnam. The same gentlemen have to my knowledge over the years criticized the great powers because they did not stop the Japanese in Manchuria and did not stop Mussolini in Ethiopia. I have heard the same gentlemen say in lectures that the failure of the great powers to stop that aggression was the cause of the Second World War. Wherein does Vietnam differ?

In each case it would have meant a land war; in each case fighting in impossible terrain in hostile country far from home bases; in each case intervention on behalf of a small nation against an aggressor; in each case huge financial expenditures and regrettably dreadful civilian and military casualties. War, of course, as General Sherman said, is hell, but surely the mass murder of political enslavement is something worse than hell, as the peoples of Hungary, Poland, China and the Ukraine can testify and bear witness to high Heaven.

I know that there are sincere people—there might well even be some in this chamber —who believe that the United States is wrong in fighting the Viet Cong in Vietnam. I have talked earnestly to some who have that view, but the impression I receive is that they are vitally concerned with the horrors of war and this overshadows and clouds their judgment as to the terrible consequences of allowing the breakout of Red Chinese communism into Southeast Asia. The purpose of NATO is to stop that aggression in Europe. The kind of alliance which was to stop it in Southeast Asia, SEATO, is ineffective. If it had been as effective as NATO there would be no Vietnam war. I do believe it is the purpose of NATO to stop aggression in Europe, and in due course I would hope to see the Allies in NATO extend their purpose to encompass Red aggression anywhere in the world.

We as Canadians are a long way from the fighting in Vietnam. Perhaps it is easy for us to take the view that we should not become too involved, that we should do nothing unless the United Nations does something. I can understand that point of view, but it is not the point of view of our colleagues in Australia, Malaysia and New Zealand, our colleagues in the Commonwealth, people who believe in the same way of life that we do, people who live in the same democratic kind of society. They do not take that view. One wonders if we are not being rather complacent in the attitude we are taking towards involvement in Vietnam.

I do not want to criticize those who sincerely dissent within the law from the United States purpose in Vietnam, but I do feel it is my duty to call the attention of this chamber to the fact that all the evidence seems to make it abundantly clear that the leadership of the entire so-called "peacenik" movement in Canada and the United States is in the hands of unknown communists or known revolutionaries.

If anyone doubts that statement I would refer him to a series of articles now running in the Toronto *Telegram* over the byline of Mr. Peter Worthington, who has been two years in Russia and whose despatches have been honoured by the press of the world. He is no Red-baiter, no McCarthyist. He writes seriously and moderately, at times almost sympathetically, but he leaves no doubt as to who are the people behind the "peacenik" movement in Canada. Three articles have now appeared and the series is current. He names names. Every single name is there with the background. He has interviewed these people and he quotes their viewpoints. The conclusion is inescapable, that some of those who are involving themselves in these emotional, hysterical "peacenik" movements are misguided and are being led by the nose into a situation which they may in time deplore. It is amazing how some such people forget that, if the Communists had their way in our part of the world, these very people, the most vocal, the loudest protestors, would be the first to hear the knock on the door at midnight.

Therefore, honourable senators, I say that I believe a system of mutual defence such as NATO is a better way of meeting the threat of aggression that is here, and that we know to be here, than the other way of leaving the responsibility of policing the world to a single nation. This, to my mind, is what has happened in Vietnam. By its very strength, its power in the world, the United States has, involuntarily perhaps, become the world's policeman.

Policemen are never popular, and they are sometimes rough. But would anybody doubt that the world as we know it today needs a policeman among the nations, every bit as much as we need a policeman among ourselves as individuals, even in countries where we say we believe and follow the concept of the rule of law?

I do not envy the United States its role. I did not envy Great Britain that role when she had it over the years. It is a matter of history that, when Britain had the very onerous job of policing the world, she fought in the jungles, in the mountains, the waddies, the waters, the deserts of all five continents. Perhaps it is useless to recall now that most of the criticism of Britain in that role did come from the United States, or that it was pressure from the United States which brought about what seems to me to have been the too precipitate breakup of the colonial groupings. How much better it would have been for Africa and Asia today if those situations had been phased out logically instead of ended the way some of them were. That is past history.

Here tonight we are faced with today's realities—they are grim realities and much too grim for any single nation to be given the individual responsibility I have spoken of. Of course, the ideal would be for the United Nations to accept and carry out this task. I hope the time will come when it will be able to do it. But, again, let us not forget that the reason the United Nations is not able to do it is that they are continually blocked in the Security Council by the U.S.S.R.

The one time when the United Nations did take military action to stop aggression, and in which the nations were united in a UN military force, including Canada, was the Korean war; and the only reason that was possible was that Russia at the time was sulking from the Security Council and was not there to throw in its veto as it has been throwing it in ever since, every time the UN has been in a mood to stop aggression.

It was also the U.S.S.R. which put the pressure on for our own Canadian forces, as part of a UN force, to be pulled out of the Middle East, and so permitted the outbreak of the Arab-Israeli war. And it is the Iron Curtain countries which are today still the chief delinquents in paying for the peace-keeping activities of the UN forces, in which Canada has served with such distinction.

These are the realities as I see them, honourable senators, and I say that they vindicate and rationalize in every way Canada's participation in any alliance that will link us in mutual defence with those nations whose democratic concepts we share and in whose good intentions towards humanity we have so much more reason for good faith than we have in the others.

Hon. Gunnar S. Thorvaldson: Honourable senators, when I came into this chamber this evening I had no intention whatsoever of intervening in this debate. However, I decided to do so for only a few minutes, because of an experience I had this summer with one part of the NATO organization. I would like to relate to you in a few words what that experience was and the impact it had upon me personally.

In June of this year I was a visitor to Iceland. I was there for but seven or eight days. At a reception given by the President of Iceland there were present many persons from the United States, veterans from 1940 onwards of the Second World War. These veterans came in considerable numbers, to make a return visit to Iceland in recognition of the fact that they had been there as soldiers, sailors and airmen during the war. Many of them had married girls from Iceland and had returned with them for this visit.

On this occasion I was fortunate to meet Admiral Stone, the commander of the NATO base in Iceland. That base is located at Keflavik, approximately 30 miles from Reykjavik, the capital. Admiral Stone, upon learning that I was a senator from Canada, was most insistent that I should be his guest and spend a day at the NATO base at Keflavik. Naturally, I accepted his invitation with much gratitude. On the day appointed for my visit, an officer from the base came and took me there. Admiral Stone and other senior officers, having taken me around the headquarters for a few moments, gave me a complete briefing, individually. I knew quite well that this was not for myself as a person but for me as a senator of Canada.

It was the type of briefing that would be given to the President of the United States, or the head of a state, or some influential person from a foreign government. It dealt with all items relating to the purposes of that base in the North Atlantic and in the North Sea. Admiral Stone and his chief officers were present in the briefing room where they had illuminated pictures and maps of the whole

North Atlantic. They had an officer there who described the purposes and functions of the base. It was a most interesting experience.

After the briefing Admiral Stone was host at a most delightful lunch for me which was attended by the United States ambassador to Iceland and the top officials of the base. After lunch I was taken in hand by various officers, each of whom showed me during a period of two or three hours various parts of that base. Indeed they allowed me to inspect practically every part of it.

However, I think the most interesting part of my visit was in speaking to the pilots who are on duty 24 hours a day, either waiting for a call to fly out into the North Atlantic and into the North Sea on some emergency or waiting their turn to relieve their colleagues.

Also it was most interesting to observe the equipment that they use for warmth and so on, and to inspect their aircraft. But more interesting still was to talk to these young men. Naturally, they talked to me freely about their duties and functions, but one of their really interesting comments was about the apparent camaraderie which seems to exist between them and the crews of U.S.S.R. submarines which come into that part of the world, very frequently and in considerable numbers.

Indeed, part of the purposes of that NATO base and two others—one located in Scotland and the other in Denmark, I believe—is to form a kind of triangle wherein they maintain continuous surveillance over a large area of the North Atlantic and North Sea. Of course, they have means of locating vessels belonging to potential enemies and, as I understand it, at all times it is known to NATO officials just what submarines are present in that part of the world. These young men told me that among other episodes in their daily lives, when they see one of these submarines on the surface they fly very low and hail them and are hailed back. Indeed, this appeared to be a matter of considerable enjoyment to the pilots.

I thought I should refer to this visit to a NATO base because, although I have never had the opportunity to be a visitor to one of the NATO conferences which have been referred to by the honourable senators who have spoken, nevertheless, I thought my experience at Keflavik was as close as one could come to the practical workings of NATO.

May I just conclude by saying that I sincerely believe there to be more support or at least as much support in Canada as in any country in the world for the ideals, purposes and functions of NATO. As a Canadian, I do not believe I can say that I have ever heard of any very responsible people suggesting that NATO should not be continued, that it should not be fortified by this country and supported, or that it would not be a disaster if NATO had to be disbanded. Those certainly are my views concerning NATO, and I can say to you all that those views were greatly fortified by the experience that I had in Iceland this summer.

Hon. Mr. Connolly (Ottawa West): Hear, hear.

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

TERRITORIAL LANDS ACT, LAND TITLES ACT, AND PUBLIC LANDS GRANTS ACT

BILL TO AMEND—SECOND READING

Hon. Andrew Thompson moved the second reading of Bill S-32, to amend the Territorial Lands Act, the Land Titles Act and the Public Lands Grants Act.

He said: Honourable senators, after the broad sweep and the very moving speeches which have been made about NATO, this is almost what I could term a housekeeping bill. I may say that I spoke to one of the honourable senators across from me, an older and wiser person than I, who looked at the bill and summed it up for me in about two sentences.

The purpose of the bill is to simplify the means of issuing title to territorial lands in the Yukon and the Northwest Territories from the Crown to purchaser, through replacing the present form of letters patent by a simple notification from the Minister of Indian Affairs and Northern Development to the appropriate registrar of land titles.

I think many honourable senators are aware that the term "notification" is not new, either in the Land Titles Act or elsewhere. In going through the bill I notice that "notification" appears in sections 51 and 52 of the Land Titles Act and as well in the Public Land Act of Alberta.

The background for the amendments in this bill is that under the prevailing system it is necessary to follow an elaborate procedure by

which, on the issue of letters patent under the Great Seal of Canada, a person can get title to land. The prevailing system actually requires twelve steps. These steps involve senior officials of the following departments: the Department of Indian Affairs and Northern Development, the Department of Justice, the Office of the Registrar General, the Public Archives, and the Office of the Governor General.

The Registrar of Land Titles in each of the two territories also has to be consulted and is involved in getting land titles. Thus it normally takes from six to eight weeks in order to effect delivery of a grant.

Of course there has been a question concerning the efficiency of this public service. There is a time factor with this elaborate bureaucratic machinery. There are administrative costs. There is the problem of keeping the files with respect to land descriptions which, I understand, are sometimes long and complicated. These files must be kept in the Registrar's office.

It is because of these and other factors that the Royal Commission on Government Organization recommended that efforts should be made to streamline the procedure for the granting of title to Crown lands so that it could be made more effective and have a more efficient approach.

This, of course, applies particularly to the Yukon and Northwest Territories. There they have a very short season when the country is open and building can be carried out. There is also the factor that 40 per cent of the land mass of Canada is represented in these two territories. Furthermore, we are all aware of the development taking place in this area.

Over the weekend I had an opportunity of reading a book recently published called *Yellowknife*; it is a centennial project, written by Ray Price, from Yellowknife. In this book which describes the development of the whole area one gets the feeling of the drive, courage, vitality, and indeed the faith of the men and women who went up into that area. But one can also sense the frustration and indeed the irritation at the bureaucracy, and the slowness of bureaucracy some 3,500 miles distant.

The purpose of this bill is to cut down some of the elaboration of red tape. It is to provide an amendment to the Territorial Lands Act in order to make it possible to use a simple notification document which can be forwarded directly to the registrars concerned, located in the territorial capitals, over the signature of the appropriate minister or commissioner of the Yukon or Northwest Territories. The important point is that in simplifying the procedure it will now take only a week or ten days. This is necessary to encourage the pace of development in the north.

I could go through each clause in the bill, but I think its substance is in clause 3. The other clauses are merely consequential upon changing the approach to a simple process of notification instead of the present long, elaborate 12-step approach. Once this bill becomes law, if it does, it is the intention of the Government to transfer to the direct control of the commissioners of the two territories those Crown lands which are situated within the confines of the municipalities and communities. I feel that when this bill is studied, all honourable senators will agree with its purpose, which is to give more efficient and quicker service. I hope the Senate will approve the bill.

Hon. Jacques Flynn: Honourable senators, the sponsor of Bill S-32 has given a very clear explanation of its purpose.

Normally, the procedure to grant territorial lands is by the issuance of letters patent. This bill provides for a more simplified procedure by way of notification for all territorial lands coming under the jurisdiction of the Minister of Indian Affairs and Northern Development as well as under the commissioners of the Yukon Territory and the Northwest Territories.

Inasmuch as it involves the simplification of the issuance of a grant of territorial lands as defined in the bill, it is, as the sponsor explained, something of a housekeeping bill. It is in any event a highly technical bill. I presume if the bill is given second reading the sponsor will move that it be referred to an appropriate committee where we can more efficiently study the method suggested. Therefore, honourable senators, I have nothing further to say at this time.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Thompson, bill referred to the Standing Committee on Banking and Commerce.

SENATE COMMITTEES

NOTICE OF MEETINGS

On the motion to adjourn:

Hon. John J. Connolly: Honourable senators, before moving the adjournment of the Senate, I wish to draw your attention to the fact that tomorrow morning at 9.30 the Standing Committee on Banking and Commerce will be considering the bill to which we have just given second reading. It will also have before it the bill with respect to divorce. As this will be a very important meeting I urge all honourable senators who can do so to attend.

I also direct attention to the fact that tomorrow afternoon at two o'clock the Standing Committee on External Relations will continue its sittings. At that time the Director of the External Aid Office, Mr. M. F. Strong, will continue his evidence. Again, I cannot over-emphasize what I consider to be the very great importance of the work of this committee and its benefit to the External Aid program.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Wednesday, January 31, 1968

The Senate met at 3 p.m., Honourable Maurice Bourget, P.C., Speaker *pro tem*, in the Chair.

Prayers.

CLERK OF THE SENATE

RESIGNATION OF JOHN FORBES MACNEILL

Hon. John J. Connolly: Honourable senators, I rise to address the Senate today with a heavy heart. Today John F. MacNeill, Q.C., D.C.L., officiates as Clerk of the Senate for the last time. He has resigned his post with effect from February 1, 1968.

Mr. MacNeill has been Clerk of the Senate for 13 years. He was Law Clerk of the Senate for over 13 years before that. He was a law officer of the Crown for 15 years. After four years service overseas in World War I he came to Ottawa as secretary to Sir Charles Fitzpatrick in 1924, Sir Charles then being Chairman of the Statute Revision Commission.

One member of that commission was an Ottawa lawyer and later senior county court judge of the County of Carleton, E. J. Daly. I remember Judge Daly saying what a fine legal mind John MacNeill, the secretary of that commission, had, what a fine legal training he brought to that work, and what a great future he was bound to have in the service of his country. I think we can all agree that Judge Daly's prophecy has been completely vindicated. It is no exaggeration that Mr. MacNeill has as fine a command of constitutional law as any lawyer in Canada.

Hon. Senators: Hear, hear.

Hon. Mr. Connolly (Ottawa West): When W. F. O'Connor was Law Clerk of the Senate the Honourable Arthur Meighen used to say, "I frequently sit at his feet to try to absorb some of his wisdom." Honourable senators, a generation of senators have done just that with John MacNeill.

I speak of him not as a Scot, although I could, nor as a Maritimer, although I could, because both these aspects of his background influenced his fine career of public service. But I do speak of his dedication to his work, to the Senate as an institution vital to Parliament and to the national welfare; of the high idealism he brought to his post and of his determination to preserve the integrity of this house and to promote its great purpose. He has served Speakers, leaders, senators, regardless of party affiliation, with integrity, with judgment and with consummate skill. No greater tribute can be paid to the chief executive officer, particularly of a deliberative assembly. The confidence reposed in him by so many senators, he treated with a sacred secrecy. But in addition to all of this, to all of us, and to many who have passed on in his day here, he has been a friend and a guide. The rock from which he has been hewn may very well be exhausted.

Over a year ago Mr. MacNeill expressed a wish to retire and I took it as a personal favour to me and to the Prime Minister that he agreed to stay on. But the time has now come. He has earned his retirement richly. It would be unjust to ask him to do more.

For himself and for Mrs. MacNeill, who has helped him so much in his outstanding career, our wishes are for a healthy, long and happy period of retirement, which we all hope they will enjoy with their family and with their grandchildren.

Honourable senators, this is no obituary. Indeed if it were the corpse is a pretty lively specimen. It is the opening for him of a new phase of what has been a happy and fruitful life.

I know it is painful and embarrassing for him that these things should be said of him in this chamber, in his presence, when he is not in a position to reply. However, I want him to know that I say them with a full heart and with a deep sense of impending loss. He has given so much of his talents; he has given too so much of himself. In this sentiment I am joined by all my colleagues.

Hon. Senators: Hear, hear.

Hon. Mr. Connolly (Ottawa West): He has earned the great esteem and affection of us all, and he has shown great esteem and affection for us all.

Honourable senators, following a series of precedents, and seconded by the Leader of the Opposition, Senator Flynn, with leave, I move:

> That the Senate desires to record their deep appreciation of the long and distin-

guished service rendered by John Forbes MacNeill, Esquire, Clerk of the Senate and Clerk of the Parliaments; and

That in acknowledgement of the dignity, dedication and profound learning with which he has graced the office, he be designated an Honorary Officer of this House, with an entrée to the Senate and a seat at the Table on occasions of ceremony.

Hon. Jacques Flynn: Honourable senators, the departure of John Forbes MacNeill deprives the Senate and, indeed, Parliament of a most devoted, distinguished, wise and competent servant. Without you Mr. MacNeill —especially as far as I am concerned because you have always been at the head of the Table since my appointment—the Senate will never be entirely the same. Maybe because you started on the right foot by being born in New Brunswick and receiving most of your education in Nova Scotia, you have had a very distinguished career in the service of your country. You began at the age of 18, when you joined the army and saw action in the First World War. Later on, as has been recalled by the Leader of the Government, your appointment in 1924 as secretary to Sir Charles Fitzpatrick, the then Chairman of the Statute Revision Commission, was the beginning of a career of 44 years in the public service, the last 25 years in the Senate, first as Law Clerk and Parliamentary Counsel and then, since 1955, as Clerk of the Senate and Clerk of the Parliaments.

Through these years you have acquired a well-deserved reputation as a great constitutional expert, and not only the Senate has benefited from your vast knowledge but also, over the years, many senators individually.

[*Translation*]

In leaving us, Mr. MacNeill, be well assured that you are bringing with you not only our gratitude and our admiration, but also our sincere affection as well as our wishes for a happy retirement.

[*English*]

It is therefore a great privilege as well as a great honour for me to second the motion of the Leader of the Government acknowledging the appreciation of the Senate for your outstanding services and naming you an Honorary Officer of this House, with an entrée to the Senate and a seat at the Table on occasions of ceremony—a privilege, sir, we hope you will use very often.

27059—57

Hon. Senators: Hear, hear.

The Hon. the Speaker: Honourable Senators, is it your pleasure, to adopt the motion?

Hon. Senators: Agreed.

The Hon. the Speaker: Carried unanimously.

DOCUMENTS TABLED

Hon. John J. Connolly tabled:

Capital Budget of Polymer Corporation 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. 1968-110, dated January 18, 1968, approving same. (English text).

Report of the Department of Energy, Mines and Resources for the period January 1, 1966 to March 31, 1967, pursuant to section 10 of the Department of Mines and Technical Surveys Act, chapter 73, R.S.C., 1952 and section 30 of the Government Organization Act, 1966, chapter 25, Statutes of Canada, 1966-67. (English and French texts).

DIVORCE BILL

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-187, respecting Divorce:

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.

FELICITATIONS

HON. JAMES GLADSTONE—TENTH ANNIVERSARY IN THE SENATE

On the Orders of the Day:

Hon. John M. Macdonald: Honourable senators, before the Orders of the Day are called I should like to bring to your attention the

fact that it was just ten years ago today that our colleague Senator James Gladstone was appointed to this chamber.

Hon. Senators: Hear, hear.

Hon. Mr. Macdonald: I know that it is not usual to bring to the attention of the house anniversaries of this kind, but Senator Gladstone's is, I believe, a special case. His appointment was a well-merited recognition of a lifetime of devoted service to his own people, and he has brought to this chamber an unsurpassed knowledge of the Indian people of Canada. By his presence here he has shown that he is still devoted to their interests. I know you will all agree that he has indeed made a valuable contribution not only to the Indian people of Canada but to Canada in general.

HON. ARTHUR L. BEAUBIEN—SIXTY-FIFTH WEDDING ANNIVERSARY

Hon. Mr. Macdonald: Honourable senators, I would also bring to your attention at this time the fact that during the Christmas recess there occurred an event of which, had we been sitting, proper notice would have been taken. On January 13 last our colleague, the Government Whip, Senator Arthur L. Beaubien, and his wife celebrated their sixty-fifth wedding anniversary.

I am sure all honourable senators join with me in wishing this good couple many more years of good health and much happiness. I suppose we should envy them, because not many of us will have such a celebration.

HON. GUNNAR S. THORVALDSON—RECIPIENT OF ORDER OF THE FALCON

Hon. Olive L. Irvine: Honourable senators, may I be permitted to say a few words?

Last evening we had the pleasure of listening to two splendid speeches, one by Senator Grosart and another by Senator Thorvaldson, which completely confirmed the necessity and viability of NATO.

My reason for speaking this afternoon is to bring before this honourable house one fact which I think will be of interest to all senators. It is that while Senator Thorvaldson was in Iceland last June he had the distinction of being honoured by the government of that country by being presented with the Order of the Falcon.

The Order of the Falcon is the only order Iceland has and was created by King Christian X on June 3, 1921. It may be conferred as a mark of honour on foreign as well as Icelandic subjects, men and women. The President of Iceland is the Grand Master of the Order.

We are delighted that Senator Thorvaldson was chosen for this signal honour, not only for his own contribution made to the building of Canada, but to all settlers of Icelandic origin who have contributed of their skills, intellect, idealism and labour to the building of our great nation. They will continue to contribute to her future growth and development, and the language and cultures of their pioneer forbears are not only a heritage but a birthright of their descendants.

Senator Thorvaldson, we congratulate you.

Hon. Senators: Hear, hear.

Hon. John J. Connolly: Honourable senators, I am most delighted, as we all are, that Senator Macdonald should have risen and said what he did, first about Senator Gladstone, of whom we are all so fond and for whom we have so much regard. We are delighted that he is celebrating his tenth anniversary with us here. We congratulate him and hope he will have many more such anniversaries.

As for Senator Beaubien's (Provencher) wedding anniversary, I am very pleased that this has been mentioned in the house. It is easy to understand why Arthur Beaubien should be able to celebrate 65 years of happy married life. He even admits that he is still a bearcat with the ladies! Certainly he has been one with Mrs. Beaubien, and we extend to both of them our best wishes.

I am delighted too that Senator Irvine, a fellow senator from Winnipeg, should have mentioned the honour which was conferred upon Senator Thorvaldson. Frankly, I did not know about this special recognition until Senator Irvine spoke this afternoon. I am sure all honourable senators are very happy that this signal honour has come to one of our members, and I congratulate Senator Thorvaldson.

HAZARDOUS SUBSTANCES ACT

THIRD READING

Hon. Chesley W. Carter moved the third reading of Bill S-22, to prohibit the sale and advertising of hazardous substances, to amend the Food and Drugs Act and the Narcotic Control Act and to make a consequential amendment to the Criminal Code.

Motion agreed to and bill read third time and passed.

NATO PARLIAMENTARIANS

THIRTEENTH ANNUAL CONFERENCE AT BRUSSELS, BELGIUM

The Senate resumed from yesterday the adjourned debate on the inquiry of the honourable Senator Aird, calling the attention of the Senate to the Thirteenth Annual Conference of NATO Parliamentarians held at Brussels, Belgium, 20th November to 25th November, 1967, and in particular to the discussions and proceedings of the Conference and the participation of the delegation from Canada.

Hon. Norman A. MacKenzie: Honourable senators, there is very little that I want to add to the excellent speeches made in this chamber by our colleagues Senator Aird, Senator Cook, Senator Grosart and Senator Thorvaldson. But before going on, may I, in a very simple and modest way, add my word of appreciation to Dr. John F. MacNeill. I do so because he was a classmate of mine after World War I in the Law School of Dalhousie University. He has been a friend of mine through the intervening years, and since I have been here in the Senate he has done many things—as he has for everyone else in this chamber—to instruct me, to assist me and to be my friend. For all this, I take this opportunity of paying my tribute of appreciation and thanks to him.

Hon. Mr. Connolly (Ottawa West): Hear, hear.

Hon. Mr. MacKenzie: One of the reasons I thought it appropriate that I should speak on this topic before the debate was concluded was that I am the Canadian sponsor of the Declaration of Atlantic Unity, succeeding Patrick Nicholson and other distinguished members of the Parliament or associates of the Parliament of Canada. In that capacity it was hoped, and is now hoped, that I may be able to make a modest contribution to an understanding of NATO, to its importance, and to the underlying and basic idea of the development of an Atlantic community in which Canada, the United States, the countries of western Europe, and others would be members.

To understand this, a little bit of history is essential. Also, it is well to remember that NATO and the idea of the Atlantic community are, in important respects, of Canadian origin and are ideas and institutions in which Canada has a very special interest.

At the end of World War II, through the fortunes of war and other circumstances, I feel it is no exaggeration to say that Canada, was one of the four great nations of the world in terms of her military and industrial strength and her potential. Conditions have changed since that time. European nations that were broken and defeated have emerged again as great powers. China and Japan have become great world powers.

Again it is well to remember the statement made a short time ago by the Secretary of State for External Affairs, the Honourable Paul Martin, that before many years, unless we destroy ourselves, Canada will be a more powerful nation than either France or Britain, or for that matter many other nations throughout the world, this by virtue of her increasing population and her material resources. This fact, the present and potential strength of Canada, accounts in part for the contribution that she was able to make to the reconstruction and the organization of the post-war world. And it accounts in no small measure too for the fact that the then Secretary of State for External Affairs, the Right Honourable Louis St. Laurent, and the present Prime Minister of Canada, then Under-Secretary of State for External Affairs, had a leading role in the creation and development of NATO.

If I had the time and if it were in order I would read to you the report of what happened at that time and what Canadians, and in particular those that I have mentioned, contributed to NATO and to the world. As I cannot do this, I would draw your attention to a most interesting and I think the most comprehensive article that will ever be written about this. It appears in the Journal of the Canadian Institute of International Affairs for the summer of 1967 at page

426 and following. The author is Mr. Escott Reid. Mr. Reid, at the time of the inception of NATO, was the Assistant Under-Secretary of State for External Affairs with Mr. Pearson, and was working with him and with the minister, Mr. St. Laurent in all the negotiations that took place in respect of NATO. Mr. Reid went on to be minister in Washington, High Commissioner in India, Ambassador in Germany, one of the senior officers of the World Bank, and is now the Principal of Glendon College, Toronto. Incidentally, he was a classmate of Senator Grosart, and both were very interesting and distinguished students. In any event, Mr. Reid has set out the history of the creation of NATO based on his own knowledge and experience, and also on his own access to the documents, in this copy of the International Journal.

There is one piece of history that I think should be mentioned, particularly in this chamber, in view of the fact that we are now discussing the report of our representatives to what was the NATO Parliamentarians Conference, and which, I believe, in November last became the NATO Parliamentary Assembly. The real father and founder of this organization was a very distinguished member of this chamber, the Honourable Wishart Robertson. I have the record of his association with that body. He was President of the Canadian NATO Parliamentary Association in 1954; he received the A.U.C. Atlantic award for outstanding services to the Atlantic community in the autumn of that year. He was chairman of the conference of the NATO Parliamentarians in 1955 in Paris, France, and at the close of that conference he was made an Honorary Life President of the Conference itself. I happen to know from my own knowledge, and from the records, that Wishart Robertson never failed to keep the Senate, Parliament and Canada aware of the importance and relevance of NATO to our country and to the world. I am delighted to have this opportunity of paying a very special tribute to him.

There are just two or three other reasons why I feel it encumbent to speak. The first is that all Canadians are or should be deeply concerned about two major matters. One is to prevent another world war. We know the cost to us and to the world, based on our experiences in World War I, World War II, and to a degree in the Korean war. If it is within the capacity of human beings, we never want another world war. One of the lessons that those of my generation believed they had learned, and which should be remembered by the generation that is coming up in the schools and colleges today—many of whom seem to have forgotten our bitter experience—is that there is a greater chance of avoiding another world war if we can organize in a collective security system the nations of the world. That is the justification, in the main, for the United Nations. Where that organization does not seem to meet all the requirements of a given situation, such as that which emerged following World War II regarding the Soviet Union vis-à-vis western Europe, then it becomes necessary to bring together as many as possible of those nations that have a direct interest and concern for their own security and the preservation of peace into what amounts to a regional organization. This we call NATO.

The leader of the Canadian delegation Perry Ryan, whom Senator Grosart mentioned yesterday, has distributed the text of a brief speech he made at the opening of the conference in Brussels last November. If it is in order, honourable senators, I would like to have the text of that speech printed in the *Debates of the Senate*, because it does set out the situation which exists, in concise, complete and accurate form, as Mr. Ryan sees it.

Hon. Senators: Agreed.

For text of speech, see Appendix, p. 794.

Hon. Mr. Mackenzie: This, as I say, is the first justification for our membership in NATO, for our being concerned about the preservation of NATO, and for our sharing in any contributions that may be appropriate to us and essential to ensuring that NATO is adequate for the purposes for which it was created.

The other reason why I think NATO is so important is that Canada, being at present a relatively small nation in relation to the United States, our neighbour to the south, it is essential—in view of our basic dependence on that country in respect of continental defence, economy and many other matters—that we should wherever possible provide for the greatest degree of independent action that can be achieved.

Here again, NATO provides an instrument which enables us to achieve some of the necessary advantages and protection, some of the necessary defence, without complete and sole reliance on the United States. If we are left in that position, without an association with other countries of Western Europe, and some across the Pacific, then we are, in fact, in a very vulnerable position in respect of our dependence upon the United States. I use that adjective "vulnerable", not in a nasty sense, because I do not think the United States of America consciously wants to take us over. But the very nature of our relations is such that this is what is likely to happen if we are forced to live in isolation in North America.

In this connection I want to read what is sometimes described as "The Canadian Article" in the North Atlantic Treaty. It is Article 2. It is one that Mr. Pearson and Mr. St. Laurent were greatly concerned about, and did their utmost to make effective and to bring into operation. It reads as follows:

> The Parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well-being. They will seek to eliminate conflict in their international economic policies and will encourage economic collaboration between any or all of them.

To our regret, and I know greatly to the regret of Mr. St. Laurent and Mr. Pearson, that Article has never been as effective as they hoped and expected it would be.

NATO has continued, perhaps understandably in the circumstances, to be concerned in the main with military matters, with military defence and protection against the Soviet threat from the east. Nevertheless, for Canada, in terms of the Canadian interest now, and in terms of the future of the world in which we live, this so-called Canadian article is of major importance.

I would hope, honourable senators, that in due course our Committee on External Relations will give further study to NATO, and more particularly to the ways in which Canada can contribute to the development and maintenance of the success of NATO, and perhaps make a report and recommendation to that effect. I do believe it is of the very greatest importance that this matter be brought again and again to the attention of the Canadian public, and kept before it, particularly in view of the very large numbers of young people who have no idea how it came about, why it exists, and what its importance is.

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

BANKING AND COMMERCE COMMITTEE

NOTICE OF MEETING

On the motion to adjourn:

Hon. Mr. Connolly (Ottawa West): As most honourable senators are aware, the Standing Committee on Banking and Commerce will resume its consideration of the Divorce Bill immediately after the Senate rises this afternoon. I understand that if the committee does not finish its deliberations today it will likely continue tomorrow morning at 9.30.

The Senate adjourned until tomorrow at 3 p.m.

APPENDIX

(*See p. 792.*)

NATO PARLIAMENTARIANS

THIRTEENTH ANNUAL CONFERENCE AT BRUSSELS, BELGIUM

SPEECH DELIVERED BY MR. PERRY RYAN, M.P., LEADER OF THE CANADIAN DELEGATION, NOVEMBER 1967

Mr. President, this is a short and direct speech. It is clear to all of us that NATO is going through a difficult period. Every NATO country is re-assessing its position in the alliance. We in Canada are experiencing the same process.

Difficulties in the alliance come not only from within but also from outside.

These developments are natural after nearly twenty years in a changing world, where the rate of change is accelerating daily. In this situation, we are in danger of losing sight of the continuing and vital importance of the alliance to the security of the western world.

In Canada, in our Centennial Year, we are naturally re-assessing our own strengths and weaknesses and seeking an ever stronger basis for unity in our own country. This makes us especially sensitive to the problem of unity within NATO. Given our own roots in Britain and France, Canadians look upon the present NATO difficulties with an aching heart.

In this time of tension within the alliance, we must not forget how much we still all need each other. Speech after speech in committee has made this very clear. We must acknowledge and respect each others differences and rediscover, and I repeat, rediscover the intrinsic values in our varied positions and aspirations.

The great quality of western civilization is its diversity within a common framework of values. Provided we do not allow our adversary to exploit our differences and fatally weaken us, this diversity is our greatest advantage over the Communists. Instead of being alarmed by our differences, let us profit and take strength from them and where we cannot find common expression for our underlying unity, let us not accuse each other of disloyalty to our common cause.

At this moment, as I see it, there are three major problems facing our alliance. The absence of France from NATO military command; the absence of Britain from the European Common Market; and the unfortunate rivalry between France and the United States.

Turning to the first problem, it is self-evident that the absence of France from the integrated military command causes her partners a haunting uncertainty.

Turning to the second problem, it is clear that economic and political stability in Western Europe cannot be fully achieved until some way is found for Britain to enter the Common Market. We support Britain's entry for this reason, fully aware of the immediate economic difficulties that this would cause our country and knowing that an effective arrangement must involve compromise on all sides. The truth is this—a healthy Britain playing a full role in Europe has much to offer the world.

The last problem is indeed the most painful and the most difficult to discuss. We are concerned that national pride is obscuring the perception of our common interest, and that national rivalry is tearing us asunder. Believing as we do that all, and I repeat, all our fifteen nations are necessary to this alliance, we must each work to overcome our instinctive sense of self-righteousness. We must seek to understand and we must seek to accommodate one another no matter how difficult that may be. No matter how tough a course this may seem, Mr. President, a united alliance is worth the effort.

THE SENATE

Thursday, February 1, 1968

The Senate met at 3 p.m., Hon. Maurice Bourget, P.C., Speaker *pro tem,* in the Chair.

Prayers.

CLERK OF THE SENATE

APPOINTMENT OF ROBERT FORTIER

The Hon. the Speaker: Honourable senators, I have the honour to inform the Senate that a commission under the Great Seal has been granted to Robert Fortier, Esquire, appointing him Clerk of the Senate and Clerk of the Parliaments.

The commission was read by the Clerk Assistant.

The Hon. the Speaker: Honourable senators, I have the honour to inform the Senate that by the usage of Parliament the Clerk of the Senate is required to take the oath of office before the Honourable the Speaker of the Senate.

The oath of office was administered by His Honour the Speaker.

Hon. John J. Connolly: Honourable senators, it is my duty and indeed it is my privilege to introduce to the Senate the new Clerk of the Senate and Clerk of the Parliaments, Mr. Robert Fortier, Q.C. Mr. Fortier, who has just taken the oath, lives in the Province of Quebec, in the City of Hull. He is a graduate of the University of Ottawa and, in law, of the University of Montreal. I was very interested to learn that as a law student he was articled with two honourable members of this chamber, when these two honourable senators were practising together, namely, the honourable Senator Vien, P.C. and the honourable Senator Macnaughton, P.C.

Mr. Fortier has practised law in the Province of Quebec. He was appointed Queen's Counsel in the year 1953. I may tell you that on the legal side he comes from a long line of distinguished people. First of all he is the son of a very distinguished judge of the Superior Court of the Province of Quebec, now deceased, and he is also the son-in-law of a distinguished member of the Superior Court of the Province of Quebec, Judge Salvas. It would appear that law runs through his family because he is a brother of the distinguished counsel of the Department of Transport, Mr. Jacques Fortier.

Our new Clerk is no stranger to Parliament. Though he has not been a parliamentarian, he was private secretary and later executive assistant to the Minister of Public Works, the late the Honourable Alphonse Fournier, and he began those duties in 1942. I may say too that on the parliamentary side he is the son and grandson of former Members of Parliament. Since 1953 Mr. Fortier has been the Secretary in the Department of Public Works, and he has had higher and more onerous administrative duties in that department. His responsibilities have been varied and deep and he has carried them out successfully over a period of some 15 years.

Mr. Fortier, your general background of education, your training in the law, your experience in dealing with parliamentarians in your years of service with a minister of the Crown, and your wide administrative experience in the Public Service of Canada would appear to qualify you admirably and eminently for the new duties which you have now assumed. In welcoming you to the Senate, may I tell you that you will find here not only the friendship but indeed the co-operation of both sides of this house.

Your advice and your assistance will be sought by supporters of the Government as well as by supporters of the Opposition. Your dealings with individual senators will, of course, be confidential. Perhaps the best way to describe them is to say that they will be of the character of the solicitor and client relationship. I know your conduct in this respect will be impartial, thorough and in the great traditions of your high office. You will be the repository of confidences for many senators. In fact, you may even think at times that you are their "father confessor". But your guide will be the best interests of the senator in question and of the Senate itself.

As you know, the Senate is master of its own rules, of its actions, of its privileges, and of its procedures. These have emerged from laws, rules, traditions and precedents which have developed over the course of its century-long history.

We wish you well as you begin your new duties, and we assure you that you will have the co-operation and help of all members of the Senate as you seek to discharge them.

[*Translation*]

Mr. Fortier, on behalf of all my colleagues I want to extend to you the most cordial

welcome to your new functions as Clerk of the Senate and Clerk of the Parliaments.

Mr. Fortier's broad education, his experience of the law, his familiarity with parliamentary customs, his fifteen years in responsible administrative functions in the Department of Public Works make him highly qualified for his new task in the Senate.

I wish to assure Mr. Fortier of our wholehearted co-operation and to express our best wishes for a long, fruitful, and most successful term.

[*English*]

Hon. Jacques Flynn: Honourable senators, it is indeed a pleasure for me to join with the Leader of the Government in greeting today, at the head of the Table, a man who assumes the important functions of Clerk of the Senate and Clerk of the Parliaments. I am sure that the experience and competence of Mr. Robert Fortier, acquired during his long career in the public service, will enable him to discharge his new responsibilities with great efficiency.

[*Translation*]

Mr. Robert Fortier, Q.C., although still relatively young, already has behind him a full career as a lawyer and a senior official of the Canadian government.

After practising law in Hull from 1937 to 1942, he was appointed private secretary to the Minister of Public Works before becoming his executive assistant in 1949. Later, he was secretary to the Public Works Department where he was in charge of the parliamentary returns branch until his appointment two years ago to the position of Director of Administrative Services in the same department.

With that long experience, Mr. Robert Fortier starts on a new career in which I wish him the greatest success. I can assure him that the senators who, for the time being, sit to the left of the Speaker, will give him their fullest co-operation as they will when, in the near future, they find themselves to the right of the Chair. We all know on either side that we can also count on his co-operation.

Unfortunately, I do not have the privilege of knowing Mr. Fortier personally, but everyone spoke very highly of him to me, saying that he is a perfect gentleman.

I once again address the most hearty welcome to our new Clerk and wish him success and self-satisfaction in the exercise of his new functions.

[*English*]

Hon. Jean-François Pouliot: Honourable senators, it is my great pleasure to welcome to this house a man whom I have known for many years, and a man who, like his father, rendered valuable service to my constituents when I was the Member of Parliament for Témiscouata County. I remember the days, Mr. Speaker, when I went to you and also to Mr. Fortier for assistance in solving difficult problems. I say to my honourable colleagues now that the two most helpful persons with whom I had to deal in the Department of Public Works from the time of the then deputy minister, Mr. J. B. Hunter, who died a long time ago, were you Mr. Speaker, and Mr. Fortier.

When I was last elected to the House of Commons in 1953 the Minister of Public Works, the Honourable Alphonse Fournier, had been appointed to the bench three months before that election; because of that the Members of Parliament would have been like orphans, had it not been for Mr. Fortier, who was the link between the department and the Members of Parliament on all sides. In that capacity he had to solve our problems, and he did it very well.

I have known your forebears, Mr. Fortier. Your father was a judge of the Superior Court of the Province of Quebec, and he was also the chairman of the Mobilization Commission during the last World War. He was learned and fair. All we asked was fairness. We did not have it to the same degree before Mr. Justice Fortier took charge.

I have known your parents. Your father was a great gentleman, and your mother was a person of great charm. I have known other members of your family, whom I respect and esteem.

You surely realize, Mr. Fortier, that you are welcome here, as both leaders have said. The applause which greeted their words must be significant to you. The Senate is a very different place from the House of Commons. There are quarrels at times in the House of Commons, but here, you will be surprised to know, there is no animosity between the members on either side of the house, even when they disagree. When there has been disagreement, then I may have been the one who has disagreed, but nevertheless I keep a most pleasant recollection of my dealings with all my colleagues.

Therefore, sir, you come to a chamber which is worthy of you, and where you will be happy, and where you will contribute to our happiness by following in the footsteps of

your predecessor Mr. MacNeill, who acquired a great reputation. He was sworn in as Clerk of the Senate on the same day that our group of 13 was sworn in. He was the first one to participate in that ceremony, and we followed. We keep a most pleasant and lasting recollection of him. Pray accept our best wishes for a long and successful career in this chamber.

DOCUMENTS TABLED

Hon. John J. Connolly tabled:

Report of the Department of Indian Affairs and Northern Development for the fiscal year ended March 31, 1967, pursuant to section 20 of the Government Organization Act, 1966, chapter 25, Statutes of Canada, 1966-67. (English and French texts).

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

Copies of a book entitled "A Canadian Charter of Human Rights" by the Honourable Pierre Elliott Trudeau, Minister of Justice. (English and French texts).

Exchange of communications between the Prime Minister of Canada and the Premier of Nova Scotia beginning in December, 1967, until January 23, 1968

Copies of communications, dated between December 14, 1967 and January 23, 1968, exchanged between the Prime Minister of Canada and the Premier of Nova Scotia with reference to the Sydney Steel Plant. (English text).

DIVORCE BILL

REPORT OF COMMITTEE ADOPTED

Hon. Salter A. Hayden, Chairman of the Standing Committee on Banking and Commerce, reported that the committee had considered Bill C-187, respecting Divorce, and had directed that the bill be reported with the following amendment:

In the English version of the Bill, strike out subclause (1) of clause 26 and substitute therefor the following:

"(1) The *Dissolution and Annulment of Marriages Act,* the *Divorce Jurisdiction Act,* the *Divorce Act* (*Ontario*) in so far as it relates to the dissolution of marriage, and the *British Columbia Divorce Appeals Act* are repealed."

In the French version of the Bill, strike out subclause (1) of clause 26 and substitute therefor the following:

"(1) *La Loi sur la dissolution et l'annulation du mariage, la Loi sur la juridiction en matière de divorce,* la *Loi sur le divorce* (*Ontario*) dans la mesure où elle a trait à la dissolution du mariage, et la *Loi sur les appels de divorce en Colombie-Britannique* sont abrogées."

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.

Honourable senators, the amendment deals with a matter raised by Senator Walker during second reading, namely, the omission of any reference in the bill in the form in which it was before us on second reading to jurisdiction to grant annulment. This amendment corrects that omission so that if and when passed into law the bill will retain the feature of jurisdiction in relation to the annulment of marriage.

Hon. Jean-François Pouliot: Honourable colleagues, I have two documents in my hand. The first is a letter to the Attorney General of the Province of Quebec in 1960, in which I expressed some personal opinions on the validity of the 1930 divorce legislation relating to the Province of Ontario. The letter occupies six closely typed foolscap pages. I will put that aside for the moment, but I may mention it again on some other occasion.

The other document is a memorandum on the House of Commons proceedings in 1930 relating to the divorce legislation for Ontario. I consider it my duty to read it. I have the right to read it and I will read it. It is not as long as the other document; it is only four pages, double spaced, which makes a difference.

I am as full of conciliation and understanding as anybody, but I find that we are in duty bound to put facts before the Senate, and those are without comment. They are quotations from the *Hansard* of the House of Commons for 1930, and they speak for themselves.

Unfortunately, I do not have the document in both languages. I have it in French, with some quotations in English. I will give it as it is in *Hansard.* Otherwise, I would have given a copy to the Leader of the Government and to the Leader of the Opposition in the Senate.

It reads as follows: "Résumé des Débats—"

Hon. Mr. Hollett: May I ask a question of the honourable senator? Would he inform the

Senate what bearing this document of thirty or forty years ago has on the present bill, before we listen to it. What bearing has it upon the present bill?

Hon. Mr. Pouliot: It is very easy to understand what bearing it has. It is the basis and the foundation of the Ontario divorce legislation which we have before us now. If you do not know the origin of the legislation, you will be at a loss to understand the legislation itself. That is my point of view.

That is why I went to extensive research in the old books, in order to familiarize you with that situation, which is so thorny, but nevertheless it is unbiased.

I mentioned the divorce debate. I mentioned what happened in the House of Commons in 1930 and I believe it is my duty to inform you about it. I am mentioning some opinions that were given over there. It is not my own opinion. I want to inform you about that and then you will be in a better position to understand the scope of the amendment which is proposed now. I hope that my answer is satisfactory to my colleague.

I show my willingness to co-operate with you, in order to have the Royal Assent as soon as possible. However, I want to inform you about what happened thirty years ago. It is not because it happened thirty years ago, that there is no actuality in it. The actuality is in the amendment which has been put before this chamber. Sometimes you go to old books for precedents and they are quoted to the courts and accepted by them. Now, I inform you about that fact, not my opinion. It is what I have found, and it is subject to control because the reference books are in the Library of Parliament and are available to all.

Hon. Mr. Aseltine: Whose opinion are you going to read?

Hon. Mr. Pouliot: The opinions of several members, which I have copied. I wrote it in longhand, and here is my copy.

Hon. Mr. Hollett: Honourable senators, I put it to the honourable senator that we had his opinion on this matter a few days ago, and I am sure it is more up to date than what is contained in that document.

Hon. Mr. Pouliot: It is very different, because I did not touch it two days ago. I mentioned then what happened in this chamber: I did not mention what happened in the other chamber. It did not go further, because the matter was not referred to the Supreme Court of Canada.

If you do not want to know, I say that you do not want to know anything. It reminds me of a story.

At one of my election campaigns we were speaking in a shed. One of the speakers for the other side was reading a paper that was supposed to condemn me until Doomsday. The light was dim, and I came to him with a match, to give him an opportunity to read it. He said, "I do not need a light"—and I won the election with that. I said, "This gentleman does not need to be enlightened when he speaks." I went to every parish, and I said, "Do you see that nice gentleman there? He speaks very well, but he does not want to be enlightened." My constituents applauded me and I won my election easily.

Hon. Mr. Connolly (Ottawa West): Would the honourable senator permit me one comment on what we are doing at the moment? Earlier, the honourable senator discussed the question of placing upon *Hansard* a document, an opinion written by himself, and he described it that way, as something that was given as an opinion.

I think it would be appropriate to allow that opinion to be appended to today's *Hansard*, without reading it, if it is not identified as a part of the record of the other place. I think this might be in order.

We are not allowed to quote here the record of the current session of the other place. If he gives it as his opinion, as a part of the speech that he is making, for the consideration of senators, then I think there would be no objection under our rules to this being done.

Hon. Senators: Agreed.

Hon. Mr. Pouliot: Do I understand that those four pages will be printed as an appendix to the *Hansard* of this date?

Hon. Mr. Connolly (Ottawa West): As your opinion.

The Hon. the Speaker: Is it agreed?

Hon. Senators: Agreed.

Hon. Mr. Pouliot: Thank you very much. This is the enlightenment.

For text of opinion, see Appendix pp. 818-19.

The Hon. the Speaker: Honourable senators, with leave of the Senate, it is moved by honourable Senator Hayden and seconded by

honourable Senator Power, that the report of the committee be now adopted. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Report adopted.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill, as amended, be read the third time?

Hon. Mr. Roebuck: Honourable senators, with leave, I move that this bill be read the third time now.

Hon. Rheal Belisle: Honourable senators, I feel I cannot let this last opportunity pass to speak on this far-reaching piece of legislation without voicing my dissatisfaction with the manner in which the whole bill has been handled.

It was amazing to me that a bill of this type, which would affect so many Canadians and particularly so many innocent children, should be turned over to the Banking Committee. I am not criticizing the integrity or ability of the members of this committee. The chairman of the committee is well known for his ability.

However, this bill deals with the humanities; therefore, in my opinion it is incongruous to turn it over to a committee whose chief duties are with the cold, hard world of finance.

Must this bill go through, and go through quickly, because it is a forerunner of other pieces of highly debatable social legislation, scheduled to be handled by us in the near future? If you feel that because of the urgency of this bill it must receive only cursory consideration, then I accept your opinion, but I am not in accord with this type of thinking.

As this legislation now stands it is full of holes. It is a very vital piece of legislation because it concerns human lives and public welfare. By its very nature it deserves deep and humanized consideration.

Last week I said that this august chamber abounded with talent, experience, knowledge and wisdom. At that time I said this piece of legislation could help create a much-needed better public image for this chamber. There is no need to fool ourselves. Unjustly and incorrectly a major portion of the public has a mental picture of the Senate as being purely a rubber stamp for the House of Commons. We know the valuable work done by this chamber. One of its duties is to be a check-rein on highly controversial legislation. If ever there was a piece of questionable social and moral legislation, this bill belongs in that category.

This bill places human lives and the future of our established social scales in our hands. For the sake of the people of the country and the status and image of this chamber, this bill should have been as nearly perfect as is humanly possible to made it before we are finished with it. I bow to the opinion of the majority but stand firm in my belief that this bill leaves much to be desired.

Hon. John M. Macdonald: Honourable senators, in speaking to the third reading of this bill my purpose is to speak only with reference to the jurisdiction of the courts.

You will recall that on second reading I brought before this chamber the fact that in the Province of Nova Scotia we have a court named the Court for Divorce and Matrimonial Causes. That is a very old court. It has functioned for over 100 years. It has given general satisfaction.

Under its provisions six judges of the county courts in Nova Scotia have been named judges of the Court for Divorce and Matrimonial Causes. So, along with the six judges of the Trial Division of the Supreme Court, who are also judges of this other court, we have 12 judges in Nova Scotia who have been hearing divorce cases.

I understand that in the past year or more, since those county court judges were so appointed, they have heard about one-third of all divorce cases. However, under the proposed legislation, by necessary implication, the jurisdiction of this court to hear divorce cases is taken away. It is difficult to understand why this court is not allowed to retain its jurisdiction. It cannot be because the judges of the County Court who have been appointed to the divorce court are not competent. The Minister of Justice intimated before the committee this morning that such judges could be named local judges of the Supreme Court and in that way be able to retain their jurisdiction to hear divorce cases. They cannot be taking away this jurisdiction because they wish to show that divorce is considered so important, because I say to you, honourable senators, that by having a separate court to deal with such cases we in the Province of Nova Scotia have shown that we attach the utmost importance to cases involving divorce.

The suggestion was thrown out in committee that it would be beneficial in Nova Scotia to bring divorce cases before judges whose courts could also adjudicate in cases for division of property. My answer to that is twofold. So far as I know there is no dissatisfaction with matters as they now stand; and, if it would be of benefit, it would be a very simple matter to have the Province of Nova Scotia give such jurisdiction to the Court for Divorce and Matrimonial Causes. Such courts already—indeed for many years—have had the power to grant alimony and to deal with the custody of children.

As I understand it, the main argument against allowing this court to continue is that the Department of Justice wishes to have uniformity across Canada. It wishes to have only the Superior Courts able to hear such cases, so that the law will be uniform across the land. In my opinion, this is carrying uniformity to extreme lengths. I for one have never felt that there was any great virtue in conformity. I have never felt that conformity would be of benefit to the people of our land.

In my opinion no convincing arguments have been advanced as to why the Court for Divorce and Matrimonial Causes in Nova Scotia should not continue to have jurisdiction to hear divorce cases. We ask that this court be allowed to keep its jurisdiction. If it is so allowed, it would harm no one. We do not seek anything which we do not already have. We do not seek to set any precedents. We do not seek to cause discrimination against any other province. All we ask is that we be allowed to keep this court which has operated smoothly over the years and which I believe will continue to do so.

Some people might say that we are losing nothing; that the same judges may be given jurisdiction. We would be losing a court. Some people may say that it is only a matter of provincial or local pride. Perhaps there is an element of pride in that we wish to keep this court; and if there is an element of pride, we hurt no one by it.

Honourable senators, if we lose this jurisdiction, we in Nova Scotia will have a sense of loss, and no other part of Canada will gain from our loss. Consequently, I move, seconded by honourable Senator O'Leary (Antigonish-Guysborough), that this bill be not now read a third time but that it be referred back to the Standing Committee on Banking and Commerce with instructions to amend it as follows:

> That section 2 (e) be amended by inserting after line 7, on page 2, which reads "court for any province means", the following words:
>
> (i) for the Province of Nova Scotia, The Court for Divorce and Matrimonial Causes
>
> And by striking out of line 2 of section 2 (e) the words "Nova Scotia"
>
> And by renumbering the following paragraphs accordingly.

Honourable senators, I ask you to support this amendment. I ask you to give us your co-operation in this regard. I ask you most earnestly to help us in this instance so that we may retain what we have without hurting anyone else.

The Hon. the Speaker: It is moved by honourable Senator Roebuck, seconded by honourable Senator Benidickson, P.C., that the bill as amended be now read a third time.

In amendment it is moved by honourable Senator Macdonald (Cape Breton), seconded by honourable Senator O'Leary (Antigonish-Guysborough) that this bill be not now read a third time but that it be referred back to the Standing Committee on Banking and Commerce with instructions to amend it as follows—

Some Hon. Senators: Dispense.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion as amended?

Hon. John J. Connolly: Honourable senators, at the outset I wish to make some comments about the speech made by honourable Senator Belisle.

Senator Belisle, I know, is not a member of the Standing Committee on Banking and Commerce, but he knows as all honourable senators know, that it is open to any senator to attend any meeting of any committee of the Senate and there to make his views known. If Senator Belisle has the deep-seated objections to this bill that he mentioned in the course of his remarks, then my humble suggestion is that he should have gone to the committee and he should there have put forward his views, placed them on the record and made or proposed such amendments as he thought were necessary.

Hon. Mr. Flynn: Proposed—that is the only thing he could have done.

Hon. Mr. Connolly (Ottawa West): I do not think anybody will impugn the integrity of any committee of the Senate, least of all the Standing Committee on Banking and Commerce. So I say that to Senator Belisle because again I want to emphasize the importance of the privilege of any honourable senator to attend any committee and to take part in its proceedings, whether he is a member of that committee or not.

Furthermore, honourable senators, the fact that this committee happens to be called the Standing Committee on Banking and Commerce does not in any way reflect upon its capacity to deal with almost any type of legislation that may come before the Senate, and this has been long understood in the Senate. The bill before us is one that affects the moral and social fabric of this nation and is a complicated piece of legislation. But it has always been agreed that most of the eminent lawyers of the Senate were members of that committee. A senator sitting in that committee is no different from the same senator sitting in some other committee.

I feel bound to say in passing, honourable senators, that perhaps the time has come when we should carry out a comprehensive review of the various standing committees of this house because some of them are outdated. I think that very soon we should give some consideration to the revising of committees and their functions.

Despite that, honourable senators, let me make it clear that in my view any piece of legislation that is referred to any committee of the Senate receives as thorough and as detailed consideration as is given to any piece of legislation by any committee in any part of the Parliament of Canada. The people who come before the meetings of the various Senate committees know how strong they are and how valuable is the work they do.

Now, Senator Belisle says that this is questionable legislation. Over the years that I have been a member of this chamber my own position on the subject of extending the grounds for divorce is reasonably well known. I have always been against extending the grounds for divorce. However, I realize that times have changed; I realize that we live in a mixed society, and it is important that no one group, no one religious group, should try to impose its view upon other groups because here in Canada we believe in freedom of religion.

In company with the Minister of Justice, I happened to attend a meeting held by the representatives of the leading churches in Canada when they made representations with respect to this divorce bill. I want to tell Senator Belisle and all other honourable senators something of what happened at that meeting.

The delegation included Bishop Reed of Ottawa, who spoke for the Anglican Church, Mr. Bernard Daly, who spoke for the Canadian Catholic Conference, and clerics who spoke for the Presbyterian Church, the United Church, the Methodist Church and various other churches. They suggested that we should not have in our divorce laws the kind of provisions contained in clauses 3 and 4 of the bill but that we should have a basic law whereby divorce would be granted where breakdown of marriage occurs.

Honourable senators, this would have given an unfettered discretion to the courts. It was felt that the courts should not be given as wide a discretion as would have resulted if the bill had been written in that form. Therefore, guidelines were given to the courts as to what might constitute evidence of marriage breakdown, whether it was of the character of offences as indicated in one clause of the bill or other factors which might contribute to marriage breakdown as found in another clause of the bill. The recommendations made by the churches went farther than the bill goes. These church leaders are the people who in fact are the guardians of the sense of morality of a country which purports to establish its institutions upon what is generally known as a Christian basis.

In the Western World, this is the basis upon which we function, and I think it is the duty of governments in countries that consider themselves to be part of western civilization, part of the Christian tradition, to ensure that as far as possible the basic tenets of the morality which Christianity teaches should find sympathetic response in the law of the land. I do not think anyone takes issue with that general proposition of political theory.

Hon. Mr. Roebuck: And democracy.

Hon. Mr. Connolly (Ottawa West): And democracy.

In my earlier days I never thought that I would ever stand in the Senate, as I am now, and urge the adoption of a bill which goes so far to extend the grounds for divorce in this country, but I hope that when the principles

of this bill, particularly with reference to the conciliation of differences between the parties, are put into practice the cancer of divorce—and I think I am justified in calling it that—which exists in the social order will be reduced rather than increased.

Hon. Mr. Roebuck: Hear, hear.

Hon. Mr. Connolly (Ottawa West): Believe me, this Senate is interested in preserving some of the basic principles which actuated those who founded and pioneered and populated this country. We want to have a country that has stability in its society. I do not want to see, nor does any honourable senator, a down-grading of the position of the family in our Canadian society. I hope this will not result from the passing of this legislation.

May I speak for a moment about Senator Macdonald's proposition? First of all, I should tell him—and perhaps I need not repeat it —that I am bound by the principle of Cabinet solidarity. Honourable senators will understand that the application of this principle makes it very difficult at times for a member of the Senate—a review chamber and a chamber of sober second thought. I have the responsibility to stand with my colleagues on legislation which the Government proposes. This I must do, and this I will do. If I do not, I have only one alternative, and that is to resign from the Government.

Hon. Mr. Flynn: Your colleagues are not bound as you are.

Hon. Mr. Connolly (Ottawa West): No. I think all my colleagues are bound, or they should go.

Hon. Mr. Flynn: I mean your colleagues here in the Senate are not bound.

Hon. Mr. Connolly (Ottawa West): Quite right, but I am talking only about my personal position as a minister. So, for that reason I must support the bill; it is a Government measure and I have no alternative.

Hon. Mr. Grosart: May I ask the honourable senator if he really means that the principle of Cabinet solidarity means that he cannot stand in the Senate and approve an improvement in a bill?

Hon. Mr. Connolly (Ottawa West): I think I would have to consult my colleagues about the proposal, the proposed amendment, before I deviated from what we had agreed to do. It is the position a Cabinet minister is in; I do not think there is any question about it. Believe me, honourable senators, there are times when I feel a wrench in my own mind and my own soul about some of the things that are contained in legislation, because I stand here as a senator, but I am inhibited more than perhaps any other senator in this respect.

Hon. Mr. Grosart: May I ask the honourable leader if he is not aware that ministers continually accept amendments to bills in committees without going back to their colleagues at all to consult them?

Hon. Mr. Connolly (Ottawa West): This is true about ministers who have the carriage of a piece of legislation affecting their own department—the individual responsibility for that piece of legislation. Under the circumstances mentioned by Senator Grosart, they are authorized by their colleagues to make such changes as are appropriate. I am in a different position here because I am not responsible for any individual piece of legislation that comes from my department—I have no department; but I am responsible— and I must accept that responsibility—for supporting Government legislation and for doing what I can to see that it passes. I must say that during the years since I have been leader, honourable senators have been very sympathetic to the position in which I find myself, and have been most helpful and cooperative in working with me to get the legislation through.

Hon. Mr. Phillips: May I ask the honourable senator a question? His namesake, the honourable Senator Connolly from Halifax, recently made a speech before a club in this city, suggesting that the Leader of the Government in the Senate should not be a member of the Cabinet, for the very reason that the honourable leader has just given. Is he now in agreement with the honourable senator Connolly from Halifax?

Hon. Mr. Connolly (Ottawa West): Well, I can disagree with my brother, and I can disagree with my namesake. By and large, despite the difficulties I have described here this afternoon—which perhaps are interesting enough for us all to consider for a few moments—I think on balance it is better for the Senate if the leader is a member of the Government.

Some Hon. Senators: Hear, hear.

Hon. Mr. Connolly (Ottawa West): I think it works to the advantage of the Senate as a

whole. But I do say that there are difficulties—and I am not going to repeat them because I have already indicated their nature.

Hon. Mr. Haig: May I ask the Leader of the Government a question? Does he mean to indicate that when a Government bill comes before this place from the House of Commons he is duty bound to see that no amendment, correction or improvement is made until he consults his Cabinet colleagues?

Hon. Mr. Connolly (Ottawa West): No. What I say is that as the Leader of the Government in the Senate I should take every step I can to convince my colleagues here in the Senate of the wisdom of the legislation, and do everything I can to support the legislation loyally and have it passed. I think that is as far as any leader can be expected to go.

Hon. Mr. Belisle: As a matter of privilege, honourable senators, may I say something and then ask a question of the Leader of the Government?

I have just gone over the comments that I made a while ago, and while I did mention morals I made no mention of religion. Would it be that by my words I have either excited or moved the religious thinking of my honourable colleague? If I did, I am pleased, because he has spoken in such a way that I feel he has made a large contribution to the debate and to this legislation, but he has criticized me, in a sense, for not attending the meetings of the committee.

Having regard to what he has said about the solidarity of the cabinet and what he is supposed to do, was there any need for him to go to the committee? Was there any need for him to sit very patiently, and probably silently most of the time, in the committee? Was there any need to have this costly committee hold long hearings one after the other, and to bring before it people from all walks of life, and then ignore, in a certain sense, most of its recommendations?

Lastly, does he not take into consideration the very kind and profound remarks that were made by the honourable chairman to the Standing Committee on Divorce (Hon. Mr. Roebuck), who said that these were human grounds that could have been included in the bill. The honourable chairman of the Standing Committee on Divorce now sits silently, and does not explain why he is, in a sense, letting this piece of legislation go through. Is it because he was told that the solidarity of the Cabinet had to be respected, and that this bill had to go through without amendment?

Hon. Mr. Connolly (Ottawa West): The honourable senator has not asked a question—he has asked a great many questions.

I am the last one who should be preaching to anybody. I hope the honourable senator will understand that I am not trying to preach to him or to anybody else, but I think I should say to him that if he has as deeply held views as obviously he has about the bill, then he could very well have gone to the committee and presented them.

Hon. Mr. Belisle: The honourable Leader of the Government will recall that I expressed these views in no uncertain terms in the debate on the motion for second reading of the bill.

Hon. Mr. Connolly (Ottawa West): Yes.

Hon. Mr. Belisle: And I thought that those comments would be considered, together with the comments of the Chairman of the Standing Committee on Divorce and of all other honourable senators.

Hon. Mr. Connolly (Ottawa West): Certainly, and I saw to it that all those comments made on this bill were placed before the Minister of Justice and his officials. The Minister of Justice and his officials considered every aspect of the debate that took place on second reading in this house. Moreover, the points whcih were raised were each dealt with at considerable length in the committee, because it had very full and complete hearings.

I do not charge the honourable senator with trying to raise a religious issue—not a bit of it. But I do mention the position that was taken by the churches when they made their representations. The churches, in fact, wanted the bill to go further than it does in the matter of grounds for divorce. I can only assume that the honourable senator, when he attacks the bill in the way he does, does so because he thinks the grounds are too broad, and that they will lead to undesirable consequences in the social fabric of the country. But I point out that the churches wanted the bill to go further. That is the only point I made.

Hon. Lionel Choquette: Honourable senators, may I ask a question on the point that the honourable Leader of the Government has just made? I think it is very pertinent, because the leader mentioned that prelates or high-ranking people in the different Christian churches came to the hearings before the special joint committee. I would not want the

impression to be created in this chamber that the Roman Catholic Church has changed its attitude towards divorce.

If I understand that attitude well, it is that the Roman Catholic Church would say to the committee: "You might extend the grounds for divorce to fifty if you desire, but we still think that there are two bonds in a marriage—the civil bond and the religious bond. We claim there is a sacrament, and that that sacrament cannot be broken. We will consider your divorce as a civil separation, but we do not change our attitude." Is that still the attitude of the Roman Catholic Church?

Hon. Mr. Connolly (Ottawa West): I do not think there is any doubt about that.

Hon. Mr. Hollett: Honourable senators, it was my understanding that the honourable Leader of the Government was speaking to the amendment. He has spoken for twenty minutes—

The Hon. the Speaker: Order. Certainly, the honourable Leader of the Government is speaking to the amendment, because that is the way in which I put the question. I read the original motion, and then the amendment. So, the honourable Leader of the Government is speaking to the amendment.

Hon. Mr. Hollett: My point of order is that nobody so far has spoken at all to the amendment. We have occupied an hour, and yet have not touched upon the amendment. I think we should get back to the amendment.

Hon. Mr. Connolly (Ottawa West): I quite agree. I hope I am not so far out of order as to offend the sensibilities of honourable senators or the rules of the house.

I think I can adopt Senator Choquette's words as my own. I have been trying to get around to Senator Macdonald's proposal with reference to the situation in Nova Scotia. I should like to tell him that, speaking from a personal point of view, I have much sympathy for the position he takes, but having regard to my capacity as a member of the Government, I must oppose the amendment.

In opposing the amendment, I know that Senator Macdonald will understand that I am not doing so in any belligerent way, nor am I doing so in the belief that the practice that has prevailed heretofore in Nova Scotia may not be possible under the terms of the present bill. There may not be a Nova Scotia court with the name that the court there presently has. But by virtue of the fact that the Supreme Court of Nova Scotia will be vested with jurisdiction, as the minister pointed out this morning, there is authority to appoint County Court judges as local judges of the Supreme Court for these purposes. This is precisely what was done in Nova Scotia. I would think that in the long run—

Hon. Mr. Macdonald: Honourable senators, I rise on a point of order. Those judges were appointed judges of the Divorce and Matrimonial Causes Court, not local judges of the Supreme Court.

Hon. Mr. Connolly (Ottawa West): That is right, but I think the same object would be achieved if they were appointed local judges of the Supreme Court of Nova Scotia, in the same manner as they have been in British Columbia, and as I think it is more than likely they will be in Ontario, although that is a matter of speculation.

In any event, I believe there might be some advantage in having uniformity. I am not wedded to the idea of complete uniformity in a country that is a federal state. But in this particular area there might be a great deal of advantage in having the kind of uniformity that this bill proposes. It may even promote the rendering of court decisions which will be uniform throughout the country. I hope that that will be the effect of carrying out the spirit envisaged by the draftsmen of this measure and by the Government in proposing it to the Senate.

Hon. Jacques Flynn: Honourable senators, I want to support the amendment moved by Senator Macdonald.

I was very interested to hear the explanation given by the honourable Leader of the Government of his position—his very difficult position, as he explained it. It means that he has no authority from the Cabinet, that he has not obtained any, and does not think he could obtain any, to agree to an amendment. What he says is that he has to reflect the rigidity of the Minister of Justice before the other place, and before the Standing Committee on Banking and Commerce of this house. He would not budge. He would not accept any suggestions. There were many amendments moved in the committee, but none were accepted.

I can understand the view of the honourable Leader of the Government, but I say that the other members of the Senate who are not members of the Government are not bound by the rule of cabinet solidarity. They are not

even bound by the advice of the Leader of the Government. They are entirely free to accept an amendment if it is reasonable.

Hon. Mr. Grosart: Or should be.

Hon. Mr. Flynn: It does not mean that the Government would be defeated if for once the Senate expressed its view, and if it did it should not be reprimanded by the Government or by the Leader of the Government.

Hon. Mr. Connolly (Ottawa West): I hope the honourable senator would not charge me at any time with reprimanding the Senate, or even a member of the Senate.

Hon. Mr. Flynn: The word "reprimand" may not be the best word to use, but the Leader of the Government implied to his colleagues that the Government would not be well disposed towards an amendment along the lines of that moved by Senator Macdonald. I say that the Minister of Justice has shown rigidity in considering the function of jurisdiction of the court, and that the bill should have provided machinery to give the provinces an opportunity of expressing an opinion on the court best equipped to deal with divorce.

I think that the proposed amendment is adequate for the Province of Nova Scotia, whose divorce court has a great record of service. I cannot see why the Government will not agree to continue the status quo, because no reproaches have been directed towards the court of Nova Scotia, nor did the minister this morning voice any criticism of that court. I think we would do well to give a measure of discretion to the provinces. In any event, this amendment at least seeks to deal with the prevailing situation in Nova Scotia.

I do not like Parliament ordering Nova Scotia to deal with divorce in any other way than it has done so far, merely to try to solve the theoretical problem of achieving uniformity of decisions. It has not been proven that there is such a problem, because we have the appeal courts and the Supreme Court will ensure uniform jurisprudence. The Senate should on this matter, especially on the eve of the federal-provincial conference, show some flexibility towards the demands of the provinces. I hope the attitude of the minister is not indicative of the one that he or the Government will adopt next week.

Hon. Arthur W. Roebuck: Honourable senators, I find myself in a rather difficult position.

To begin with I must tell Senator Belisle that I took the responsability of referring this bill to the Standing Committee on Banking and Commerce. I did so because it is a large committee on which, as the Leader of the Government has said, most if not all of the lawyers of this chamber sit. It is an experienced committee and, as a rule, a capable committee. Yet, I confess that the consideration of this bill which took place yesterday and today left me with a feeling of frustration, and I might even say annoyance.

In the committee I moved about a dozen amendments. I think everybody in this chamber will admit that almost anything which comes from human hands is not perfect, and while this bill follows fairly closely the recommendations of the joint committee, it did not follow them in all respects. Apart from that, no person could draft a bill of this kind without leaving some phrases or some sections open to further consideration and debate. There were a number of things in the bill that I wished to change, and I attempted to do so with a signal degree of unsuccess.

I will not go over this again, but I would mention that I also tried to amend section 2, which Senator Macdonald now proposes to amend, for a reason, which I thought was almost beyond dispute. The bill says:

> " 'court' for any province means—

Then it specifies among others, Ontario.

> —the trial division or branch of the Supreme Court of the province.

I pointed out to the committee that there was no such entity as that in the Province of Ontario, that that was not the name of the court, that the statutes themselves provide that the name of the court shall be the High Court of Justice for Ontario. Consequently, I moved to strike out that phrase so far as Ontario was concerned and use the legislative name, the name given in the Statutes of Ontario to the court that we designate. That and every other suggestion I made was voted down by the committee.

I am satisfied that the designation in the bill will, although I think it is stupid, nevertheless indicate the court in question. So, I determined that as there is no practical need to make the change, I would accept the decision of the committee which I myself honoured with the reference of this bill. There is no practical advantage in my suggestion beyond good draftsmanship, but fancy using a name of a court which is not its name

and then hoping that the judges would interpret what we say rather than using the name itself. However, the judges will so interpret it. Nothing is really lost by my accepting the decision of the committee, and I made up my mind to accept it.

I proposed a number of other amendments. I wanted to include County Courts of the various provinces. I moved an amendment to achieve that end, but the committee voted it down, as they voted down every other suggestion I made.

I have now to balance in my mind the importance of passing this bill, which I advocated to honourable senators in two speeches, first when I presented the bill in a speech lasting an hour and a quarter, and secondly in a speech of an hour's duration when I moved the bill and sponsored it. I think that one of the greatest social reforms which has passed through Parliament in the last hundred years is in this bill. I am also of opinion that the bill drawn and endorsed by the Government is a fair expression of the will of the joint committee, and will in the main carry out the reforms we have in mind. I balance against that these things which are not critically important but should have been attended to—for instance, using the right name of the court—and I waived my objections because nothing really crucial will be lost.

Take Senator Macdonald's motion. I supported that move in committee. I think it reasonable that the Province of Nova Scotia be allowed to keep the court which they have established for many years to carry on this work. I think there is nothing particular to be gained by what we are doing when we take the jurisdiction away from that court. On the other hand, the Province of Nova Scotia is able to correct what I think is our mistake, by simply constituting the County Court judges on that special bench as local judges of the Supreme Court. So, I was ready to accept that, too, because nothing very much is lost by—I was going to say the "stupidity" of the committee—well, I am not going to take that back: I think it was stupid.

Some Hon. Senators: Hear, hear.

Hon. Mr. Choquette: Stubbornness?

Hon. Mr. Roebuck: All right, I will change that to "stubbornness."

Hon. Choquette: I am helpful.

Hon. Mr. Roebuck: Yes, thank you. I was frustrated, knowing the actions of the committee—but, as I took the responsibility of naming that committee, I am not going to challenge its decisions. I will not move here the resolutions which I moved in committee.

Hon. Mr. Belisle: Would the honourable senator permit a question—he has mentioned my name?

Hon. Mr. Roebuck: Certainly.

Hon. Mr. Belisle: In the light of what he said, would he agree that I was a fairly good member of the previous committee?

Hon. Mr. Roebuck: I will agree, generously.

Hon. Mr. Belisle: In view of what the honourable senator said in this assembly, if he was not able to move the honourable Minister of Justice at all, not even half an inch, does he feel that I would have been able to move him—bearing in mind what the honourable leader said? In the circumstances, there was no point in my going to the committee. Three members on your side said to me last night, and again at noon, "He is immovable, and he is wrong." They said they would not be in the Senate this afternoon, because they could not stand the minister.

Hon. Mr. Roebuck: I want to say, as generously as I can, that the honourable senator was a valuable member of the joint committee. I congratulate him on what he did on that committee and I thoroughly appreciated it.

I also will concede to him that whether or not he was a member of the Banking and Commerce Committee, he would not have got any further than I did—

Hon. Mr. Belisle: Thank you.

Hon. Mr. Roebuck: —in trying to focus some of the little detail that I thought ought to have been attended to. My friend can rest with a perfectly easy conscience in that regard.

Honourable senators, the problem which is before us at the moment is whether we go back to that committee with a suggestion such as this—while I support it and now appreciate and agree with it—or whether it would be better to pass this bill, allow the Province of Nova Scotia to appoint the judges of the County Court as local judges of the Supreme Court, and if that is not satisfactory, perhaps

bring in the necessary amendment at some later date.

Hon. Mr. Choquette: Could Ontario do likewise?

Hon. Mr. Roebuck: Yes, the judges can do that under the Ontario Judicature Act.

Hon. Mr. Choquette: As I understand the functions and duties of our County Court judges in Ontario, they can hear many motions and many causes that are within the jurisdiction of the Ontario Supreme Court. If it can be done for the province that we are concerned with now, Nova Scotia, it can be done with our District Court and County Court judges in the other provinces.

Hon. Mr. Flynn: For all the provinces.

Hon. Mr. Roebuck: Yes, it can be done, provided only that their Judicature Act is somewhat similar to that of the Province of Ontario. In the Province of Ontario the judges of the Supreme Court have power to appoint the judges of the County Court to be local judges of the Supreme Court, but the fees are on the High Court scale.

Nevertheless, if they act, I think it will work. So, I am not ready to make an issue of this situation by blocking the bill at this stage. I would rather pass the bill and hear later about some of these things. It will not go into effect for three months after we pass it, until the proclamation. I would rather pass the bill than hold it up on questions of secondary value. This is a question of secondary value which we have before us.

Hon. Mr. Choquette: May I ask another question? In very many instances where the action is within the jurisdiction of the Supreme Court of Ontario, with the consent of both parties and their solicitors the County Court judge may hear some particular action. Could this be done in cases of divorce?

Hon. Mr. Roebuck: No, quite definitely no, not under this bill. It plainly states that the court for the administration of this act is the Supreme Court. It mentions the Supreme Court—it mentions it badly, but it does mention it.

Honourable senators, I am not going over again what I have said, or even preach on this question. This is a great bill; it is a good bill. It could be improved in some measure, in certain details. That should have been done. However, such changes would really not affect the operation of the bill.

Therefore, I suggest to my fellow senators that we pass the bill. I suggest to Senator Macdonald that we had better pass this bill, rather than send it back to the same committee which turned down his amendment and everything else suggested.

Hon. Mr. Flynn: We could adopt an amendment right here.

Hon. Mr. Roebuck: This is not the committee.

Hon. Mr. Flynn: I agree, but the honourable senator knows very well that we could go into Committee of the Whole and bring an amendment in right away. Then we could send the bill, as amended, to the Commons and not lose any time, if he really wants to approve the bill.

Hon. Mr. Roebuck: We send it back to the House of Commons, with all the risks that are taken in that action.

Hon. Mr. Flynn: There is no risk.

Hon. Mr. Roebuck: That would at least delay it.

Hon. Mr. Flynn: They could move very quickly.

Hon. Mr. Roebuck: Honourable senators, Senator Grosart in a recent debate asked whether we could not shorten the three months' delay. I said I did not think so, because the rules of court have to be drawn, the profession has to be familiar with the new act, and so on. I said, "We have waited a hundred years and perhaps if you will wait a little longer, it will not be too serious." Senator Grosart replied, "There are others who have been waiting for this bill who will not agree with you."

After that was published, I received a sheaf of letters, taking my hide off for suggesting further delay, for those who are very anxiously awaiting the passage of the bill.

At the present time I think we ought to go on, pass this bill, and get the three months running. This is not the last time that this measure will be before us. Oh, no, we will have amendment after amendment, as experience grows, as our knowledge widens, as people get to understand just what the bill means. In session after session, we will have reconsiderations of this legislation.

I think it is a matter of good diplomacy and good patriotism, on our part, that we should pass the bill, forgetting for the moment the

little divergencies that we have had, the scraps, in the Banking and Commerce Committee. I took most of the beating, a good deal more than Senator Macdonald did, in the way of frustration. I am ready to forget, and go on with our work.

Hon. Senators: Hear, hear.

Hon. Mr. Grosart: May I ask the honourable senator a question, arising out of the last part of his remarks?

I believe he said at one time—I think it was on December 20, as reported in our *Hansard* —that he had every assurance or very good reason to believe that before this bill comes into force, three months after Royal Assent, there will be amendments. Is that the situation, as he understands it now?

Hon. Mr. Roebuck: No, I do not think I said that, because I had no such assurance. I did give my friend an assurance that there would be rules of court made in all the provinces during those three months, which in all probability would help to make the bill more workable. Certainly, I did not say I had any assurance. What I did say was that, during those three months, amendments could be made, not that I had any assurance they would be made. I did say that I had the assurance from the department of an amendment, and that is the amendment that is now before us.

Hon. Mr. Flynn: Not in December.

Hon. Mr. Roebuck: When I closed the debate I made that statement. The question had arisen with regard to forgetting the nullity provisions of the bill which we passed in 1930, and I gave you the assurance then that I had an amendment in my charge which had been drawn up by the department and agreed to by the Minister. That amendment was passed by the committee and is now before us.

Hon. Mr. Connolly (Ottawa West): Question.

Hon. G. Percival Burchill: Honourable senators, before the amendment is put, I want to say to the Senate and to Senator Macdonald (Cape Breton) that I have every possible sympathy for his viewpoint. I agree with him wholeheartedly. I was disappointed with the attitude of the Minister this morning. I thought he was not as reasonable as he should have been in some of the proposals that were made. I agree with Senator Macdonald that Nova Scotia should be allowed to retain its Court for Divorce and Matrimonial Causes.

However, after listening to the subject of divorce all day yesterday and today, hearing lawyers arguing the pros and cons for a full day and a half, I, as a layman, am so sick and tired of the subject that I will do almost anything to get this bill through. So, after hearing the honourable Senator Roebuck who is really the architect of this legislation, I am prepared to follow his example and hope that the Province of Nova Scotia will make representations to the Government to the end that amendments will be brought forward which will cure the situation that Senator Macdonald has spoken of.

Hon. Clement A. O'Leary: Honourable senators, I am sorry to hear the honourable senator who has just spoken say what he did. I do not feel, as Senator Roebuck does, that there will be amendments after amendments that will allow us to retain a provincial institution which has served the province and its people very well indeed. That institution has been competent; it has been efficient.

I am not going to lecture anybody on his obligations or responsibilities, but I accept mine and I believe that we in this chamber have the right, indeed the duty, to preserve these provincial institutions which have served so well. I do not think that any bill which seeks to destroy or remove that which is good, that which has been effective, is a good bill.

The only reason that has been given for removing such institutions is that it is in the cause of uniformity. Senator Macdonald has already shown that to be a very weak and inadequate answer. The attitude, in not granting this request, has been called one of obstinacy and stubbornness. Senator Grosart suggested it was both.

I do not attribute motives, but I do not see any reason for not complying with the request that has been made. Consequently, I stand by the motion for amendment and I certainly support it.

Hon. Gunnar S. Thorvaldson: Honourable senators, I will be very brief in the remarks that I have to make. The only reason I make them is that I have great sympathy for the merits of the amendment which my colleague seeks to make. Unfortunately, I have had to tell him that for certain reasons I cannot support it under the circumstances in which we find ourselves regarding this bill.

I had intended to say more, but I must simply say that I concur in the reasons given by Senator Roebuck as to his unwillingness to support the amendment. I am quite aware that Senator Roebuck and some others on the other side of the house would have liked to see this amendment made in the committee this morning, with the minister agreeing to it.

We find ourselves in this situation as I see it: if we throw into this bill an amendment which is controversial in the House of Commons, then I despair of when this bill will become law.

Hon. Mr. Roebuck: That is right.

Hon. Mr. Thorvaldson: Therefore, the reason I cannot support this is that I think it is only sensible for us to send this bill back to the other place without controversial amendments in it, in other words, without amendments which first will have to go to the Cabinet and then will have to be debated in a controversial fashion over in the other place.

If we do that, when will this bill come back here? When will it become law?

Hon. Mr. Roebuck: Goodness knows.

Hon. Mr. Thorvaldson: There are millions of people in this country who are looking forward to this bill going through without any more time being wasted.

Hon. Mr. Flynn: Surely not millions!

Hon. Mr. Thorvaldson: And I submit that it will be a real danger to the passage of this bill within a reasonable period, if we send it back to the other place with this controversial amendment.

Hon. Mr. O'Leary (Antigonish-Guysborough): May I ask the honourable Senator Thorvaldson a question? It may be a personal question, but I am sure he will not mind answering it.

Hon. Mr. Thorvaldson: Yes.

Hon. Mr. O'Leary (Antigonish-Guysborough): Did the honourable senator support this amendment in committee?

Hon. Mr. Thorvaldson: I must reply to my honourable friend that I was one of those who supported the legislation as it came to this house in regard to the jurisdiction of the courts. I can tell my friend very briefly why I did that, and I think it is obvious why the Government insisted on its point of view in this regard.

Bearing in mind that we have the position of the United States as an example before us, my position is this: in the United States, divorce jurisdiction is in the states. What has happened there? There, you have certain states, especially Nevada, becoming black spots on the map of the country in regard to the way they have handled the divorce problem over the years. I think particularly of Reno, for example.

There is a great danger unless care is exercised in regard to jurisdiction that is given to courts that some province or territory—even a province like Prince Edward Island or a territory like the Yukon or the Northwest Territories—might become a divorce haven in this country. That is something I do not want to take a chance on. That should not happen in Canada.

Somebody said that uniformity is bad. Well, uniformity is not always bad. I think it is wholly essential that there should be uniformity in regard to the jurisdiction of our courts in respect of this very important bill.

Hon. Allister Grosart: Honourable senators, I would like first to express my admiration and sympathy for Senator Roebuck and the position in which he has been placed. He was the sponsor of the bill, and as such he had the courage to propose in his speech in this chamber and in committee certain amendments which I, for one, believe would have improved the bill. We now have an indication, I think, as to why he was faced with frustration. We have had this extraordinary statement from the Leader of the Government (Hon. Mr. Connolly, Ottawa West), that because of this interpretation of the theory of cabinet responsibility, the amendments proposed by the sponsor, his colleague and almost his seatmate, had to be opposed by the leader.

Hon. Mr. Connolly (Ottawa West): I did not say that.

Hon. Mr. Roebuck: He did not oppose it.

Hon. Mr. Grosart: I may be mistaken, but my understanding is that the Leader of the Government made it very clear that his interpretation of the principle of cabinet solidarity was that he must support any Government bill in the exact terms in which it comes to us. That was my understanding of his statement. If I am wrong I will be happy to be corrected, because I would not like to believe that the Senate is being placed in the position that that interpretation of cabinet solidarity

would place it in. I suggest that it would make a mockery of the whole position of the Senate.

Hon. Mr. Connolly (Ottawa West): Perhaps the honourable senator would not mind if I simply said this: My interpretation of my position as a member of the Government as far as the principle of cabinet solidarity is concerned has been made very clear. But I would add that that does not bind individual members of the Senate. I am the only one bound by that. Surely there can be no question on that point.

I would add this: The Minister of Justice came to the committee this morning. He discussed the proposed amendments with the members of the committee and he succeeded in securing the support of the majority of the members for the views he expressed. We must keep in mind that this is his bill and he was speaking as the responsible minister directly to the members of the committee. I feel that I am bound by the results of that discussion and that decision of the committee since it obviously reflects Government policy.

Hon. Mr. Grosart: I thank the honourable leader for his explanation, and I will say no more on that.

As I have said, I sympathize with the position in which Senator Roebuck was placed, and I have the greatest admiration for his courage. I can only say that it might well have been the better part of wisdom for the Department of Justice to have allowed Senator Roebuck to draft the bill rather than the draftsmen who did the job.

I come now to the question I raised with Senator Roebuck—and I do not in any way want to embarrass him. I want to read to you from what he said on December 20, because I am hoping that what he said on that occasion will prove to be true, that we will have some amendments to this bill, particularly along the lines suggested by Senator Fergusson, Senator Flynn and Senator Macdonald (Cape Breton) before this bill becomes law. Referring to page 706 of Senate *Hansard* of December 20 last, I read as follows:

> I am hoping—and I have grounds for my hope—that these matters that I have mentioned, and particularly, that of the county courts, will be dealt with during the three months' wait after this bill has received Royal Assent and before it is brought into effect by proclamation, in order that these matters may be investigated and perhaps dealt with in an amending bill, which could be before us in a very short time.

I repeat that I am not quoting that in any way to embarrass my honourable colleague. I believe that must have been his understanding at the time, and I merely add that I hope that the source from which he received that understanding will now honour it. I think it would be to the benefit of us all, and certainly to the benefit of this bill and to those who will be affected by it, if certain amendments were made before this bill becomes effective.

Now, honourable senators, to bring myself in order under the amendment, I say that I support the amendment largely on the ground that I do not want to see a bill as bad as I consider this one to be put through Parliament in the way it is being put through, to be administered by any court other than the court that previously administered divorce in the Province of Nova Scotia or anywhere else.

Hon. Mr. Roebuck: Will the honourable senator allow me a word? He has been very kind to me and I appreciate that. But I want to point out that I did not say that I have any assurance, nor did I want to give the impression that I had any assurance—and I hope I did not give that impression—from the Government. My only intention was to express the hope that I still entertain.

Hon. Mr. Grosart: And I hope the hope will not be disappointed.

I was interested in hearing Senator Connolly (Ottawa West) discuss the broad principles of this bill, particularly relating them to what I believe he would call the Christian concept of marriage. I wonder if Senator Connolly and other senators are really aware of what this bill says. I believe there was some doubt in committee about this, and I believe there is still serious doubt in the minds of some honourable senators. The bill in effect says, and I am sure Senator Roebuck will agree with me, that if a couple live apart and are separated for three years for any reason other than desertion—and I repeat "for any reason"—either party has the right to petition for divorce. That is what the bill says. We find it tucked away in a subparagraph of clause 4.

Now, honourable senators, I want to make clear that although I support the principle of the bill, and I support the extension of the grounds for divorce, and I believe this bill will right many wrongs, and I am not opposing its principle in any way, nevertheless, I do want to make my protest

about the manner in which this extension, this very broad extension, was brought in by the back door instead of by the front door, because any reading of the bill will make it clear that subparagraph (e) nullifies two of the other paragraphs. It says that if the spouses have been living separate and apart for three years for any reason either party may petition for divorce. Then one of the others says that if a party is in prison for three years—

Hon. Mr. Thorvaldson: Is the honourable senator speaking to the amendment?

Hon. Mr. Grosart: I am. I attempted to bring myself in order by saying that I am supporting the amendment because of the manner in which this bill was written and put before Parliament.

Honourable senators, I merely say this: Clause 4 of this bill is camouflage. When we come to subclause (e) we suddenly see the words "for any reason". I do not object to that, but I would not like to see this chamber accept the bill which is a hodgepodge of prose and which is so full of camouflage. Had it been an honest bill, it would have started out by saying, "In future in Canada it will be grounds for divorce if, for any reason, a couple live apart for three years."

Hon. Mr. McDonald: That is your interpretation and nobody else's.

Hon. Mr. Grosart: With due respect to Senator McDonald, I asked this specific question of the deputy minister, and I think that those who were in the committee will agree with me.

Hon. Mr. MacKenzie: On a point of order, I understood that we were dealing with an amendment to clause 2 of this bill. I believe the matter presently being discussed is clause 4.

The Hon. the Speaker: I agree with honourable Senator MacKenzie. However, honourable senators will have noticed that I have allowed great latitude to Senator Connolly (Ottawa West), Senator Roebuck, Senator Belisle and others; and I do not want to be unfair to any honourable senator. Nevertheless, I would at this time ask honourable Senator Grosart to restrict himself to the amendment that we are now discussing, because I feel that I have given him enough latitude. Again, I say that I do not want to be unfair to anyone, but for the sake of orderly debate I would ask honourable Senator Grosart to restrict himself to the amendment under consideration.

Hon. Mr. Grosart: I of course accept the ruling of the Chair and thank the Acting Speaker for the good advice he has given me in his present capacity, advice which he gave me when he was Speaker in another capacity. It is like old times to be called to order by the Acting Speaker.

I have nothing to add; I have had my say on this. I thank the Honourable the Acting Speaker for allowing me to say it and for calling me to order at the time he did, and not before.

Hon. Walter M. Aseltine: Honourable senators, I find myself in a very difficult position at this moment. I am very much in sympathy with Senator Macdonald's amendment. I would like to have had the committee decide that those courts would remain in being. I would also like to have had the committee suggest or bring in an amendment that would have given the County Courts jurisdiction. But this is the position I am in.

It is just 30 years ago this month that Senator McMeans and I introduced a bill for the purpose of accomplishing what we are trying to do here now, and I do not want to do anything that will interfere with this bill being passed at this time, although it might mean that I would have to vote against my friend from Nova Scotia.

Hon. Mr. Connolly (Ottawa West): No one wants to do that, of course.

Hon. Mr. Aseltine: No. Certainly, I do not want to do it.

For that reason, I hope there will be no division on this motion, because I feel very strongly on the question of divorce. I have tried on three different occasions over the last 30 years, through three different bills, to accomplish what we are doing now, and I do not want anything in the world to interfere with the passage of this bill. I have no hope whatever that, if it is referred back to committee, there will be any different decision.

Hon. Mr. Roebuck: Exactly.

The Hon. the Speaker: Honourable senators, with leave of the Senate, it is moved by the honourable Senator Roebuck, seconded by the honourable Senator Benidickson, that this bill, as amended, be now read the third time.

In amendment, it is moved by Senator Macdonald, seconded by Senator O'Leary (Antigonish-Guysborough), that this bill be not now read the third time, but that it be referred to the Standing Committee on Banking and Commerce.

Is it your pleasure, honourable senators, to adopt the motion in amendment? Those in favour of the motion in amendment will say "Content."

Some Hon. Senators: Content.

The Hon. the Speaker: Those against the motion in amendment will say "Non-content."

Some Hon. Senators: Non-content.

The Hon. the Speaker: In my opinion, the non-contents have it.

Hon. Mr. Flynn: It is obvious!

The Hon. the Speaker: I must declare that the motion in amendment is lost.

With leave of the Senate, it is moved by the honourable Senator Roebuck, seconded by the honourable Senator Benidickson, that this bill, as amended, be now read the third time.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Carried.

Some Hon. Senators: On division.

Motion agreed to and bill read third time, on division.

The Hon. the Speaker: A bill, honourable senators, originating in the House of Commons intituled an Act respecting Divorce has been read the third time, as amended, and is now ready to pass. Is it your pleasure, honourable senators, to pass this bill?

Hon. Mr. Macdonald: On division.

Bill passed, on division.

TERRITORIAL LANDS ACT, LAND TITLES ACT, AND PUBLIC LANDS GRANTS ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. A. Hamilton McDonald, for 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-32, intituled: "An Act to amend the Territorial Lands Act, the Land Titles Act and the Public Lands Grants Act", has in obedience to the order of reference of January 30, 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. McDonald: 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. Mr. McDonald: 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.

FEDERAL SCIENTIFIC POLICY

SECOND REPORT OF SPECIAL COMMITTEE ADOPTED

Hon. Maurice Lamontagne presented the second report of the Special Committee on the Scientific Policy of the Federal Government, as follows:

> Your Committee recommends:
>
> 1. That it be empowered to adjourn from place to place; and
>
> 2. That, notwithstanding any prorogation of Parliament, the supporting staff of the Committee shall continue in the employ of the Senate upon the terms and conditions of their respective contracts and under the management and direction of the honourable senator now chairman of the Committee.

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.

PRIVATE BILL

THE BONAVENTURE AND GASPÉ TELEPHONE COMPANY, LIMITED—SECOND READING

Hon. Leopold Langlois moved the second reading of Bill S-33, respecting The Bonaventure and Gaspé Telephone Company, Limited.

He said:

[*Translation*]

Honourable senators, I shall certainly be permitted to join with those who expressed their wishes and congratulations to our new Clerk to tell him how we rejoice at having him among us. I offer these wishes and these congratulations, having known Mr. Fortier for several years and having the honour of counting him among my personal friends.

I know that his sojourn among us will be fruitful and that he will serve his country here as he has done in the high functions he has occupied to this day.

Honourable senators, the purpose of this bill is very simple for, as shown by the explanatory note, attached to the bill, its object is to resolve doubts as to whether The Bonaventure and Gaspé Telephone Company, Limited may dispose of its undertaking to a company incorporated under or subject to the laws of a province.

It is a matter of establishing clearly the power of The Bonaventure and Gaspé Telephone Company Limited, incorporated by a special act of the Parliament of Canada, to sell its telephone network to Quebec Telephone, a company incorporated in accordance with and subject to the laws of the Province of Quebec.

Obviously, such a sale, if carried out, will result first of all in the operation of the telephone network of The Bonaventure and Gaspé Telephone Company Limited passing from the control of the Canadian Transport Commission to that of the Public Service Board of the Province of Quebec.

The special 1907 act which set up The Bonaventure and Gaspé Telephone Company Limited—and I would refer honourable senators to chapter 64 of the 1906-1907 Statutes—was amended by chapter 86 of the 1955 Statutes in order, among other things, to empower the company to sell its business under the following conditions: first, the sale has to be approved by a meeting of shareholders called together for this purpose, at which meeting two thirds of the shares issued must be represented by shareholders present in person or by proxy; second, the sale cannot take effect unless first approved by the Board of Transport Commissioners which, as the honourable senators know, has since become the Canadian Transport Commission.

These conditions which I have just summarized are contained in clause 11 of the special act of 1907, as amended by the 1955 amendment, which reads as follows:

I quote clause 11 of the special act, as it exists today:

> The Company shall have power to sell and dispose of the undertaking of the Company and its rights and properties for such consideration as the Company may think fit: Provided that no such sale or disposal shall be made until it is approved by a meeting of shareholders duly called for that purpose, at which meeting two thirds of the issued shares are represented by shareholders in person or by proxy, and provided further that no such sale or disposal shall take effect until it has been submitted to and approved of by the Board of Transport Commissioners.

However, that clause 11 does not say in clear and precise terms that the company can enter a sales agreement whose effect would be to withdraw that company from the authority of the Parliament of Canada, as will be the case in the sale proposed in this instance and, for that reason, it was deemed advisable to seek an amendment to said clause 11, in order to clarify its import, by specifying that such sale cannot be made to any company or person—and this is the significant change—subject or not to the legislative control of the Parliament of Canada. Such clarification of the wording of clause 11 is achieved by adding to the existing wording the following:

> 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".

Incidently, honourable senators, I must call your attention to what, in my opinion, is a weakness of the translation, to say the least, with reference to "poursuivre une affaire". I think that we could substitute for it the words "poursuivre un commerce dans les limites des objets et pouvoirs de la compagnie" because the term "affaire", in the meaning which is given to it here, is not, in my opinion, the appropriate term.

That is all the bill achieves. Therefore, it is a bill whose sole purpose is to clarify the existing legislation concerning the incorporation of the company, in order to authorize the sale of its system, as I said earlier, to Quebec Telephone.

For the information of the honourable senators, and as additional information, I wish now to give some particulars regarding the history of those companies concerned, the investments proposed to modernize the telephone system of The Bonaventure and Gaspé Telephone Co. Limited, and, finally, the benefits which could result from the purchase of that company's system by Quebec Telephone.

With regard to the relationship between the two companies, let me say, first of all, that The Quebec Telephone Company took over control, in 1953, of the common shares of The Bonaventure and Gaspé Telephone Company Limited and, since then, the former company has been holding over 99.9 per cent of the social capital of the latter.

As far as telephone operations are concerned, the two companies have been merged completely since that date. In fact, since 1953, the various services of Quebec Telephone administer and operate all services of The Bonaventure and Gaspé Telephone Company Limited, namely, the system's engineering, traffic, personnel, construction, accounting and legal divisions, with a view to improving the service in the interest of subscribers. The employees of the two companies are represented by the same labour unions and paid on the same wage scale.

In 1953, the fixed assets of The Bonaventure and Gaspé Telephone Company, Limited were valued at $520,000, that is roughly $184 per telephone. In 1966, the system was worth $7,600,000, or $630 per telephone. The value of the fixed assets of the company, therefore, increased 13.7 times over a period of 14 years, that is the period since 1953 when Quebec Telephone bought the company stock.

Future planning for the system involves additional expenditures of some $6,800,000, over a period of three years ending in 1970, to modernize the system. With the completion of that improvement program, the company will have made total investments of $14,150,000, or an average of $920 per telephone.

To make these new investments, the company will have to resort to financing which it cannot achieve itself; that is why it has to resort to Quebec Telephone. The integration of operations is now completed. The distinct corporate frameworks of both companies have no longer any practical advantage neither for subscribers nor for the companies. In fact, both companies, subscribers have to support the high and useless costs resulting from the difficulty of distributing the costs between the two companies, keeping separate books, making distinct studies of compensation, preparing separate reports and making separate compilation. There is also the double sales tax on the equipment exchanged between the two companies for various service reasons. It is felt that those unnecessary expenditures due to the duplication of the corporate structures of the two companies can reach $75,000 to $80,000 a year.

In closing, the sale of The Bonaventure and Gaspé Telephone Company, Limited will legalize a situation which already exisits in fact and, on all counts, as I have just explained, it will be to the advantage of the two companies and their subscribers.

I must add a last word as additional information for honourable senators. The territories served by the two companies extend solely within the limits of the province of Quebec; moreover, the territory served by The Bonaventure and Gaspé Telephone Company, Limited is surrounded by that served by Quebec Telephone.

I, therefore, commend this bill to the attention of honourable senators.

[*English*]

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Langlois, bill referred to the Standing Committee on Transport and Communications.

On motion of Hon. Mr. Deschatelets, the Senate adjourned until 8 p.m.

At 8 p.m. the sitting was resumed.

ROYAL ASSENT

NOTICE

The Hon. the Speaker informed the Senate that he had received the following communication:

Government House
Ottawa
1 February 1968.

Sir,

I have the honour to inform you that the Hon. J. R. Cartwright, M.C., Chief Justice of Canada, acting as Deputy to

His Excellency the Governor General, will proceed to the Senate Chamber today, the 1st February, at 9.45 p.m. for the purpose of giving Royal Assent to certain bills.

I have the honour to be,
Sir,
Your obedient servant,
A. G. Cherrier
Assistant Secretary
to the Governor General.

The Honourable
The Speaker of the Senate

ADJOURNMENT

Leave having been given to revert to Motions:

Hon. John J. Connolly: Honourable senators, I move, with leave of the Senate, that when the Senate adjourns today it do stand adjourned until Tuesday, February 20, at 8 o'clock in the evening.

Honourable senators, I should say a word or two about this motion. No one can be sure when the legislation with respect to broadcasting will be completed in the other place or when we will have other legislation from that house.

As honourable senators know, we have the right to adjourn and, with the consent of His Honour the Speaker, to recall the Senate when required. I will be in Ottawa throughout the proposed adjournment. I would think, frankly, that we would be recalled before February 20. In any event, I will watch proceedings and I will not recall the Senate unnecessarily.

I would like to add, however, that there are two committees of the Senate which are dealing with important work. One is the Special Committee on the Scientific Policy of the Federal Government and the other is the Committee on Hate Propaganda. Even though the Senate be adjourned, it is important that the work of these committees should continue. This puts more of a burden upon those who are members of committees than upon those who are not.

Both of these committees have authority to sit when the Senate is not sitting. I venture the prediction at this time that, as a result of the loss of the divorce jurisdiction here for practical purposes—as it will be transferred to the Exchequer Court—the work of the committees even when the Senate is not in session will become more and more important. It is going to become more and more important not only for senators but for Parliament and for the country as a whole.

Hon. Mr. Aseltine: Hear, hear.

Hon. Mr. Connolly (Ottawa West): Therefore, I hope that if members are required to come to Ottawa to deal with the work of standing or special committees of the Senate, they will respond readily to the suggestions made by the chairmen or the steering committees of these committees.

I do not want to make a long speech on the matter now, but I really do not feel that I am overemphasizing the position when I speak as I do. It does put a heavier onus upon individual members of the Senate.

We happen to have a small number here tonight, but, for honourable senators who are not able to be here at this time, my remarks will be in *Hansard* for them to read.

I am also sure that the more experienced members of the Senate will be able to counsel the newer members on the importance of this aspect of our work. It is going to become more and more important as the days go on. Perhaps I should not go quite so far as this, but if it is not done properly, it could seriously damage the position of the Senate.

The only other thing that I would add is to remind you that we will have Royal Assent this evening at approximately 9.45 and I urge all honourable senators here now to give their attendance then so that there will be no doubt about having a quorum at that time.

The Hon. the Speaker: May I be permitted to add one word also? Besides the two committees the honourable leader has just mentioned, there is also the Joint Committee on the National and Royal Anthems that will be meeting.

Hon. Mr. Connolly (Ottawa West): Yes, I should have mentioned the Joint Committee on the National and Royal Anthems.

Hon. Mr. Cameron: Honourable senators, I am very pleased with the statement made by the Leader of the Government. We had this morning a meeting of the Special Committee on the Scientific Policy of the Federal Government. I am happy to say I am a member of that committee. When I look at the task in front of us, it seems monumental, especially if we are to do the job that could and should be done. However, it is a task I am confident will be done and one which will have far-reaching and long-range value to Canada.

I believe I can assure you, sir, that so far as the members I know are concerned they will be happy to give their complete attention to this job.

Hon. Mr. Belisle: Honourable senators, I do not want to be unkind to the Leader of the Government. However, in view of what took place in the house this afternoon—and bearing in mind that I also am a member of the Special Committee on Scientific Policy—could the honourable leader, after the statement he has just made, give us any assurance that the recommendations of this committee will produce better results than the recommendations made by the Special Joint Committee on Divorce?

Hon. Mr. Connolly (Ottawa West): Well, I think that is begging the question, if I may describe it that way. Certainly, so far as I am concerned, I am always in the hands of the Senate, just as I am always in the hands of the committees of the Senate. Nobody can go further than that. I can give no assurance regarding what is to be done, but just look at the work of these two committees and bear in mind what Senator Cameron has said. And perhaps if you have heard what I have from members of the scientific community as to the importance they attach to this scientific committee by reason of the fact that a national forum is thereby being provided for a discussion of such important subject matter, I think you will agree that the very fact we have committees of this kind makes the Senate a useful institution. It is for this purpose that we should be doing more of this type of work in the Senate. I do not say that every recommendation of every committee is going to be accepted by the Senate or that recommendations proposed by a report of the Senate would necessarily come into law just in the form in which they are recommended. But I think, broadly speaking, that since Senator Belisle has referred to the Divorce Bill, one must say that by and large the recommendations made by the Joint Committee on Divorce over which Senator Roebuck and Mr. Cameron presided, have been implemented. There are other recommendations that have been made by other committees of the Senate that have been implemented. Look at what has resulted from the Committee on Land Use. We would not have had the ARDA program without it. Look what has happened as a result of the Special Committee on Manpower and Employment. You have a whole new department of government set up as a result of what the senators here did. Look at what happened in respect to the Committee on Consumer Credit and the Committee on Aging. In each case legislation has followed. I do not say that it has been exactly in the form in which the recommendations emerged from those committees. But the spark plug that originated these ideas was right here in this chamber and I am very proud of that. And the work done by members on both sides of the house contributed mightily to those achievements.

We are much too reticent in this chamber about the work that we do, and we are too ready to accept the downgrading that does go on about the work of the Senate. Honourable senators, I am very proud to be a senator. I do not think that I have ever been prouder in my life than I was when I was summoned to this honourable house. I am very proud of the way this house performs, but I think it can perform much more effectively than it does. I think that public discussion in the forum that this house provides on questions of urgent public importance is one of the functions that can make the Senate what it was originally intended to be when it was set up by the Fathers of Confederation over a century ago.

Motion agreed to.

The Senate adjourned during pleasure.

At 9.45 p.m. the sitting was resumed.

The Senate adjourned during pleasure.

ROYAL ASSENT

The Honourable John Robert Cartwright, M.C., Chief Justice of Canada, 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 Royal Assent to the following bills:

An Act to incorporate Vawn Pipe Lines Ltd.

An Act to incorporate Cabri Pipe Lines Ltd.

An Act respecting Trans-Canada Pipe Lines Limited.

An Act respecting Divorce.

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.

PENITENTIARIES

PROPOSED JOINT COMMITTEE

The Hon. the Speaker: Honourable senators, I have the honour to inform the Senate that the following message has been received from the House of Commons:

Resolved: That a Joint Committee of the Senate and House of Commons be appointed to consider the state of penitentiaries under the control of the Government of Canada and the plans of the Government in relation thereto with powers to report from time to time its observations and opinions thereon; send for persons, papers and records; adjourn from place to place, sit during sittings of the house; and print from day to day such papers and evidence as may be ordered by the committee, and that Standing Order 66 be suspended in relation thereto;

That fifteen members of the House of Commons, to be designated at a later date, act on behalf of the house as members of the said committee;

Ordered: That a message be sent to the Senate requesting that house to unite with this house for the above purpose, and to select, if the Senate deem advisable, some of their members to act on the proposed joint committee.

Attest

Alistair Fraser,

The Clerk of the House of Commons.

Honourable senators, when shall this message be taken into consideration?

Hon. Jean-Paul Deschatelets: Now. Honourable senators, I move, with leave of the Senate:

That the Senate do unite with the House of Commons in the appointment of a Joint Committee of both Houses of Parliament to consider the state of penitentiaries under the control of the Government of Canada and the plans of the Government in relation thereto, and to report from time to time its observations and opinions thereon;

That the Joint Committee have power to send for persons, papers and records; to adjourn from place to place; to sit during sittings and adjournments of the Senate; to print from day to day such papers and evidence as may be ordered by the Joint Committee; That the following senators be appointed to act on behalf of the Senate on the Special Joint Committee, namely, the Honourable Senators Benidickson, Cameron, Fergusson, Fournier (*Madawaska-Restigouche*), Gouin, Inman, Irvine, O'Leary (*Carleton*), and Prowse; and

That a Message be sent to the House of Commons to inform that House accordingly.

Motion agreed to.

The Senate adjourned until Tuesday, February 20, at 8 p.m.

APPENDIX

(*See p. 798.*)

DIVORCE BILL

SUMMARY OF THE DEBATES OF THE HOUSE OF COMMONS ON THE WOODSWORTH BILL OF 1930 TO ESTABLISH DIVORCE COURTS IN ONTARIO

The bill was defeated in the session of 1929.

March 5, 1930—Mr. Woodsworth moved it once more.

Passed on first reading, on division. (p. 292).

March 11, 1930—Hon. Ernest Lapointe, Minister of Justice: "I just desire to say I am opposed to this bill for the same reasons I have opposed it before, and for the reasons I have also opposed other legislation proposed in the House dealing with divorce. I wish to say that I oppose it from a civil, moral and social point of view. I wish merely to add that the fact that jurisdiction is given to this parliament in matters of divorce does not mean that we are bound either to grant divorce ourselves by private legislation or to authorize the courts to dissolve marriage". (p. 502)

The bill was defeated on second reading by the Speaker's ballot, the hon. Rodolphe Lemieux. (pages 502-503).

March 12, 1930—Motion of Reverend William Irvine, United Church minister and member of the United Farmers Association of Alberta in an effort to revive the bill defeated for failure to give notice. (P. 522).

March 18, 1930—Mr. Irvine again moves his motion (p. 697) which this time is agreed to by a vote of 104 against 87, (p. 705). Messrs, Irvine, Lapointe, Cahan, Geary, Marcil, Bell, Mercier, Gagnon, Stewart, Bourassa, Bennett.

March 18, 1930—Mr. Thomas McMillan, presbyterian, Liberal member for Huron South, moved the following motion to amend Mr. Woodsworth's motion for second reading of the bill:

"That all the words after 'that' be struck out and the following substituted therefor:

"This House views with alarm the spread and increase of divorce and divorce applications in Canada, and instead of providing additional means of obtaining divorce the House would favour the encouragement and carrying on of a campaign of education for the purpose of impressing upon the hearts and the minds of the Canadian people the sacredness of the matrimonial tie and the permanent stability of the Canadian home. (p. 718). Messrs. Woodsworth, McMillan, Lapointe, Irvine, Speaker, Rinfret, Bennett, Adshead, Young, Arthurs, Dunning, Spotton, Ladner, Kaiser, Garland, Sinclair.

March 25, 1930—Debate resumed on the McMillan motion which was defeated (pp. 949-950). Messrs. Peck, Mackenzie King, Woodsworth, Brady.

March 28, 1930—Debate resumed on the second reading of the bill (p. 962). Messrs. McIntosh, Mr. Speaker.

April 1, 1930—Debate resumed (p. 1162). Mr. George Spotton, of the United Church, Conservative member for Huron North, moved a six-months' hoist of the bill.

April 1st, 1930 (p. 1163)—Extract from speech of Mr. George Spotton (North Huron), Conservative.

"... Many harsh things have been said in the press and elsewhere in connection with this matter, but I think we should be able to approach it from the standpoint of information and fact. I find in a paper published in the city of Toronto, in connection with the recent vote on this bill, the following statement:

"One would think that the very fact of the insolent clerical interference would drive the Protestants together".

"In other words, because an eminent clergyman of another faith has spoken against a divorce court for the province of Ontario, without any consideration whatever I should simply turn and go in the opposite direction. That appeal, Sir, will not stand in the province of Ontario; that statement is not worthy of the source from which it comes and entirely misrepresents the spirit and teaching of the people they are supposed to represent. The article proceeds:

"But the vote of last week proves either that they—

"That is who dared to vote against the divorce court of Ontario.

—are supremely indifferent to the menace of clerical control, or they have come under the influence of the Roman Catholic bishops and priests in their own constituencies..."

Motion Spotton defeated by 85 to 98. Woodsworth Bill passed on second reading by 100 to 87—(pages 1166 to 1168).

April 8, 1930: Woodsworth Bill in a committee of the whole, (p. 1375), Messrs, Woodsworth, Church, Mackenzie King, Bennett.

New amendment of Mr. Arnold N. Smith, Anglican, liberal M.P. for Stormont, that the Woodsworth Bill will come into force at a date set by proclamation within three months after reception by the Secretary of State of Canada of a certified copy of an order in council of the government of Ontario requesting the coming force of this legislation. (p. 1377). Messrs. Smith, Church, Cahan, Bennett, Lapointe, Gardiner, Bell, Woodsworth, Hanson, Heaps, Brown, Chaplin, Ryckman, Guthrie, Maloney, Cotnam, McGibbon, McMillan.

April 29, 1930: Smith amendment negatived 38 to 63 (p. 1566). Bill reported on division. Messrs. Church, Bennett, Smith, Woodsworth, Dunning, Boys, Chevrier.

May 6, 1930: Smith amendment negatived—65 to 94 (p. 1836). Messrs. Woodsworth, Smith.

May 6, 1930: Lieutenant-Colonel James Arthurs, Presbyterian, conservative M.P. for Parry-Sound since 1908, moves three months hoist (p. 1837), motion negatived—83 to 100.

May 6, 1930: Mr. C. H. Pettit, Anglican, Conservative M.P. for Welland, seconded by Mr. Joe Harris, Presbyterian, Conservative member for Toronto-Scarborough, moves previous question. Motion carried. 104 to 78 (p. 1836).

May 6, 1930: Bill carried on third reading—100-85 (p. 1839). Messrs. Bennett and Dunning voted for and Messrs. Manion and Lapointe voted against.

THE SENATE

Tuesday, February 13, 1968

The Senate met at 8 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 salary revisions and related matters, and recommending the discontinuance of library service on Sundays during the session and submitting the amended regulations for approval.

The Clerk Assistant (*Reading*): The Joint Committee on the Library of Parliament—

Hon. John J. Connolly: Honourable senators, it might be desirable to dispense with the reading of this report at this time. If it is agreeable, I would move that it be considered at the next sitting, so that all honourable members will have the opportunity of perusing the report rather than merely hearing it read.

Motion agreed to.

BROADCASTING ACT

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-163, to implement a broadcasting policy for Canada, to amend the Radio Act in consequence thereof and to enact other consequential and related provisions.

Bill read first time.

SECOND READING—DEBATE ADJOURNED

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Keith Davey, with leave of the Senate, moved the second reading of the bill.

He said: Honourable senators, Bill C-163 is in one sense a controversial piece of legislation. I suggest that this must inevitably be so because it deals with broadcasting, an activity which touches almost all of our lives every day, an activity in which we are all experts or, at least, in which we are all able to offer valid opinions, an activity in which the Government is directly involved in several ways, and an activity whose operation, supervision and, indeed, our own reactions, are inextricably linked with human judgment. For all these reasons, honourable senators, broadcasting can be an emotional issue. Indeed, this was nowhere more evident than in the debate in the other place. This, of course, presents me with an opportunity and special challenge to be both full and objective in my presentation.

I would like to make one or two personal observations, but hopefully I will be able to do so in a constructive and non-partisan way, a way in which I will make it perfectly clear when I am not dealing with the substance of Bill C-163.

Perhaps I should say at the outset that the bill will be sent to the Standing Committee on Transport and Communications. I understand that while it is there the committee will call, among others, the Secretary of State, the new President of the C.B.C., and the Chairman of what is still the Board of Broadcast Governors.

Before turning to the particulars of the bill, I would like to refer briefly, first, to the history and then to the scope of broadcasting in Canada. I do so in the expectation that this might place my subsequent remarks in better perspective, and also rather in the expectation that while you will certainly recall my explanation and necessarily sketchy historical outline, you may not be as familiar with the extent of radio listening and TV viewing in Canada today.

Then, as to the history, the first broadcasting done in Canada of the human voice was at Montreal in the winter of 1919 by the Marconi company. A station owned by that same company pioneered regular programming a year later. Interestingly enough, the first television broadcasting was also done from Montreal in 1952.

In 1928 the Government appointed a royal commission under the chairmanship of Sir John Aird—the grandfather of our colleague, Senator John Aird—the terms of reference of which were to determine the future course of broadcasting in Canada.

Inevitably, as broadcasting began to grow, it was a Conservative Government which established the Canadian Radio Broadcasting Commission, out of which evolved the Canadian Broadcasting Corporation. Indeed,

at this particular point in its history the C.B.C. while running its own broadcasting operations was also able to license, regulate, and control the private stations as well. In other words, the C.B.C. was in those days able to regulate its competition. This, of course, was an unhappy situation at best, and it became intolerable with the explosive post-war growth of private broadcasting in Canada.

Perhaps here honourable senators will allow me to establish my own somewhat limited broadcasting credentials. I spent eleven years at radio station CKFH in Toronto, which was then and still is owned and operated by one of the truly great pioneers of Canadian radio, Mr. Foster Hewitt. Indeed, I am able to report—and as is well known—that Foster Hewitt is still going strong, in marked contrast, perhaps, to the team whose activities he describes regularly.

It was at this period of my career that I attended a Young Liberal Convention and there moved, sponsored, worked for, and ultimately saw carried, a resolution asking the Government of the day to change this situation which allowed the C.B.C. to control its own competition. This was finally done, but not until after the Government of the day was changed. So, today, we have the Board of Broadcast Governors and the regulations for which, by and large, they have been responsible.

It might be useful to take a bird's-eye view of the dimension and scope of broadcasting in Canada. First of all, in non-government broadcasting, or so-called private broadcasting, there are some 240 privately owned radio and 73 privately owned television stations operating in Canada. The privately owned stations represent a capital investment exceeding $110 million, and most of them, of course, are owned by citizens of the communities in which the stations are located. These private radio and television stations employ about 8,500 people, and have a combined revenue from advertising of more than $100 million, about 55 per cent of which is earned by the radio stations.

The C.B.C. has a full staff of 8,600, and it operates several broadcasting services in English and French. It maintains radio production facilities in 25 communities, and television production facilities in 13 communities. The C.B.C. operates two national television networks, and two national and seven regional radio networks made up mainly of privately owned stations. The C.B.C. network facilities include 158 radio and 184 television rebroadcasting stations in remote areas. The corporation operates a special shortwave radio service to the northern territories and, as well, transmitters in 14 communities include in their schedules programs in Indian and Eskimo dialects.

Honourable senators, while there are several ways of measuring the impact of radio and television in Canada, I would like to do so by first examining briefly the impact on our society in Canada of radio, which in one sense can be regarded as the forgotten medium.

I should like to refer briefly to a set of statistics. Please bear in mind that I am talking about radio. The most recent statistics, which may update those I read a moment ago, show that there are 284 AM and 70 FM radio stations in Canada. The statistics also show that 96.4 per cent of all Canadian homes have more than one radio. It is estimated that in Canada today there are 4,763,000 homes with radios. I am not talking about the number of sets but rather the homes in which there are radios available. The set count as recently as 1956 was 6,400,000. In ten years this has increased to 16,090,000, an increase of 151 per cent in radio sets when the Canadian population increased by only 24 per cent. It is estimated that by 1971 there will be more operative radios in Canada than there are people. There has been a similar growth in advertising expenditures on the radio. In 1966 in excess of $79 million worth of advertising revenue found its way into Canadian radio stations.

I should like to offer for consideration one dramatic example which perhaps illustrates the reach of radio today. I have chosen the example of radio station CFRB, which is in Toronto. The 8 o'clock morning newscast by Mr. Jack Dennett on this station reaches a Monday to Friday average audience of 439,400 adults, a figure which exceeds the circulation of any of the Toronto daily newspapers. Indeed, interestingly enough, at 8 a.m. it has a greater audience than is listening to all the C.B.C. stations combined at that particular time.

When I was preparing these notes on radio I came across one statistic which I now introduce only because it may interest you. It relates to CJBC, which is a French language station in Toronto. It is estimated by the

same survey company—and I have no reason to doubt their authenticity—that some 55,000 people in the metropolitan Toronto area listen to CJBC, this French language station, every day.

Honourable senators, if the radio statistics are impressive, I think the comparable statistics for television are absolutely staggering. In Canada there are approximately 4,900,000 homes equipped with one or more TV sets, or 90 per cent of all households. It is interesting to observe that that compares with 22 per cent in 1954 and only 87 per cent as recently as 1962. Approximately 4 per cent of all Canadian households have colour television. That represents a tremendous and dramatic growth potential.

I mentioned that there are 73 television stations in the country now. Here are the most compelling and revealing statistics. On an average, each Canadian household watches television 42 hours per week, or 6 hours a day. This viewing is approximately 11 per cent higher in homes with colour television.

The per day viewing of individuals is estimated as follows: Men, age 20 and over, view for 3 hours and 42 minutes daily; women, age 20 and over, 4 hours and 30 minutes; teenagers, 3 hours and 20 minutes; children under 13 years of age, 3 hours and 12 minutes.

In 1966, it is estimated that 38.4 per cent of all advertising revenue in Canada was spent in television.

I thought it might be interesting to take a look at the dramatic pull of some individual television programs. On the C.B.C. English network, the average half hour, the Saturday night National Hockey League broadcasts, have 3,768,000 viewers. The Sunday night Bonanza program at 9 o'clock has 3,484,000 viewers.

Hon. Mr. McCutcheon: But you can get that from Buffalo.

Hon. Mr. Davey: These, Senator McCutcheon, are the figures for the C.B.C. and they do not include that. The senator is quite right. Viewers in Toronto can also get this on one of the Buffalo channels, but the figure I quoted is for the C.B.C. only.

Perhaps some honourable senators last night watched the C.B.C. program "Front Page Challenge". If you did, you were one of 2,784,000 viewers. I think that most of us watch the C.B.C. National News. It is estimated that, on the five-day period, this news reaches a total of 1,768,000 households.

On the C.B.C. French network program, "Les Belles Histoires," there are 1,576,000 viewers. The N.H.L. hockey on the French network draws 934,000 viewers. Indeed, on a Saturday night on which both the English and the French networks are carrying N.H.L. broadcasts, it is estimated that 4,712,000 Canadians watch some part of these programs. The statistics for the CTV network, for the hockey broadcasts, which are on Wednesday night, show that the viewers number 1,719,000.

Honourable senators, that means 42 hours a week of television viewing in the average Canadian home—perhaps not your home, and certainly not mine, but these are the facts. I do not believe that tonight we are here to pass moral judgment on the habits of the Canadian viewing public but rather to appreciate and to understand the dimensions and the scope and the impact of what we are talking about. Clearly, most people watch television to be entertained, and most people think that they are being entertained when they watch television. It seems to me that this has added a fantastic, new dimension to our society, one which informs, sells and convinces while it entertains.

Therefore, honourable senators, this is a vitally important bill, which I now turn to discuss.

There are 66 clauses in the Broadcasting Bill, and it is divided into five parts. It begins with two general clauses, followed by 29 clauses dealing with the structure and operation of the Canadian Radio-Television Commission. Then there are 15 clauses on the structure and operation of the C.B.C., 11 clauses which are consequential and related to amendments of four other acts, and some eight final clauses on transition and repeal.

Part I contains two sections, the second of which is undoubtedly the most controversial and most important section of this bill. It is the declaratory statement of broadcasting policy for Canada, and contains 10 objectives which we find repeated in various ways and in various places throughout the balance of the other parts of the bill. Therefore, I think it is imperative that honourable senators study these particular clauses in some considerable detail, being mindful of the fact that there is a section dealing with both the Canadian Radio-Television Commission and the Canadian Broadcasting Corporation which, in terms of their powers and purposes and objectives, refers directly back to clause 2 of Part I.

It might be useful before examining some of these clauses to understand certain terminology. We find in the bill four references to various broadcasting organizations, which it might be well to understand. First, we see references to the Canadian broadcasting system. This refers to the overall broadcasting system both in its public and in its private dimensions. There are references to the national broadcasting service; that is, to the C.B.C. and its affiliates. There are references to the C.B.C. itself and, finally, to the private broadcasters.

Perhaps the first two paragraphs of clause 2 will commend themselves to you for their obvious virtue. Clause 2(a) simply restates the basic principle of broadcasting in Canada which has existed for as long as most of us can remember, and that is that the airways are public property. Clause 2 (b) simply underlines the fact that the Canadian broadcasting system—and you will recall that that is the entire broadcasting structure in all of its dimensions—should be effectively owned and controlled by Canadians.

Perhaps the earliest provision which could be considered contentious is paragraph (c) of clause 2. This is because there is an obvious inclusion of so-called cable television, community-antenna television systems.

I would like to say just a word about CATV, if I may. It is essentially a method of reception of distant transmissions which are then relayed into a local area. People subscribe to this particular service. It is estimated that in Canada there are some 550,000 subscribers to various CATV services, with the bulk of them being in Vancouver and in the Montreal area.

Usually there is an installation service charge of approximately $200 which is paid for over the term of the contract. In addition to this the regular monthly fee is usually $5. In return, the set is able to provide coverage from distant stations which could not normally be picked up within that particular television set's reception area. I think it is fair to say that local coverage is also improved in CATV homes.

To date, prior to this legislation, CATV operators have needed simply the approval of the Department of Transport in terms of the Radio Act, and the primary consideration has been that the CATV installation will not interfere with other kinds of radio and television communication. But the CATV has not been under the direction of the Board of Broadcast Governors, and B.B.G. approval has not been required.

Apparently, or so I am led to believe, from time to time there has been some consultation between the CATV and the B.B.G. The purpose here is to bring the CATV operations under this act and into the orbit, if you will, of federal broadcasting policy, because, I think it is fair to say—at least it seems clear to me—that community antenna television is clearly part of a national broadcasting service, and presumably after this legislation there will be some form of regulation imposed upon CATV operators presently in existence and CATV operators who will probably be moving into the business.

Essentially, then, throughout this act there is an extension, if you will, of the definition of broadcasting and broadcasting undertakings so as to include, as mentioned, CATV.

As I read this bill, it is not the intention to legislate about CATV but rather to facilitate or enable the new CRTC, Canadian Radio-Television Commission, to have something to say about CATV operations in Canada.

There are just one or two footnotes that I would like to add and then perhaps we could leave the discussion of community antenna television. Very often the argument is put forward that the concern, in terms of CATV., is that there should be some method of controlling program input from the United States. Now, I must say that I am one of those who think there is some virtue in that particular argument, but a more cogent and more important argument relates to advertising revenue. If a television advertiser is able to saturate a market by advertising on a station three- or four-hundred miles away, which then through community antenna television is seen in a particular area, that advertiser will not think it necessary, or essential or even desirable to buy radio and/or television advertising in the area which his message has reached by the community antenna system.

Another problem which I think will have to be faced by the CATV licensee as well as by the broadcasting authorities in Canada is whether or not that particular licensee is in this bill responsible for his programs. We will see references to the fact that a licensee is responsible for his programs, and yet I think you can see at once that this could conceivably place intolerable hardships upon the community antenna operators.

In any event, there is a good deal of concern on the part of these CATV operators about what exactly will happen to their

organizations once this legislation receives Royal Assent. I do think that references are made in the bill to special classes of licensee; in other words, there are different kinds of licensee and I think at least the Canadian Radio-Television Commission will be or should be prepared to recognize the fact that the commission should take into account the particular problems of a special class or kind of licensee.

Hon. Mr. Connolly (Ottawa West): Are they primarily receivers rather than broadcasters?

Hon. Mr. Davey: The licensee is relaying programs from other stations into his area.

Hon. Mr. Connolly (Ottawa West): But are they not primarily receivers rather than broadcasters then?

Hon. Mr. Davey: I understand they are. They receive programs from outside and relay the coverage they have received into their area. The point I wish to make is about the degree of their responsibility for the programs they are relaying.

Hon. Mr. Grosart: Could I ask the honourable senator a question as a follow-up on that? Is it not also a fact that CATV operates an originating operation by videotape or film or other means?

Hon. Mr. Davey: Well, I am not sure. Perhaps you are right. There is also, as you know, a closed-circuit type of operation. You are referring to a CATV operation which transmits programs from outside Canada, and the question of its adding to the programming which it receives and relays?

Hon. Mr. Grosart: I would suggest that it may be a misconception to suggest that CATV is really a receiving and a relaying operation. The CATV in the United States and other places is certainly an originating operation.

Hon. Mr. Davey: I thank the senator, and I both recognize and accept his point. I think our discussion indicates the need for regulations in this area because clearly CATV is part of the national broadcasting system and therefore subject to the provisions of this bill. Beyond that I do not profess to be an expert, and I am sure there are others more capable than I am who will deal with this.

Now I would like to turn to the fourth objective which is to be found at the top of page 2, which relates to programming and to the fact that the Canadian Radio-Television Commission will regulate programs. Later in the bill we find a number of specific points put forward about the kind of programming, but some of the criteria mentioned in this particular clause are that it should be varied, comprehensive, and should provide reasonable, balanced opportunity for the expression of differing views on matters of public concern, that it should be of a high standard, using predominantly Canadian creative and other resources.

One footnote here: I would hope that while the system will require throughout the kind of programming described, there will nevertheless be some latitude for particular programmers within the system who might, because of a special set of circumstances, wish to broadcast a particular kind of specialized programming. I am thinking here of such cities as Montreal and Toronto where there are stations which program primarily to ethnic, new Canadian or language group audiences.

In paragraph (e) of clause 2 we see that all Canadians are entitled to broadcasting service in English and French, whichever is their first language.

Then, honourable senators, we come to a discussion of the national broadcasting service. This is the C.B.C. system with its 129 affiliates. Paragraph (g) outlines the mandate of the C.B.C., and I will have something more to say about that when we come to examine that part of the bill which deals with the corporation. I think, however, I should draw your attention to a provision which engendered considerable controversy in the other place, namely, subparagraph (iv) of paragraph (g) where it says that the national broadcasting service should

> contribute to the development of national unity and provide for a continuing expression of Canadian identity;

For some reason, which eludes me, there was considerable discussion about this in the other place. It seems self-evident to me that in a country with two founding races and of necessity having a mixed system of broadcasting, it would be almost axiomatic that a broadcasting system should be asked to contribute to the development of national unity and to provide for a continuing expression of Canadian identity.

Then, perhaps along with the third objective which we discussed earlier, it is paragraph (h) which has occasioned the most controversy in the press and elsewhere. I shall read this paragraph:

> (h) where any conflict arises between the objectives of the national broadcasting service and the interests of the private element of the Canadian broadcasting system, it shall be resolved in the public interest but paramount consideration shall be given to the objectives of the national broadcasting service;

And I shall repeat the last few lines:

> ...it shall be resolved in the public interest but paramount consideration shall be given to the objectives of the national broadcasting service;

I think we can all understand why there should be concern about this particular aspect of the bill. I thought about it a great deal, and can only conclude that the C.B.C. objectives would inevitably be linked up with the objectives set forth in their mandate, while the objectives of the private interests would be linked up with the profit motive. This may not of necessity follow all the way, but I think more often than not it would be linked with the profit motive.

Let me say at once that I am not one of those who criticize the profit motive in broadcasting, or anywhere else for that matter, but it does seem to me that any conflict of this kind between the objectives as set forth in the C.B.C. mandate and the objectives of the private broadcasters should be settled as prescribed in this clause. I suggest that honourable senators should study the clause carefully. In my view that is the operative determination—"in the public interest." It is qualified by the words "but paramount consideration". It simply means that paramount consideration shall be given to the objectives of the national broadcasting service.

The other two objectives set forth in this clause which, as I say, is the most significant and important part of the bill, relate to educational television and the supervision of the future of the Canadian broadcasting system in technical areas. I indicated earlier in my remarks that it is my belief people watch television primarily to be entertained; but that is not to say, even for a moment, that television does not possess within itself a fantastic educational potential. Hopefully, once this legislation is out of the way, someone, somewhere will accelerate this move towards educational television, which is very much in its infancy although there are stations which are at least in the beginnings of educational television.

Then, the final objective, as I mentioned, relates to the fact that the broadcasting system should be flexible and readily adaptable to scientific and technical advances. I suggest the most immediate of these scientific and technical advances is the satellite, which indeed is upon us and which will dramatically increase television coverage areas. But just around the corner there are other dramatic and exciting technical innovations in the area of broadcasting and, presumably, under this particular clause of the bill it will be a responsibility of the C.R.T.C. to prepare for these exciting developments.

I would like to turn now to a discussion of Part II; and I assure the house that it will not be necessary for me to take the same amount of time on these other parts as I have on the first part with its particularly significant set of objectives. However, I would like to deal in detail with Part II on the Canadian Radio-Television Commission, and with part III on the Canadian Broadcasting Corporation.

In Part II there are 29 clauses, and the key one is clause 15, which you will find on page 7. Clause 15 sets forward the objectives of the commission, and the last several lines state:

> ...the Commission shall regulate and supervise all aspects of the Canadian broadcasting system with a view to implementing the broadcasting policy enunciated in section 2 of this Act.

We discussed section 2 just a moment or two ago in some detail. So, there is the liaison in section 15 referring back to section 2.

Clauses 4 to 14 deal with the structure of the C.R.T.C. As honourable senators will be able to study these particular clauses at their leisure, perhaps it is only necessary for me to outline in the broadest terms what this structure is. The Governor in Council shall appoint a chairman, vice-chairman and three members who together will form the executive committee. There will be 10 part-time members. The full-time members will be appointed for seven years, and the part-time members for five years. Each kind of member will be eligible for two terms only. Full-time members will receive a salary and expenses;

the part-time members a fee and expenses; and no one will be able to serve on the commission who is over 70 years of age.

Again, we have that strange provision which we have had in the broadcasting bills for some time, that no one who knows anything about broadcasting shall be included as a member of the commission. There is provision for those who wish to divest themselves of their broadcasting interests and, presumably, having so cleansed themselves they would then qualify for membership. While I can appreciate the dangers of a conflict of interest of a broadcaster sitting on this particular board, I do wonder about the wisdom of not at least having some people who are thoroughly cognizant with the problems of radio and television as they are unfolding.

The C.R.T.C. will be headquartered here in Ottawa. The members of the commission must meet at least six times a year. The quorum will be three full-time and five part-time members. As I mentioned, honourable senators can study these clauses in some considerable detail to ascertain how the C.R.T.C. is structured.

I would like to draw your attention to clauses 16 and 17 of this particular part dealing with the C.R.T.C., and here are set forward the powers of the commission. You will see above, in clause 15, the objects of the commission, relating back to clause 2 which we discussed in some detail.

Here are the powers of the commission, clause 16 essentially setting forward the regulatory powers, and clause 17 essentially setting forward the licensing powers. The key point here is that the regulatory powers of the C.R.T.C. will be under the aegis of the full commission—that is, the executive committee and the part-time members. The licensing powers, on the other hand, referred to in clause 17, will be more or less at the discretion of the executive committee, consisting of the five full-time members.

If I may refer to clause 16, you will see a number of basic powers set forward. The first is to prescribe classes of broadcasting licences. The second is regulations relating to programs. The third is a responsibility in the area of revocation of licences, with the exception of the revocation of C.B.C. licences. I will have something to say about that in a moment or two.

I would like to draw your attention for a moment to clause 16(1)(b)(iii) and (iv). The former is with respect to the fact that the C.R.T.C. will have power respecting the character and portion of the advertising time which is allotted. Honourable senators might be interested in the existing regulation, which is 12 minutes per hour. Under existing B.B.G. regulations it is possible to have 12 commercial minutes in a 60-minute broadcasting hour.

Hon. Mr. Flynn: It sounds longer than that.

Hon. Mr. Davey: That is, senator, when the *Canadiens* are losing!

I would like to make a reference also to the dramatization of political programs, and here I think at last some progress, however slow, is being made. The old act said that under no circumstances could there be dramatization of political broadcasts. Now, presumably, as I read the bill, this will be at the discretion of the C.R.T.C. I am one of those who really wonder about the preventing of dramatization which, it seems to me, offers a tremendous political advantage to someone who is a stager or a brilliant political TV performer. I should perhaps say I have no reference to current activities in which some of us are now or will soon be engaged.

An Hon. Senator: Who are you for?

Hon. Mr. Flynn: Declare yourself!

Hon. Mr. Davey: Clause 17 deals with licensing. It is important to understand that:

> In furtherance of the objects of the Commission, the Executive Committee, after consultation with the part-time members in attendance at a meeting of the Commission, may...

And then there is a long series of paragraphs on the issuing of licences, the amending of conditions of a broadcasting licence, the issuing of renewals, suspensions, exempting persons carrying on broadcasting undertakings, reviewing and considering any technical matter relating to broadcasting referred to the commission by the Minister of Transport, and so on. These matters, as I say, will all be dealt with by the executive committee, in consultation with the part-time members of the board.

I had made a note, and although I do not like to break the chain of discussion I would like to refer back to subparagraph (vii), on

page 8, which says that one of the powers of the C.R.T.C. is:

> ...with the approval of the Treasury Board, fixing the schedules of fees to be paid by licensees and providing for the payment thereof,...

I am sure honourable senators will be interested to know that the station owners pay approximately 1 per cent of their gross revenue as a licence fee. This goes up slightly if the revenue is over, I believe, $200,000. But it is approximately 1 per cent of the gross revenue, from which the total revenue in 1966 was just slightly in excess of $2 million.

Reverting to clause 17, the C.B.C., in terms of licensing, is in a special position, and this is set forward in subsections 2, 3 and 4. When there is a deadlock relating to the licensing of a C.B.C. station, a deadlock relating to the conditions of a licence, then the minister will have the power to arbitrate and arbitrarily to make a decision as between the C.R.T.C. and the C.B.C. But I would repeat and stress that this relates only to conflicts which involve conditions of licensing.

Clause 19 sets forward the hearings and procedure. As you will see in clause 19, public hearings shall be mandatory in connection with the issuing of licences, the revocation or the suspension of licences. However, they will not be mandatory, at the discretion of the executive committee, in certain other areas. This refers to the amendment of broadcasting licences, the issuing of permits for temporary network operations, complaints by individuals with respect to matters within the power of the commission. Whether or not these will be public hearings, as I say, is at the discretion of the executive committee of the C.R.T.C. As I understand it, the reason is to facilitate the volume of business which it is anticipated will be increasing, and because many of the matters so dealt with are of a minor or inconsequential nature.

There are certain in-built safeguards. One of these is that which is referred to in clause 20, that this information must be published in a local newspaper within the coverage area of the broadcasting operation so involved; that the full membership of the commission can overrule the executive committee and decide that a hearing must be in public; and, thirdly, there is an inbuilt protection which remains with the Governor in Council, and which I will discuss in just a moment.

I draw to the attention of honourable senators subclause 4 on that page which provides that the chairman may direct that a public hearing under this section be heard on behalf of the commission by just two or more members. The word "just" is mine. It is again important to remember that these hearings will not be making decisions, but will be reporting information back to the executive committee, and the full commission, who will be making the decision. An increased volume of activity is expected in this area, and this is the reason for this particular provision.

Hon. Mr. Grosart: Before the honourable sponsor of the bill proceeds I wonder if I may ask a question. I do not quite understand clause 17(1)(b). This is something the honourable senator has been discussing, and it provides that the executive committee may:

> upon application by a licensee, amend any conditions of a broadcasting licence issued to him.

I ask if this means that we may wake up one morning to find that, without a public hearing, a licensee who is authorized to broadcast in a certain area, is now authorized by the C.R.T.C. to broadcast in another area? I am asking the honourable senator this question because he is the sponsor of the bill, and is explaining it to us. Is that the meaning that should be given to paragraph (b) of clause 17(1)?

Hon. Mr. Davey: Honourable senators, I do not think that that is the meaning of that paragraph—at least, not in the way I read this bill, although perhaps it is in the way the honourable senator who raised the question reads it. What the honourable senator has mentioned is tantamount to a revocation of a licence, and not an amendment. The reference here is to amendment, not to revocation.

I concede that the executive committee, under this particular clause, possesses powers which are far and beyond those that have been enjoyed by the full-time members of the B.B.G. While I appreciate the question, I do not think that that specific example is a valid one; I would certainly hope it is not.

Hon. Mr. Grosart: Excuse me, but may I ask this question? What is the meaning of the words, "may. . .amend any conditions of a broadcasting licence"?

Hon. Mr. Davey: I would suggest to the honourable senator that that is a question which he might well want to place before the

committee. As I mentioned, this bill is to be referred to a committee, before which will appear the minister and experts from the department. I would be grateful if the honourable senator would take that question to the committee.

Hon. Mr. Grosart: I would be extremely interested to know the opinion of the honourable and knowledgeable senator who is sponsoring this bill.

Hon. Mr. Davey: I do not think the concern of the honourable senator is a realistic one. I am going to sleep soundly tonight, and I am going to sleep just as soundly after this legislation is passed, and I hope he will too.

Hon. Mr. McCutcheon: That is as good a reason for the legislation as any.

Hon. Mr. Davey: I suggested, honourable senators, that this can be dealt with in committee. I do not think that the kind of dramatic and extreme example put forward by Senator Grosart has the validity which he ascribes to it. However, I thank him for his question.

I should like to turn now to clauses 22 and 23, at pages 11 and 12 of the bill. Here we have some protection in the way of powers remaining with the Governor in Council so far as licensing is concerned.

All honourable senators are familiar with the old procedure by which someone seeking a broadcasting licence would file a technical brief with the Department of Transport, which would be approved and sent on to the Board of Broadcast Governors who would recommend its approval to the Governor in Council, after which the Minister of Transport would issue the licence. Under the new procedure we still have the technical brief, but we go from that step to the C.R.T.C. which will have power within itself to issue the licence.

I am one of those who thinks it is imperative that the political arm retains the ultimate responsibility for determining the public interest, and the political arm will still have that responsibility under the provisions of these particular sections, because the Governor in Council can within a period of 60 days refer back to the commission its decisions in these areas. If the commission again ratifies its decision the Governor in Council can reject it for a second time, and that decision is final.

Clause 24 deals with the revocation or suspension of a broadcasting licence for failure to comply with the conditions of the licence. Again, there is a special case provided for in respect of the Canadian Broadcasting Corporation. I am referring here to clause 24(3), at page 14, and which provides:

> Where the Commission, after affording to the Corporation an opportunity to be heard in connection therewith, is satisfied that the Corporation has violated or failed to comply with any condition of a broadcasting licence issued to it, the Commission shall forward to the Minister a report setting forth the circumstances of the alleged violation or failure, the findings of the Commission and any observations or recommendations of the Commission in connection therewith, and a copy of the report shall be laid by the Minister before Parliament...

Presumably Parliament will then deal with that matter.

I would like to make a brief reference to section 28 which deals with prohibitions and offences. It might be of particular interest to honourable senators to know that there is a reference here to political broadcasting. The 1958 Act prohibited political broadcasts on election day and on the two preceding days. The provision in that act also meant that an announcement could not be broadcast, to use an extreme example, in Vancouver if there was a municipal election in Halifax. The approach contained in this bill is a much more sensible one. This bill prohibits such broadcasting on the election day and one day preceding it, and the area in which such broadcasting is prohibited is the area normally served by the broadcasting undertaking. Under this provision the Vancouver station which I mentioned in my example could carry on with its political broadcasting.

Hon. Mr. MacKenzie: May I ask a question with respect to clause 28? Subclause 1 provides that no broadcaster shall broadcast, and no licensee of a broadcasting receiving undertaking shall receive a broadcast, et cetera. Has the cable television system the ability of knowing in advance the content of the program mentioned in this clause? Would it be liable, in other words, if it carried something that was broadcast in contravention of this provision?

Hon. Mr. Davey: This is a thorny problem which I think relates back to the comments I made earlier about the responsibility of community antenna licensees. Perhaps something will have to be done in this particular area.

Hon. Mr. MacKenzie: Even if those operating the system knew nothing about the program?

Hon. Mr. Davey: Yes, because, as I read the bill, they should know something about it. This is just one problem in this whole area of community television antenna systems. However, I can say that the people in the department are aware of this problem, and it may be one that we want to discuss in committee. I must say, certainly in the example you have given, that as I read the bill they would be responsible. I agree it is a problem. That is why I say they should be treated as a special class of licensee, and perhaps some special consideration will need to be given.

Hon. Mr. Grosart: May I ask the honourable senator a question? Would the present CRTV receivers and relayers be any different from that of affiliate stations of the C.B.C. in regard to a program they were receiving and transmitting?

Hon. Mr. Davey: I think that is different, because the C.B.C. affiliates would have some advance knowledge of political programming which is to be received.

Hon. Mr. Connolly (Ottawa West): And the date of the election.

Hon. Mr. Davey: Also, the affiliates would surely have some knowledge when, for example, there are elections in a province or municipality. I think the answer must, therefore, be "Yes."

Hon. Mr. Grosart: Is there not a limitation here? "Broadcasting undertaking" is described in the interpretation section. I suggest that it is a broadcasting undertaking emanating in Canada, so I do not think the problem arises at all.

Hon. Mr. Davey: In reference to cable?

Hon. Mr. Grosart: It may or may not be so.

Hon. Mr. Davey: You mean with community antenna?

Hon. Mr. Grosart: "Broadcasting undertaking" is clearly defined.

Hon. Mr. Davey: In an earlier question you gave the example of community antenna which as well as relaying is originating, and there it surely would apply.

Dealing finally with C.R.T.C., I should like to draw attention to clause 29. This is a new section in broadcasting acts and relates to monetary penalties imposed by the courts, not, it is important to understand, for failure to comply with the license conditions, but rather for a breach of the regulations. The fines set out are $25,000 for the first offence and $50,000 for the second offence. Honourable senators may well feel these are extreme figures. Here I must confess that I am using a very extreme example and one that may not have validity here because it is an American example. For broadcasting the Superbowl Game between the American Football League and the National Football League, one commercial minute costs $150,000. While the Canadian examples are not so extreme, I think it is fair to say that these fines are by no stretch of the imagination outrageous.

I turn now to Part III of the bill, which deals with the Canadian Broadcasting Corporation. I should like with your tolerance to submit one personal observation about the corporation. Since I have been a member of the Senate no other institution has been so consistently or so regularly criticized and attacked by honourable senators as has been the Canadian Broadcasting Corporation.

Hon. Mr. McCutcheon: And so rightly.

Hon. Mr. Davey: Let me say at once that often, and indeed usually, there has been just cause. It has usually been, I would suggest, because someone has confused liberty with licence or bad taste for supposedly mirroring the less pleasant aspects of some far, dark corner of our society. However, it seems to me that all this criticism, however justified, has tended to obscure some of the remarkably good things that have been done by the corporation.

In that connection I think, for example, of the corporation's news coverage. While other honourable senators may disagree, as is their privilege, it is my personal opinion that on both radio and television the C.B.C. news is infinitely superior to almost all of the newscasts on the private stations. It has clarity and balance, it has a type of comprehensive approach which one seldom finds on many private stations. Indeed, to use Toronto as an example, if the war in Vietnam were to end tonight I wonder if it would be the lead news item on one of the newscasts of some of our private stations there—unless, of course, President Johnson made the announcement at Toronto City Hall. I submit that there is a balance in C.B.C. news presentation.

I had some responsibility for our party's political organization in several election campaigns, and at that particular time one of the things we watched carefully was the C.B.C. election news coverage. While from night to night or day to day we might quarrel with the corporation's judgment of what was the most significant item of the day, it was my personal opinion—though I am sure there are Liberals here and elsewhere in the country who will disagree—that the corporation did a fair and a balanced job for all the political parties. Certainly I think the C.B.C. news presentation is as balanced as that which we have come to expect from the daily press across Canada, which is of course from time to time wont to criticize TV in general and the C.B.C. in particular, but we should be mindful of the fact that the press is competing with television for both audience and advertising.

There has been considerable discussion from time to time about the C.B.C.'s commercial involvement, the fact that the corporation has a sales department, that it goes out to sell advertising on radio and television. I think that television is an essential ingredient of the free enterprise system, so it is desirable that the C.B.C. should have a sales department which is in competition with the advertising sales department of CTV. It is desirable that the C.B.C. should have a programing department which is in competition with the programing department of the CTV. It seems to me that the ultimate winner can only be the Canadian public because both products, the private product and the public product, will be improved, and because any revenue which the C.B.C. sales department is able to derive in advertising, which I understand is about one-third of its total revenue—although that is a ballpark figure—lessens demands on the public purse.

In passing, I take it for granted that honourable senators appreciate the excellent contribution made to our economy and to broadcasting by advertising. I am mindful of the contribution Senator Grosart made in the debate on consumer affairs, when I thought he dealt very adequately and substantially with this problem. There are other advantages which accrue to us from the corporation. I am not suggesting that CTV do not contribute to national identity, but I think the C.B.C. is able to meet regional requirements in live broadcasting. It does a great deal in live broadcasting, although I think neither the public nor the private network is active enough in involving Canadians in their activities, but at least there has been a beginning.

In short, I think a mixed system of public and private broadcasting is not only ideal but probably essential for a country which has the geography, history and background of Canada. I think both the private and public sectors of broadcasting are capable of making mistakes. Neither is perfect, neither has a monopoly of virtue, nor, for that matter, of stupidity, but in my opinion public broadcasting and private broadcasting in Canada are better off because of the existence of the other.

Turning to the bill, the structure of the C.B.C., which is set forward in the early sections of Part III, is not unlike the structure of the Canadian Radio-Television Commission.

The Governor in Council will appoint a president and chief executive officer, with ultimate responsibility for the corporation. He will also appoint an executive vice-president in charge of broadcasting operations, and fourteen directors. The full-time people will be appointed for a seven-year term; the part-time people will be appointed for a five-year term. They are eligible for two terms, until they are 70 years of age. There will be salary and expenses for the full-time people, and fees and expenses for the part-time people. Again, there is this strange qualification which eliminates persons who have a background in broadcasting.

The powers and objects of the corporation are set forth in clause 39, which I referred to earlier on in my remarks. The corporation is established for the purpose of providing the national broadcasting service contemplated by clause 2. Clause 39 also sets forth a series of powers. It may be that honourable senators will wish to study those at their convenience.

I may draw your attention to three which I suggest need at least some explanation. One is:

> (f) with the approval of the Minister, act as agent for or on behalf of any person in providing broadcasting service to any part of Canada not served by any other licensee;

The example here is remote areas that would not be serviced even by the public service; and this would enable the corporation to provide that service, if requested.

Then, there is paragraph (m), which provides:

> (m) subject to the approval of the Governor in Council, acquire, hold and dispose

of shares of the capital stock of any company or corporation authorized to carry on any business that is incidental or conducive to the attainment of the objects of the Corporation;...

There they are thinking of subsidiary activities—for example, programs of films, and so on. It may be worth while drawing your attention to an article which appeared recently in the Toronto *Star*, in the television column. This story came from Hollywood, California. Part of it reads:

> The C.B.C. got a big boost here this week, where it counts. Hollywood reviews of TV's $900,000 Dr. Jekyll and Mr. Hyde (made in Toronto) were the kind that will now make a lot of producers anxious to conclude co-production deals with the C.B.C.
>
> The Los Angeles *Times'* critic said, "on the production side, The Strange Case of Dr. Jekyll and Mr. Hyde was one of the slickest programs ever to light the tube..."
>
> The trade journal, *Hollywood Reporter*, was equally ecstatic. Reviewer John Mahoney wrote that "director Charles Jarrott, working on location in Toronto and at C.B.C. studios, accomplished a monumental feat in taped drama, utilizing what must be some sort of record for set-ups to create a production whose technical excellence was the match of any of the film features usually occupying the A.B.C. Sunday night slot.
>
> "Presuming that the price is as satisfying as the production is handsome, future Curtiss-CBC ventures will be welcome indeed...Curtiss' production and Jarrott's staging manifest a detail and care in execution too seldom encountered even in feature production today."
>
> This kind of praise for production techniques is not given out lightly in Hollywood which has long regarded itself as unbeatable at just such slickness.

I am sure that honourable senators who did see that particular program—I was fortunate enough to see it in colour—agree that it was really one of the most magnificent examples of the effect of television within recall. I would suggest that this is a whole new dimension for the corporation. I see no reason why it should not do more of this kind of program, which could likely be sold around the world and ultimately I am sure this could completely wipe out the C.B.C. requirement to go to the public purse from time to time. There is a fine future for a program of that particular calibre, with the immediate response which it engendered in the television communities around the world—because, while this is referring to Hollywood, I understand there have been inquiries from other parts of the world.

Honourable senators, I feel I have taken too much of your time. I should make a passing reference to the financial provisions in so far as C.B.C. is concerned. As to page 22, clause 45, you will realize that the original draft of this particular bill programmed for a five-year financing clause. It is not my intention tonight to deal with that, because such a particular provision has been taken out of the bill. Therefore, I do not intend tonight to discuss the merits or details or virtues of a five-year financing clause, since it has been abandoned for the time being. However, I should say in all fairness that the minister still intends, at the next session, to introduce some special financing measure which would provide some method of continuing long-term financing for the corporation, as I believe was first recommended in the Fowler Commission.

Honourable senators, Parts IV and V, I can deal with in a very short time. Part IV is consequential on the related amendments to four acts—the Radio Act, the Canada Shipping Act, the Corporations and Labour Unions Returns Act and the Interpretation Act. These are all consequential amendments.

If honourable senators have any questions, I suggest that, rather than direct them now, they may wish to direct them to the officials who will be present at the committee.

I draw your attention to clause 49, which is on page 27. I refer particularly to the proposed new (b)(ii), "the offering for sale for use in Canada of radio apparatus" and so on. The purport of this clause is that the Governor in Council will now be able to make regulations prohibiting the sale of sets that are not capable of UHF reception. You will appreciate that ultra high frequency channels are from 14 to 83, and it is not presently mandatory to make some provision for this kind of reception on sets in Canada. Presumably, with the passage of this bill, the Governor in Council may wish to make some regulations prohibiting the sale of such sets.

Finally I come to Part V, "transitional and repeal". As you might expect, this part continues the Board of Broadcast Governors, the current liabilities, the regulations and the licences. It does provide some latitude for community antenna television operators, who will in time be asked to regularize and standardize their operations in terms of this and subsequent acts.

The B.B.G. chairman will become chairman of the Canadian Radio-Television Commission. However, all the other full- and part-time members of the B.B.G. will see their terms lapse and this is also true of the terms of the C.B.C. appointments.

As honourable senators will appreciate, the C.B.C. has recently made two appointments —Dr. Davidson as president of the corporation and Dr. Picard as its vice-chairman. The vice-president will become executive vice-president of the corporation, under the terms of this bill.

I think that Dr. Davidson and Dr. Picard are outstanding Canadians who will be able to make a significant contribution to broadcasting in Canada. This is in no way disrespectful to Mr. Ouimet, when I say that we look forward to perhaps happy or happier and a less turbulent future for the corporation. Mr. Ouimet was and is a brilliant engineer. He is one of the pioneers in broadcasting in Canada and all of us know that he is a total and complete gentleman. I think it is fair to say that he presided over the corporation through a very difficult period of expansion. Therefore, as I say, it is with no dishonour to Mr. Ouimet that I draw your attention, finally, to the appointments of Dr. Davidson and Dr. Picard. The press release issued from the office of the Prime Minister at the time says that Dr. Davidson served as Deputy Minister of Welfare, Department of National Health and Welfare, from the date of the department's creation in November 1944.

> He was chiefly responsible for the inauguration of the Canadian Family Allowances program in 1945 and for the Universal Old Age Security program in 1952. He was Deputy Minister of Citizenship and Immigration from April 1960 to 1963.
>
> In February, 1963, Dr. Davidson was appointed Director of the Bureau of Government Organization in the Privy Council office. In this capacity he had the responsibility of reviewing the findings and recommendations of the Glassco Commission on Government organization and of presenting proposals to the Government with respect to their implementation.
>
> In May 1964, he became Secretary of the Treasury Board.

Like Dr. Picard, Dr. Davidson is an outstanding Canadian.

Concerning Dr. Picard, the press release has this to say:

> Dr. Picard has provided research and consultative services for several industries including the following: aluminum, printing, electronics, chemical products, railways, paper and wood product industries. He also has acted as a consultant to major Canadian and international companies.
>
> Dr. Picard is Associate Director of Ecole des Hautes Etudes Commerciales, of the University of Montreal, and Director of the Business Administration Department. He is a member of the Quebec Commission of teaching and advanced education, and president of the Research Commission on the Shoe Industry of the Province of Quebec.
>
> In June 1966, he was appointed Industrial Inquiry Commissioner to investigate certain matters connected with the settlement of a dispute affecting longshoring operations and related trades in the ports of Montreal, Trois-Rivières and Quebec.

Honourable senators, I have spoken at great length, and I apologize. I do, however, greatly appreciate and value your attention. This is a vitally important bill. I would remind you again that after it receives second reading the bill will go before the Standing Committee on Transport and Communications, and I have indicated to you some of the people who will be called before that committee.

Thank you for your attention. I commend Bill C-163 to you for both your attention and your approval.

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

EXCISE TAX 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-191, to amend the Excise Tax Act.

Bill read first time.

Hon. John J. Connolly 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.

EXCISE 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-192, to amend the Excise Act.

Bill read first time.

Hon. John J. Connolly 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. John J. Connolly tabled:

Capital Budgets of Eldorado Mining and Refining Limited and Eldorado Aviation 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. 1968-171, dated January 25, 1968, approving same. (English text).

Copies of certain Regulations and Orders in Council relating to the unification of the Canadian Armed Forces. (English and French texts).

Report of Operations under the International River Improvements Act for the year ended December 31, 1967, pursuant to section 11 of the said Act, chapter 47, Statutes of Canada, 1955. (English and French texts).

Report of Temporary Loans made out of the Consolidated Revenue Fund to The St. Lawrence Seaway Authority on January 2 and January 25, 1968, pursuant to section 26(4) of the St. Lawrence Seaway Authority Act, chapter 242, 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 December 31, 1967. (English and French texts).

Report of the Superintendent of Insurance for Canada—Volume III, Annual Statements of Life Insurance Companies and Fraternal Benefit Societies, for the year ended December 31, 1966, pursuant to section 9 of the Department of Insurance Act, chapter 70, R.S.C., 1952. (English and French texts).

Copies of a booklet entitled "Federalism and International Relations". (English and French texts).

Copies of a booklet entitled "Federalism for the Future". (English and French texts).

Report of the Department of Manpower and Immigration for the fiscal year ended March 31, 1967, pursuant to section 14 of the Government Organization Act, 1966, chapter 25, Statutes of Canada, 1966-67. (English and French texts).

Report of the Department of Public Works for the fiscal year ended March 31, 1967, pursuant to section 34 of the Public Works Act, chapter 228, R.S.C., 1952. (English and French texts).

Copies of 23 contracts between the Government of Canada and Municipalities in the Provinces of Alberta, Manitoba 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).

Supplementary estimates (C) for the fiscal year ending March 31, 1968. (English and French texts).

Estimates for the fiscal year ending March 31, 1969. (English and French texts).

Capital Budget of Polymer Corporation 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. 1968-110 dated January 18, 1968, approving same. (French text).

DIVORCE

REPORTS OF COMMITTEE PRESENTED

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, presented the committee's reports Nos. 580 to 627, inclusive, and moved, with leave of the Senate, that the said reports be taken into consideration on Thursday next.

Motion agreed to.

THE ESTIMATES

FINANCE COMMITTEE EMPOWERED TO EXAMINE AND REPORT— SUPPLEMENTARIES (C)

Hon. John J. Connolly moved, with leave of the Senate:

That the Standing Committee on Finance be authorized to examine and report upon the expenditures proposed by the Supplementary Estimates (C) for the fiscal year ending March 31, 1968; and

That the committee be empowered to send for persons, papers and records, to print its proceedings upon the said Estimates and to sit during sittings and adjournments of the Senate.

Motion agreed to.

FINANCE COMMITTEE EMPOWERED TO EXAMINE AND REPORT—ESTIMATES FOR FISCAL YEAR ENDING MARCH 31, 1969

Hon. John J. Connolly moved with leave of the Senate:

That the Standing Committee on Finance be authorized to examine and report upon the expenditures proposed by the Estimates laid before Parliament for the fiscal year ending 31st March, 1969, in advance of the bills based on the said Estimates reaching the Senate; and that the committee be empowered to send for persons, papers and records, to print its proceedings upon the said Estimates and to sit during sittings and adjournments of the Senate.

Motion agreed to.

ACADIAN DELEGATION TO FRANCE

INQUIRY ANSWERED

Hon. Edgar Fournier inquired of the Government, pursuant to notice:

1. Did the Department of External Affairs or any other department of the Government of Canada authorize or encourage Mr. Adelard Savoie, Dr. Léon Richard, Mr. Gilbert Finn and Mr. Euclid Daigle to travel to Paris, France, in January 1968, as representatives of the people of Acadian extraction in Canada?

2. Were any official or officials of the Department of External Affairs or any other department of the Government of Canada present to wish them well on the occasion of their departure from Canada or to welcome them on their return to Canada?

Hon. John J. Connolly: The answer to the honourable senator's inquiry is as follows:

1. No. The question of authorizing the four persons mentioned did not arise since they were travelling in a purely private capacity.

2. No. An official of the Department of External Affairs did however get in touch with the persons mentioned, shortly before their departure, for the purpose of explaining to them how cultural exchanges with France were proceeding within the framework of the Cultural Agreement between Canada and France.

FEDERAL-PROVINCIAL CONFERENCE

REFORM OF THE CONSTITUTION

On the Orders of the Day:

Hon. Jacques Flynn: Honourable senators, if I may ask the indulgence of the house for a moment?

Last week a Federal-Provincial Conference was held in this city at which was discussed among other things the rewriting of the Constitution. This conference was hailed in many quarters as a success and in others as a first step in the redrafting of the Constitution. The newspapers reported that the Prime Minister has indicated, following the conference, that he is in agreement with the idea of appointing a parliamentary committee to consider constitutional reform. Since the reform of the Senate has been mentioned at this conference and since honourable senators are interested not only in the reform of our chamber but also in the reform of the Constitution, I wondered whether the Leader of the Government would indicate whether this committee would be a joint committee. If no decision has been

taken or no consideration given to this idea, I would suggest that this committee should be a joint committee.

Hon. Mr. Roebuck: Or a committee of the Senate.

Hon. Mr. Connolly (Ottawa West): There has been no decision as yet as to whether or not it should be a joint committee. We have had many joint committees in the past and I have heard varying opinions as to whether or not they are the kind of vehicle that is most useful to Parliament. Personally, I think a good joint committee can perform very valuable functions. If it is the desire of all or the majority of honourable senators, and I take it that it is, that consideration should be given to this suggestion, I will raise this matter with my colleagues in the Government and place the proposal before them in that form.

DIVORCE

FINAL REPORT OF SPECIAL JOINT COMMITTEE ADOPTED

The Senate proceeded to consideration of the Second and Final Report of the Special Joint Committee of the Senate and House of Commons on Divorce, which was presented on Tuesday, June 27, 1967.

Hon. Arthur W. Roebuck: Honourable senators, this item has been on the Order Paper for a very considerable time. This report of the Special Joint Committee of the Senate and House of Commons on Divorce was in fact presented to this house, was debated, and the proceedings have been printed and have had a very wide circulation. It has been followed by a Government bill which passed the Commons and this house and has received the Royal Assent and now waits for three months to be proclaimed. Therefore there is very little left for me to add in closing the debate on the presentation of this report.

There is, however, a statement of finances showing the financial transactions of the committee, and this item remained on the Order Paper so that these transactions might be completed, the accounts paid and a final total arrived at. I have that financial statement now and with the consent of the house I shall place it on *Hansard*.

Some Hon. Senators: Agreed.

The statement follows

Statement of actual and estimated expenditures incurred by the Special Joint Committee of the Senate and House of Commons on Divorce during the period March 16, 1966 to date

Special Assistant	$ 7,935.00
Temporary, clerical and stenographic assistance	3,241.09
Printing of proceedings	57,591.08
Printing of Report in *Hansard* and Minutes of the Senate	3,700.00
Printing of Final Report	6,107.04
Expenses of witnesses	1,552.68
Reporting and transcribing	482.40
Books and stationery	656.65
Rental of machinery	486.27
Sundries	16.25
Total	81,768.40

Hon. Mr. Roebuck: As honourable senators will see, the total amount spent by the committee was $81,768.40, two-thirds of which, in the amount of $57,591.08, was spent on the printing of proceedings. There was other printing in addition to that, namely, $3,700 for the printing of the report in *Hansard* and the *Minutes of Proceedings*, and $6,107.04, for the printing of the Final Report.

Honourable senators, this report received wide circulation. I see it on sale in some of the stores, and a very large number of people are interested in it, including the legal profession all over Canada. I forget for the moment the actual number of copies printed, but I am sure eventually they will all be sold. As I have said, the greater part of this expenditure was involved in the costs of printing.

The expenses of witnesses amounted to $1,552.68; reporting and transcribing, $482.40; books and stationery, $656.65. These are small figures for a big job. The rental of machinery which involved the obtaining of electric typewriters, some in French, because there was a very great deal of typewriting done in connection with these proceedings, amounted to $486.27. Then there was the special assistant, Professor King of Carleton University, who gave a tremendous amount of time and thought and made a real contribution to the work of the committee. Temporary clerical and stenographic assistance amounted to $3,241.09.

I am rather proud of the fact that the Senate made a very extensive inquiry of nearly a year's duration and presented a report of a

comprehensive character that was practical as well as extensive and which, as I say, resulted in a bill which is now law and which I hope will soon be proclaimed.

Hon. Mr. Grosart: And amended.

Hon. Mr. Thorvaldson: It is a lot cheaper than some royal commissions.

Hon. Mr. Roebuck: Well, there is the very old saying: comparisons are odious. I would mention that the taxation report, the Carter Report, took four years to complete and cost $3 million.

Hon. Mr. McCutcheon: And got nowhere.

Hon. Mr. Roebuck: Then the B. and B. Commission Report—and I do not know whether that will get anywhere either—took more than four years to complete and cost $8 million.

I hope those who are responsible for the management of the affairs of Parliament will take notice of this fact. The Senate is capable of making inquiries, investigations, consideration of situations, and to report without tremendous expense or calls upon public funds; and it has a knowledge of politics and people and affairs such as no other body in this country has. We are thoroughly experienced in these matters, and I think that the powers that be should remember that; and we ourselves should give heed to these figures and facts and be as energetic as we can in enterprises of this kind in the public interest.

Honourable senators, I have presented a report and all that remains for me to do is to move its acceptance.

Report adopted.

BUSINESS OF THE SENATE

Hon. John J. Connolly: Honourable senators, in moving the adjournment of the Senate, I should like to say that I think it would suit the convenience of all honourable senators that we proceed as far as possible with the bill explained earlier this evening by Senator Davey, to the point where we can refer it to committee at an appropriate time.

I do not preclude the possibility, in the event of a short-fall in speakers, that we may have to interrupt that debate and perhaps take up something else, to suit the convenience of the Senate. However, if we could proceed to complete this debate before we embark on another, I think we might be serving ourselves and the public better.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Wednesday, February 14, 1968

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

Prayers.

CLERK OF THE SENATE

COMMISSION ISSUED TO ROBERT FORTIER, ESQUIRE

The Hon. the Speaker: Honourable senators, a commission under the Great Seal has been issued to Robert Fortier, Esquire, appointing him a Commissioner to administer the oath of allegiance to members of the Senate and also to take and receive their declarations of qualification.

The commission was read by the Clerk Assistant.

DOCUMENT TABLED

Hon. John J. Connolly tabled:

Order in Council P.C. 1968-156, dated January 25, 1968, authorizing, under section 21A of the Export Credits Insurance Act, long-term financing by the Export Credits Insurance Corporation for the purchase by East Pakistan Water and Power Development Authority, Dacca, East Pakistan, for export from Canada, of engineering and procurement services from Pelletier Engineering (International) Limited, Montreal, Quebec, pursuant to section 21B of the said Act, chapter 105, R.S.C., 1952, as amended 1960-61. (English text).

EXTERNAL AID

AUTHORITY TO INCREASE PRINTING

Hon. Gunnar S. Thorvaldson, Chairman of the Standing Committee on External Relations, to which was referred the Report of the Department of External Affairs for the year ending December 31, 1966, with particular reference to the portion dealing with External Aid, presented the following report of the committee:

Your committee recommends that authority be granted for the printing of 1,000 copies in English and 400 copies in French of its proceedings on the said report.

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.

LIBRARY OF PARLIAMENT

REPORT OF JOINT COMMITTEE ADOPTED

The Senate proceeded to consideration of the report of the Joint Committee on the Library of Parliament concerning salary revisions and related matters, and recommending the discontinuance of library service on Sundays during the session and submitting the amended regulations for approval, which was presented yesterday.

Hon. John J. Connolly moved the adoption of the report.

Hon. Jean-François Pouliot: Honourable senators, in the first place I must say that for my research work I owe more than my weight in gold to the personnel of the Library of Parliament. They have all been very helpful to me in many circumstances, and I find that the increases in salaries are legitimate and well deserved. Therefore, I approve the main part of the report.

In addition, I see no reason for keeping the library open on Sundays. It is open long enough on Saturdays, and I am in favour of it being closed on Sundays.

However, there is one matter that strikes me forcibly. The personnel of the library numbers about 100 and this report mentions 40 different grades. I am wondering who is responsible for that situation. One of the recommendations of the Civil Service Committee which sat in 1938 and 1939 was that the number of grades in the Civil Service be reduced. At that time there were 3,500 grades, but I do not know what the number is today. I find this large number of grades absurd. I want the personnel of the library to be well paid, but there should be fewer grades so that everyone could have a better idea of the salaries being paid to the library staff. That is my point. I wonder if it will be done. If the Leader of the Senate is to speak after me I should like him to tell us the number of personnel in the library, and who has been instrumental in the establishment of 40 grades for about 100 people.

Honourable senators, I now have a book to show you. It is a big red book, the size of the telephone directory. It is called *Canadiana 1967* and is published monthly. It is the most useless book I have ever seen. As honourable senators can see, it is like a telephone directory, with white pages and yellow pages. It is produced by the National Library and contains a list of publications of Canadian interest during the previous month. I wonder if I have one honourable colleague who has ever read an edition of it from beginning to end, or ever consulted it. It is a complete waste of money.

It may be argued that this is only one book, but if we are to practise economy we must make a start one day by taking action, by using the axe at least once. I do not want to harm the ladies who produce this book. They must work very hard, but their work is useless. Imagine the cost of subscribing to all the periodicals in Canada in order that the titles may be published in this book. The two ladies who do this work would be more usefully employed in cataloguing, or doing some other work. They would be paid just the same, of course, but their work would be profitable instead of useless, and the printing cost would be saved.

I suppose this must be culture. Of course, I do not believe in culture. As I told you before, I believe only in agriculture. I will put a question on the Order Paper, probably tomorrow, but before doing that I wish to show honourable senators this document, which I will send to *Hansard*. I have two more copies which I will send to the Leader of the House (Hon. Mr. Connolly, Ottawa West) and the Leader of the Opposition (Hon. Mr. Flynn) so that they may use their spare time reading these red books.

Hon. John J. Connolly: Honourable senators, I should point out that the Joint Committee of the Library of Parliament is chaired by the Speakers of the two houses. Their authority in respect of the library is somewhat more than the authority of a chairman of another committee.

In answer to Senator Pouliot, in regard to the matter of grades, I cannot give him the number of grades or the number of employees, as I have not that information. I am sure that it is available, and if he so desires it I will get it for him.

On the question of grades, I have been told, although I do not sit on the committee, that while the authority rests with the Speakers, who share it with the members of the committee, normally they call in the assistance of the Public Service Commission to make the allocations in respect to grades. I would point out that, in step with other developments, library science is a developing science.

Hon. Mr. Roebuck: Hear, hear.

Hon. Mr. Connolly (Ottawa West): Work in a library no longer consists simply of a matter of knowing where books are and taking them down and handing them out to people who come to borrow them. The cataloguing of the books and the disposal of the matter which comes to a library is a very involved task. The science has become a very important one, not only in places like the Library of Parliament but in the universities and in public libraries in many parts of the country.

Parliamentarians do not use the library as much as they might. It seems to me that in the old days the library was a more important adjunct of the parliamentary institution than it is today. I can remember reading of the hours which were spent there, in their younger days, by men like Laurier and Lapointe and Borden. Most of these men wrote, too, and they did it because they had a feel for books.

I can remember, too, that when the late Senator Charles Murphy, whom I knew very well, wanted to pay a person a high compliment, he would say, "He is the kind of fellow who understands that books are not things to decorate walls; they are things to read."

Honourable senators, a few days after Christmas, during the recess, I was invited to go to the National Library for a most interesting and significant ceremony. On behalf of the Jewish people of Canada, during the Centennial year a presentation was made to the library of some 4,000 books, in English and French and Hebrew. This was a most impressive collection.

As honourable senators know, during the recess I was fortunate enough to spend a little time in the country of Israel. I told the officials there, and the foreign minister also, about this significant presentation which had been made. I was delighted to be there. A person with a feel for literature and for books could not but feel hungry at some of the remarkable volumes which were in this manner put at the disposal of all Canadians for all time.

I would suggest that those honourable senators who have not had an opportunity to do so should visit the new National Library on Wellington Street. There was a time in the lives of most of us when libraries were rather forbidding places. At least they were not places one went for fun. Now they have become much more attractive in the way they are organized, in the displays that they have and in the things that they do to popularize not only events but the record of events as set down in our literatures.

So I thank Senator Pouliot for his comments. I will get the information that he requests. I have no comment to make on *Canadiana 1967*. This is the first time I have seen it, but I will look at it with interest.

Hon. Mr. Pouliot: Thank you. I want to specify that it is not published by the Library of Parliament. It is published by the National Library. In addition, I would like to bring another matter to the attention of the Leader of the Senate.

By virtue of an order in council in the first place, and then by virtue of an order of the Treasury Board, all members of both houses are entitled to have copies in French and English of each book that comes from the Printing Bureau. But in the past year or two there have been renovations and some books are not now available to us. However, the Secretary of State, the Honourable Miss LaMarsh, made an exception to that by sending us some beautiful books on the occasion of the centennial.

I wonder who makes the decisions regarding the books that shall not be given free to the members of both Houses of Parliament. And what are those books? I do not want an answer today. An answer may be given to me next week or at the leisure of the leader.

Hon. John M. Macdonald: Honourable senators, may I say a word on this report? I just want to mention that I wholly agree that our library is something of which we can be proud. It is well run. Those who work there are not only efficient but are very courteous, and the research section that I visit is certainly of great value.

I agree as well that there is no point having the Parliamentary Library open on Sundays. I am here quite often on Sundays, and oftentimes I am the only one in the library on a Sunday afternoon. So far as I am concerned, I could take my books just as easily on Saturday or Monday.

I have also been wondering about the problem of space. Even the main floor of the library is crowded. Desks are placed very close together, and there does not appear to be any more room in the stacks. I am wondering, therefore, if some consideration has been given to allocating more space to the parliamentary library. I realize, of course, that space is a problem in any library, even in the National Library. Even when it was opened, I notice there seemed to be little space for future expansion.

Report adopted.

BROADCASTING ACT

SECOND READING—DEBATE CONTINUED

The Senate resumed from yesterday the adjourned debate on the motion of Hon. Mr. Davey for the second reading of Bill C-163, to implement a broadcasting policy for Canada, to amend the Radio Act in consequence thereof and to enact other consequential and related provisions.

Hon. Gunnar S. Thorvaldson: Honourable senators, I think we may all agree that Bill C-163 is undoubtedly one of the most important measures to come before Parliament during this session. I wish particularly, therefore, to compliment Senator Davey on the excellent task he performed last evening in presenting this bill to the house and explaining it thoroughly.

I must say that I envy his credentials in regard to broadcasting. I had not been aware that he was such an expert in the field, having been an announcer and a broadcaster at radio station CKFH in Toronto for 11 years.

Hon. Mr. Connolly (Ottawa West): He is a broadcaster all right!

Hon. Mr. Thorvaldson: I must say that my own experience with broadcasting has been on the listening end, apart from occasional dealings with the business end of a microphone.

The honourable senator suggested among other things that this measure might be an emotional issue. In that regard let me say that it might have been an emotional issue in the other house, but one would think that in the cold, sober atmosphere of this body we should be able to deal with this bill in a very practical manner. I may say that in my view the emotionalism in the other place was occasioned by some of Senator Davey's political colleagues in that body.

I was interested in Senator Davey's reference to the Aird Commission, the royal commission headed by Sir John Aird, which was appointed in 1928. Sir John Aird, as mentioned by Senator Davey, is the grandfather of our colleague Senator Aird. May I compliment the grandson on the excellent job performed by that first commission which studied radio and broadcasting in Canada. Indeed it laid the foundation for the type of system we have in Canada today. I understand that commission in its travels across Canada found a strong determination on the part of the Canadian public that there should be in Canada a national broadcasting system. Consequently, as we know, we adopted the system which had been adopted in Great Britain where they have a national broadcasting system in preference to the wholly privately owned broadcasting systems of the United States.

Also in going back over the history of radio and broadcasting in this country, I am sure the house will forgive me if I mention briefly some of the great names associated with broadcasting during those years.

We begin with the Marconi Company, which carried out the first broadcasting in Montreal in 1919. Then there was Sir Henry Thornton, President of the Canadian National Railways, who was perhaps the first person in Canada to recognize what could be done with radio broadcasting in a commercial way. In 1923 Sir Henry and the C.N.R. sponsored the first broadcast in a commercial sense in this country. Then there was the royal commission of Sir John Aird, as already mentioned. Also, there were names such as Hector Charlesworth, first chairman of the national facility appointed in 1932; Gladstone Murray, who was appointed general manager of the Canadian system in 1936, and Mr. Leonard W. Brockington, Q.C., who was appointed first chairman.

This review of names would not be complete without mentioning the Right Honourable R. B. Bennett. It is unquestionably a fact that Mr. Bennett was the first statesman and politician in Canada to express the view from the Government side that we must in this country have a national radio system which must be a basic force in broadcasting in Canada. Indeed, if I recall correctly, it was said at that time that we needed this agency to assist in creating a Canadian identity and national unity. I believe that those words were used in those early years in connection with the building of the national public broadcasting system in Canada.

Honourable senators, I make these remarks in passing because I find it interesting to look at the origins of the great system that we have in Canada today. The bill before us, C-163, has had an amazing career. Its genesis lies in the work of the Fowler Committee on Broadcasting, the report of which was published in 1965. That committee, appointed on May 25, 1964 to advise on the system of broadcasting in Canada, consisted of three distinguished and able members, Mr. Robert W. Fowler, Montreal, Chairman, and Messrs. Marc Lalonde, Montreal, and G. G. E. Steele, members. As you know, Mr. Steele was the Secretary of the Treasury Board and Mr. Lalonde was a lawyer in Montreal who was conversant with the broadcasting industry in Canada. Indeed, I believe that the committee was appointed over the signature of our colleague Senator Lamontagne.

It might be said here that prior to the work of that committee Mr. Fowler had already in 1957 headed the Royal Commission on Broadcasting, which reported on our broadcasting system of that day, and was followed by legislation which, among other things, created the Board of Broadcast Governors in 1958.

Following the Fowler Report, the Government issued a White Paper on the subject of broadcasting. This was followed by a report on the White Paper by the Standing Committee on Broadcasting of the other place, then the drafting of Bill C-163, and followed later by protracted examinations of it by the Commons Standing Committee on Broadcasting. Finally, as we know, there was a controversial and nearly endless debate on the bill in the other place.

This debate, as I see it, did not so much result from differences of opinion among the parties, but it was largely between individuals who had strong opinions, one way or another, on various details of the bill.

Is it possible to give in a few words the reasons for the tremendous public controversy there has been over this bill, both in Parliament and throughout the country generally? To my mind, the basic reason for controversy is the tidal wave of opinion in Canada which holds that management of the people's broadcasting agency, the C.B.C., has been inadequate in two main respects. First, in a business or financial sense, the C.B.C. has literally run off with the public purse. They thought they had a licence to print money, and there has been no adequate control of this aspect. Either there has been no control, or control has fallen between two

stools, namely, Parliament and government, resulting in financial chaos in the C.B.C.

Secondly, important segments of the C.B.C. programming have come under the control of morally offensive people, that is, morally offensive to the great majority of decent middle-of-the-road Canadians. I believe that it was in this context that a few weeks ago the Secretary of State used the word "rotten" to describe C.B.C. management.

I want to make it clear that nothing I say in regard to the business management of the corporation is intended as a personal criticism of the former President, Mr. Alphonse Ouimet, or, indeed, his immediate senior officials. The fact is that under previous legislation, C.B.C. had simply become an unmanageable monster. I now presume that the main object of this bill is to bring the corporation's affairs more under the direction of the Canadian people as expressed through Parliament.

From the very beginning of C.B.C. it was always intended to create a certain balance of parliamentary control and government control. The reasons for this intention are obvious, namely, the C.B.C. must never be made an instrument of government policy, and it is essential that Parliament have a strong hand in regard to it. In the end it had neither, and as a result, the control of this vital instrument fell into anonymous hands, the hands of people who contrived to use its powerful facilities in the image of themselves.

In respect of certain programming, that image came into total conflict with the views of the people of this country who comprise its vast majority. I believe this condition applied to the French-speaking section as well as to the English-speaking section of the programming of the corporation.

In regard to business and financial management, to put it bluntly, I doubt whether the provisions of this bill can affect that very much. However, let us hope that with the new management—namely, Dr. George Davidson and Dr. Picard—we have men who will sweep with a new broom and be able to divorce themselves from the inordinate extravagances of the past. However, the hands of this new management can be greatly strengthened in this regard if we in the Senate tell them in no uncertain terms that the Canadian people want improvement and that they will not stand for the escalating of expenditures and the money-wasting which has been the hallmark of the C.B.C. in recent years.

In respect of escalating expenditures, let me put some cost figures of recent years on the record. However, before doing so I want to refer to a brief statement which appeared in the Ottawa *Citizen* yesterday, February 13. This statement, which also appeared in most newspapers in Canada, being a direct report from the proceedings of Parliament, is headed:

"You will pay $7.70 for C.B.C.", and it reads:

> The C.B.C. radio and television service will cost Canadians about $7.70 a head in the 1968-69 fiscal year.
>
> Spending estimates tabled Monday put the operating cost of the corporation at $154,200,000, up from $144,000,000 in the current fiscal year ending March 31.
>
> The grant to the publicly owned corporation does not include an estimated $25,000,000 loan for capital expenditures during 1968-69.
>
> The C.B.C. got loans totalling $30,398,000 for capital costs in the current year.
>
> The figures for 1968-69 include the cost of operating the C.B.C. international service, which beams short-wave radio programs to Europe, Latin America and into the Arctic.
>
> Previous spending estimates listed the international service separately. Cost of this service for 1967-68 was $3,813,000.

Now, here is an example of how the cost of the C.B.C. to the Canadian treasury has escalated during the last few years. When I refer to "costs," this represents the net cost to the taxpayer of operating only, and does not include capital expenditures which, as you know, are vast.

Fiscal Year	Net Cost
1961-62	$ 78,160,805
1962-63	80,815,947
1963-64	87,575,697
1964-65	87,969,198
1965-66	97,458,914
1966-67	115,243,073
1967-68	125,000,000 approximately

This illustrates the tremendous escalation in the cost of the C.B.C. to the Canadian people.

Hon. Mr. Roebuck: Has there been an escalation also in the service, the extent or quality of it?

Hon. Mr. Thorvaldson: I would say that in quality there has been a very serious deterioration. However, it is true that this country is growing, and I really cannot say whether there has been an escalation in the service.

Hon. Mr. Roebuck: In the extent of the service?

Hon. Mr. Thorvaldson: In the extent of the service. I presume there has been some. However, I want to recall that since 1961-62 the escalation has been from $78 million to $125 million today, which is nearly $50 million in a period of only seven or eight years. The point is that, in my opinion, the people of Canada generally do not wish to have their taxes increased year after year because of higher and higher costs of the C.B.C.

In regard to programming, it was the investigation of the "Seven Days" affair that alerted the Canadian public to the truth that these programs were part of a deliberate pattern foisted upon them by a small group of self-styled reformers who wanted to mould us all in their hippie, beatnik, or drug-addict image. As I see it, not only Parliament and the Government, but also top management had completely lost control of this tremendously powerful instrument to a few people who decided it was their prerogative to determine what the public should hear and see. As a result, the living rooms in our homes became saturated with the stench of the degrading and demoralizing filth which, on occasion, spewed forth from our television sets. Even despite the investigation and public condemnation of the "Seven Days" programs, there has been much to complain about since that time.

Indeed, there is an excellent reason for the private networks remaining clean in their programming. It is that most, if not all, of their programs are sponsored by advertisers. These advertisers are well aware of the damage that would accrue to them if they sponsored programs which were not generally acceptable to the public in regard to their morality. I would say that nothing could be more frightening to a company which sells its wares to the public than to find itself the sponsor of some of these polluted programs we have seen on the C.B.C.

The problem now becomes this: Will the enactment of Bill C-163 have any effect upon the two great woes of Canadian broadcasting, namely, the high cost to the public and the irresponsible programming of the C.B.C.?

As I understand the bill generally, there are two main elements in it which will go far to determine whether or not the bill will achieve its laudable objectives. The first is whether the content of clause 2, described as a "Broadcasting Policy for Canada," is fairly interpreted and without discrimination against the private sector in the broadcasting field; that is, whether it is fairly interpreted by the new commission which is being set up to replace the B.B.G., namely, the C.R.T.C.

The second is the kind and quality of the people who will be appointed members of the Canadian Radio-Television Commission which is established by section 5, and also the quality of the people who are appointed to the board of directors of the new Canadian Broadcasting Corporation which is established by Part III.

In my judgment it will be most unfortunate if the Government proceeds to appoint no one but its own partisans to the 5 full-time and 10 part-time membership positions of the C.R.T.C. If this is done there will be very little public confidence that reform of the system is either intended by, or possible under, this bill.

The national broadcasting system is essentially different from any other type of governmental operation, or any other Crown corporation. From the very beginning it was intended that Parliament would be paramount, and not the government of the day. Hence, it is wholly contrary to this basic concept that the 15 members of the C.R.T.C. be Government partisans, and I hope they will not.

The same remarks are applicable to appointments to the board of directors of the C.B.C. This nationally owned broadcasting system is far too important as a medium of communication to allow for a suspicion of partisanship in these appointments.

In regard to the question of appointments to these offices, namely, appointments to the board of directors of the corporation, and the commission, I am much intrigued by the thought that the Government might invite the appointment of one representative from each province, to be made or recommended by the government of the province. This would be an ideal example of co-operation federalism.

There is another and, I believe, important reason why this should be done. It is that when the broadcasting system comes to deal seriously with educational TV, as it must very soon, there will be, as is recognized, an

immediate conflict of jurisdiction in this regard between the federal and the provincial governments. The closest collaboration possible will have to be carried out between the federal boards and the departments of education of the various provinces. When I refer to "federal boards," I mean the board of directors of the C.B.C. and the commission. I put this suggestion forward in a most serious way, in the hope that it might be accepted.

While speaking of Canadian broadcasting in the general sense, there is one thing that to my mind must be watched with extreme care in the future. That is the question of enabling broadcasting facilities to be owned by many people, and not become concentrated in the hands of a few individuals or a few corporations. I believe that there has been a persistent tendency for ownership of radio and television broadcasting facilities to fall into the hands of fewer and fewer people. I see that as a real danger. That tendency can and ought to be stopped. I hope that the new commission will take the necessary care to prevent this trend in the future.

Hon. Mr. Deschatelets: Hear, hear.

Hon. Mr. Thorvaldson: Honourable senators, I have dealt with the bill in a very general manner. I have not overly criticized the Government or Parliament. One thing I have tried to indicate is that whereas the original purpose of the legislation which created the C.B.C. many years ago was to strike a balance between Government control and parliamentary control—and that purpose still remains as a basic one—it is still something that has been found so difficult to achieve in this country. I want to emphasize again that this broadcasting facility, the C.B.C., is not like the ordinary commercial or Crown corporation that can be operated by a government. Parliament must have the control, and the problem we must solve is one of creating a proper balance? There is no doubt but that this bill attempts to do that very thing, and personally I hope, as I am sure every other honourable senator does, for a result which will achieve that end.

I should like now to make a few remarks in regard to certain details of the bill which I hope will be debated and discussed in this house. Perhaps the most important part of the bill is section 2, which is under the heading "Broadcasting Policy for Canada." Senator Davey explained this section very carefully yesterday. He devoted much time to it. The wording is fairly clear, I would say, with a couple of exceptions, to which I should like to refer. I should like to read first section 2(d):

> the programming provided by the Canadian broadcasting system should be varied and comprehensive and should provide reasonable, balanced opportunity for the expression of differing views on matters of public concern, and the programming provided by each broadcaster should be of high standard, using predominantly Canadian creative and other resources.

I refer to the words "high standard." I am sure that those words are meant to put some teeth into the powers, and the willingness, readiness and desire of the commission to really see to it that programming in this country is of a high standard, and that we will not have a repetition of some of the types of broadcasting we have had.

There is also the phrase "reasonable, balanced opportunity for the expression of differing views on matters of public concern." That, of course, is extremely important because it is a fact that one of the complaints heard in the past few years was that in certain sectors of our broadcasting system there has not been balance in respect of the publication of political and other views. That balance, I maintain, must be re-asserted.

I should like to say something also about section 2(h), which reads:

> where any conflict arises between the objectives of the national broadcasting service and the interests of the private element of the Canadian broadcasting system, it shall be resolved in the public interest but paramount consideration shall be given to the objectives of the national broadcasting service.

As most honourable senators are aware, there was a furious debate in the other house on this particular subsection. The complaint is that although in the first part of the subsection the commission is instructed to resolve matters of dispute in the public interest, it then proceeds to provide that paramount consideration shall be given to the objectives of the national broadcasting service. Honourable senators, I am in complete opposition to the addition of those final words which require that paramount consideration be given to another body.

As I understand it, one of the main purposes of the commission, apart from licensing

and so on, is to be an arbiter between the C.B.C. and the private networks. The section begins by saying that it shall decide questions in the public interest, but then goes on to imply, "No, you do not have to do that. If you want to you can find for the C.B.C., they are the paramount consideration." I think this is very bad legislation. They might just as well not refer to the public interest at all. Surely decisions by the commission ought to be in the public interest. That should be the end of it. Why go further? Why should we weigh the scales thereafter and say that the paramount consideration shall be the objectives of the national broadcasting service?

I do not know how these last words would be interpreted. One person might interpret them by saying, "If the argument is fairly close, if it is a close decision, let us decide it in the public interest," whereas another member of the commission would say it simply means that every question is to be decided in favour of the national broadcasting service. I do not know how to interpret this. If I were a member of the commission I do not know what I would do. I suggest that the Senate ought to look at it very carefully and decide whether this section is right, fair or proper.

Let me give one example. Suppose part of the private network makes a request to put a broadcasting outlet into the Yukon, the Northwest Territories or any other place. Suppose the Canadian Broadcasting Corporation then says, "We want to put a channel in there. We can't do so for five years but we nevertheless want to keep the other people out." What would you do if you were faced with a dispute of that kind? The public interest requires an immediate service but the C.B.C. objects to a private network being there, although they cannot do anything about it for five years. If you were a member of this commission, how would you decide such a question after reading the present reference to the public interest which says that paramount consideration must be given to the public corporation? I suggest that this provision is quite unfair to the private sector of the broadcasting industry, and also unfair to those who will have to adjudicate under this section.

I should also like to put this on record. Section 2(i) provides:

> facilities should be provided within the Canadian broadcasting system for educational broadcasting.

Senator Davey dealt quite adequately with that yesterday and indicated that this phase of broadcasting will be of tremendous importance in the future. However, I can see a real conflict between the federal authority and the provincial authorities, because unquestionably education is within the provincial sphere of jurisdiction, and every province is most jealous in wishing to maintain that situation. That is why I suggest that there will have to be negotiations between the federal authority and the provinces, and I think something might be done about that immediately by giving the provinces some say in the formation of both the Board of Broadcast Governors and the commission itself.

There are many other details in the bill to which I should like to refer, but others who follow me will no doubt do that. I will conclude by saying that on the whole this is a good bill, that it deals with most of the problems which need to be dealt with, but the main problem is in achieving a proper division of power and authority between Parliament on the one hand and the Government on the other.

The failure of management in the past should not necessarily be blamed on those who were managers of that system. It occurred simply because the broadcasting system in Canada is a developing one. The last legislation dealing with broadcasting was enacted in 1958. We have had ten years' experience with that legislation and the time has now come to revise it, and we all hope and expect that this will result in much improvement to the Canadian broadcasting system.

[*Translation*]

Hon. Cyrille Vaillancourt: Hon. senators, I should like to develop a major argument concerning this bill, but I could not be as clear as the honourable senator who moved the bill was yesterday, or as the honourable senator who spoke just before me.

I am glad that such a bill has been presented, and I hope it will bring about a change in the state of mind which prevails in the C.B.C., so that these people who are destroying our country through their harmful programs may be prevented from doing so.

I notice that bill C-163 on broadcasting will try to remedy all the harm done by the C.B.C. and especially by its television service. Here is what clause 2(g)(iv) says:

> contribute to the development of national unity and provide for a continuing expression of Canadian identity.

I think they should stop accepting just anybody from any country, particularly in the field of news reporting on Canadian radio and television, and especially those who seem to be trying to discredit our country and to promote subversive ideas coming from elsewhere. The Secretary of State in the other place criticized very severely certain C.B.C. authorities when she introduced this bill. I do not think she was too hard on them. On the contrary, she could have been even harder because it seems to me that there is a group of people in the C.B.C., particularly in television, who are trying to destroy our country by preaching subversive ideas. If by chance a guest on a show expresses opinions contrary to those of the moderator, he is finished; he will never be invited again, because the policy is that the separatists, communists and marxists, who are always shown in a very good light by certain C.B.C. moderators, must triumph in our country.

Some years ago, the president of the provincial policemen's association in Quebec was actually a communist agent. The C.B.C. did all it could to promote this man on television and to show that he was a great man. However, the premier of the province (Mr. Lesage) and the provincial Minister of Justice (Mr. Wagner) denounced him as being unfit for his position. The C.B.C. then protested against the unfair treatment meted out to this man, Mr. Arthur Vachon. They made a martyr out of him. However, a few days later, *Combat*, the Quebec communist newspaper, said that Mr. Vachon was a member of the Canadian communist party.

If the interviewer does not succeed in really putting his guest on edge, the latter will not be re-invited. According to the needs of the moment, the C.B.C. airwaves will be open only to socialists, laicists, supporters of the so-called quiet revolution, admirers of anti-americanism, admirers of Mao, the poet, and defenders of Ho Chi Minh. If, in some cases, someone who is quite unsophitiscated is invited, efforts will be made to needle him, to ridicule him and his ideas, and should the guest fall into the trap, he will have to put up with sarcasm and jeers. But should he, against all expectations, outwit his interviewer, get him off balance and win the contest, he will not be invited again.

Famous gangsters are invited to appear on the C.B.C. Those who want to divide Canada can also be seen. They are invited practically every week. They get a lot of publicity. But those who work hard to keep Canada from losing ground are forgotten. The appearance of depraved people and homosexuals is made much of. There was a program about a famous homosexual who wrote a book about the so-called love between men; it was not only revolting but disgusting.

People complain about juvenile delinquency. For the last thirty years I have been involved with a family service in my area. It is possible to see there where the evil comes from.

How many mothers come to the family services to inquire about what they can do for their child who has become a delinquent and more or less a gangster. When these youngsters are brought before us, they tell us: How can it be otherwise? The C.B.C. shows us gangster films. We are shown how to steal; what to do in such cases. We are taught to do wrong; so we conclude that that is life. We do what we are taught. But we are the ones who pay for that.

I just noticed in the 1968-69 estimates that nearly $150 million is being allotted to the C.B.C. I can tell you that it is not the so-called intellectuals in the C.B.C. who will pay more taxes for that; it is you and I. That is why private stations are much more popular than the C.B.C. Everything that is done on the C.B.C. is not bad, but too much harm is being done. There is too much propaganda aimed at destroying our country and ourselves.

I could tell you about extraordinary things I have seen at the C.B.C. building in Montreal, but I do not want to shock you. I hope this new legislation will make it possible to appoint administrators able to restore some order and replace all those trouble-makers.

I have already complained about such things to C.B.C. authorities. They replied that they were unable to change anything, because any interference would result in a strike. I told them: Let them strike, because when there was a strike a few months ago, everybody was pleased to watch good and beautiful movies, since they were not being selected by the same persons.

One evening, a couple of years ago, I was returning home in my car and listening to the C.B.C. radio station. It was between 7 and 7.15 p.m. and a would-be leader was being interviewed. That man, one of the leaders of an organization seeking to divide Canada, said this, "At present, our organization has members posted everywhere, both in the Canadian and in the Quebec governments;

professors in universities. We now control news media throughout the country. In ten years from now, the Canadian confederation will no longer exist and we shall have leaders of our own choice." This gentleman added: "A few months ago, there was a strike at the Quebec Liquor Commission; the strike started when we said so, and it ended when we said so. We now control the news services across Canada. Here, at the C.B.C., we control the news services even more than anywhere else." Moreover, the gentleman who asked the questions seemed to be quite pleased with the replies of his guest and even encouraged him to develop the subject.

I trust that with the new act the officials will manage to clean out that stable, and that the C.B.C. will stop making trouble across the country.

The C.B.C. should be a creator of ideals, of greatness, of beauty; it should laud things wholesome and beautiful, in order to make of our youth wholesome young people with ideals, capable of building our country on solid and happy foundations.

[*English*]

Hon. Edgar Fournier: Honourable senators had there been one or two more speakers before me, I would have had nothing left to say because most of the things I wished to say have been said. I should like to compliment Senator Vaillancourt on his remarks. I fully agree with everything that he has brought to light, especially in regard to the French network, which he often hears, and which I have to listen to in my own province.

Everyone will agree that Senator Davey did a splendid job in presenting this Bill C-163. He displayed great ability and he is fully qualified to talk on this matter. I was most impressed by the history he gave of the C.B.C. I was also impressed by the remarks my colleague Senator Thorvaldson gave a few minutes ago.

I am inclined to agree with Senator Davey in many of his statements. This is a complicated piece of legislation. In my opinion it will do just about nothing to improve the administration of the C.B.C. It is merely a redraft of the existing act, with a few "blow-out" patches placed here and there.

Senator Davey was complimentary of the C.B.C., and I go along with my honourable friend up to a point. We can say a lot of things about the C.B.C., many of them good. There are many people producing good and interesting television programs. Our news media, radio and television, as Senator Davey has said, ranks highest in the world. However, the serious difficulty in which the C.B.C. finds itself today results from the excessive cost of production: the over-spending, the high travelling expenses, the duplication of staff, and the production of expensive programs which are scrapped and never shown to the public—scrapped for reasons which should have been discovered before the spending of thousands of the Canadian taxpayers' dollars.

Senator Davey also demonstrated the impact of television on the public. My honourable friend was so right. The sad part is that on too many occasions the impact is a harmful one to the viewing audience—when degrading scenes of violence, sexuality, immorality, and sometimes nudity are shown on our TV screens.

Honourable senators, on December 19 the Leader of the Government (Hon. Mr. Connolly, Ottawa West), placed on *Hansard* the answer to two inquiries I had made about the television films "The Ernie Game" and "Waiting for Caroline". I am not going to discuss those questions and answers except to say that I am sure all honourable senators were shocked to find out the number of persons and the time involved in producing those films.

Since my inquiry I have received over 400 letters about those films, and I am proud to say that only two were critical of my stand. One writer said that this was the type of picture he wanted to see, because we are living in the twentieth century. He said he was sick and tired of the old world and wanted to see what the new world had to offer. I replied to the writer of the second critical letter, and I later received an apology for some of the statements he had made. He finally agreed with me that these films were immoral and unfit for family entertainment. All the other letters were complimentary. I conclude, therefore, from all the correspondence received that this sort of film is not always welcomed by the greatest majority of viewers.

Furthermore, this was supposed to have been a centennial joint project between the National Film Board and the C.B.C. It was something to be produced especially for the centennial year. I would like to know how our children will react 30 years from now, if they are told that we had produced these films for the centennial year. In my opinion the producer was far from being centennial-minded.

A minute ago I mentioned duplication and overstaffing of the C.B.C. Here is Senator Connolly's answer as to the number of people involved and the time employed in producing "The Ernie Game":

> Thirty-one persons. Executive producer, producer, director, original story author, assistant director, director of photography, camera operator, second cameraman, assistant cameraman (2), art director, propsmen (2), location manager, assistant location manager, second assistant location manager, production assistant, continuity writer, make-up artists, location sound, gaffer, electricians (3), editor, assistant editor, sound editor, music editor, re-recorders (2) and story editor.

Honourable senators can read just about the same thing with respect to the second film, "Waiting for Caroline".

Now, for "The Ernie Game" there were in all 31 persons employed and 28 weeks and four days of time. For the film "Waiting for Caroline" there were 39 persons employed over a period of 29 weeks and three days, at a cost of just over $800 million, using equipment worth a million dollars.

Hon. Mr. Hollett: Did you say $800 million?

Hon. Mr. Fournier (Madawaska-Restigouche): Pardon me, sir, $800,000. I am glad you corrected me.

Hon. Mr. Connolly (Ottawa West): Even so!

Hon. Mr. Fournier (Madawaska-Restigouche): And what for? To produce two one-hour shows. This is the problem. Two shows of one hour each at that cost and over that time—seven months. There is something wrong somewhere. It is impossible to take all that time to produce a one-hour show unless there is a lot of duplication and a tremendous waste of time. I am not talking so much about the cost; it is the time that must be wasted.

My honourable friend Senator Davey was very complimentary about some films produced in the Toronto C.B.C. studios. I believe he mentioned, "The Strange Case of Dr. Jekyll and Mr. Hyde." I might agree with my honourable friend that that was a good film, but I must point out also that it was produced at a high cost. That was a one-hour show and, as he mentioned, it cost $900,000. At this moment I do not dispute the merit of the film nor its cost, but I dispute the merit and authority of the C.B.C. to produce and spend so much of the taxpayers' money to produce this sort of thing. Is C.B.C. going to become another Hollywood at the taxpayers' expense? That is my question and that is what worries me.

Can we afford to do this sort of thing? Our budget this year for the C.B.C. will be $154 million, an increase of $10 million. If these things are allowed to go on it will not be long until we are faced with a budget of $200 million. That is all I will say about that, because other things have been said about it already.

Honourable senators, we have another problem. There has been discussion in this debate about CATV, cable television service. We have this service in my region, and we had it when there was no other means of getting television. A company was formed and by its service we were able to get Radio Canada both in French and in English. Naturally, that is an American company and it was an American service and also it was American television. Now, we are lucky. We have five channels, two of which are in French and two of which are in English, with the fifth being an educational channel originating from the University of Maine in Bangor.

We are told that if this bill is accepted as it is now, this educational program service will be discontinued because it will not be accepted by the C.B.C. I do not know all the details, but I hope that this will be looked into, because it would certainly be a grave loss if we were to lose this educational channel. It is our most interesting channel because there is no advertising and it covers a wide variety of topics. Moreover, not only is this channel educational and instructive, but it is seen by a great number of people and has priority over other stations for many, many viewers.

Bill C-163, as I said a while ago, is not going to correct the present situation. We are just replacing the old act by new wording. It is like placing a new harness on a bucking bronco; it will not improve the horse in any way. Moreover, the increased costs of the C.B.C. are reaching alarming proportions, and I still maintain that a full investigation of the C.B.C.—from the attic to the cellar—is urgently needed.

In 1958 there was a federal election. It was possibly more active in politics in those days, but we in our region developed the slogan, "Let's clean up the C.B.C." That was very well accepted by the people, but when we came into power we did not clean up the C.B.C. and we did not improve our position. I can tell you that.

Not too long ago the Secretary of State, Miss LaMarsh, used the words "rotten management" in referring to the C.B.C. She was so right. I certainly want to repeat that. Possibly it is the only word that can be accepted at this time.

At any rate there is nothing apparent in this bill that will improve the situation, because the horses will keep running wild at the expense of the taxpayers. There is a large gap between the production costs of the C.B.C. and those of private industry. Believe me, there is a large spread of expenses there; in fact, it is too large. I cannot see anything in this bill that will result in any amelioration of the situation.

[*Translation*]

Honourable senators, all that I have just said in English may very well apply to the French network of the C.B.C.

The French network of the C.B.C. provides us with some very fine programs, but there also, there is an infiltration of ideologies totally foreign to our democratic principles and which sometimes work terrible havoc in the minds of our young people.

As Senator Vaillancourt said a moment ago, immorality plays every day a very large role under the direction of experts in the field. Our screens are filled with programs and performers coming from France. However, I would point out here that if a large number of these programs are rather bad, by contrast many are of great value.

In passing, perhaps I could make a personal observation in respect of some C.B.C. producers and ask why the vast majority of program hosts and French language personalities allow themselves to smoke during a program and so have to keep fighting the heavy smoke throughout the program. For one thing it is impolite, for another what a bad example to give our young people. I should say that this also happens on programs on the English network. But in the programs of the French network, smoking seems to be of paramount importance: it is even worse when we see our young female personalities do their utmost to keep an audience interested with at the same time a lighted cigarette between their fingers, which causes them more trouble than the whole program.

[*English*]

Honourable senators, this brings me to the conclusion of my remarks. I have noted that a new president and a new vice-president have been appointed in the persons of Dr. Davidson and Dr. Picard. I believe these are gentlemen of the highest calibre and ability, men of experience who would like to do much more than has been done in the past. But, honourable senators, I usually base my ideas of the future on past experience and I can say that at this moment my personal opinion is that these two gentlemen are doomed before they start. I am not going to explain that at this time; you know what I mean.

[*Translation*]

Hon. Mr. Deschatelets: May I put a question at this time to Senator Fournier?

He will admit, I think, that up to now, every succeeding government has taken a position of complete independence towards the C.B.C. As a result, if I quite understand the remarks of Senator Fournier and of others, certain groups within the C.B.C. have come to the fore, to the prejudice of Canada's best interests. Therefore, if Senator Fournier does not feel the bill now before us will settle the problem as he would like, does he think that the government should interfere to a certain extent with the affairs of the C.B.C. in order to correct at times certain wrong-doings on the part of the Corporation?

Hon. Mr. Fournier (Madawaska-Restigouche): Honourable senators, if this bill could be implemented in its present form, I think it would bring about some improvements. But I do not believe this is possible.

It seems to me that the trouble within the C.B.C. is that its 8,600 employees are well syndicated by very powerful unions which refuse to acknowledge any authority whatsoever and to defer to public opinion. They have perhaps become somewhat pampered in their profession and it would be very difficult to change all this. That is why I say that the chairman and his assistant are doomed before they start. Some groups have become so powerful that it will be impossible for the management to implant new ideas. I may be wrong.

Secondly, you mentioned that the government could help by taking a hand, up to a point, in the affairs of the C.B.C. I have always been opposed to giving unlimited powers to a government agency, to handing over complete authority to a group; I do not feel that we can say: This is your ship, steer as you will, we will not interfere. The federal Government should never hand over all its responsibilities to a group. This would not be fair to our democratic system. It seems to me

that the men who are duly appointed by the public in general elections should have their say; it is an error to divorce those organizations by giving them complete authority. They are asked to submit a report at the end of the year, and all one can do is read it. Nothing can be done about it.

Certain things would stand correcting in the C.B.C. I am convinced that 1,000 employees could be laid off. I know that it is not the policy of the government to create unemployment. Even though all of them are not qualified employees there is a lot of dead wood, I can assure you. Still, a thousand could be laid off and the performance might even be improved.

It is a matter of going to the C.B.C. offices, then going to a private station where the same type of work is being done—I know something about it, because I took part in radio programs during five years in a private station—then one realizes how many employees are required by the C.B.C. to produce a small 15-minute program as compared with what goes on in a private station; one realizes there is duplication at the C.B.C.

In closing, let me give you a minor example of such duplication. Three or four years ago, I was asked to take part in a program of a political nature. There were three of us. It was a 15-minute program and, to make a long story short, I was seated on this side, with one in the middle and the third on the other side. The program started and someone said "Stop it, this is not good... You sit here, on this side." We start all over again. Somebody else comes up and says: "I do not like it this way; you change over to this side and you in the middle." Now, I am seated in the middle. Would you believe that the same thing happened five or six times in a row? I got fed up and said: "What is going on? This is not a beauty contest. We have been shifted from one place to another five or six times during a 15-minute program and you have wasted about 200 feet of film." Finally, we found ourselves seated as we were to start with. Such a thing would not happen in private stations, because they have neither the time nor the money to do it, and the programs are as good as any other.

[*English*]

Hon. Norman A. MacKenzie: Honourable senators, the reason I wish to speak briefly on this bill and about this matter generally is that I believe and in fact I know that broadcasting and television are among the most powerful forces, if not the most powerful, that influence our society today. They create opportunities and problems for all of us as individuals, as groups and as governments. These problems are very difficult to deal with and will likely continue indefinitely because they are problems of a democracy in the sense of the competing claims of freedom and responsibility.

I have been interested in broadcasting for many years. I was a member of the Canadian Radio League, which was active in the 1920s. It had members all across Canada, in every province, and had a good deal to do with the ideas and decisions that were made in respect of radio. Only three names of those who were most active in that organization come to mind at the moment. One of them is that of Mr. Alan Plaunt, an able and attractive young man, a citizen of this City of Ottawa. Another is Mr. Graham Spry, a graduate of the University of Manitoba and a Rhodes Scholar, who has been for many years the Agent General of Saskatchewan in London. He and Mr. Plaunt were, in a sense, as idealistic young men, the moving spirits in this organization. The other name that comes to mind is that of John Dafoe, the very distinguished editor of the Winnipeg *Free Press*. He played an important role through his editorials and his influence in other ways.

I was glad to notice that tribute was paid by other senators to the Conservative Government, and to Mr. R. B. Bennett, who was responsible for the introduction of the legislation that provided for public broadcasting in Canada and set it in the proper level of importance.

From April 1949 until May 1951, a little over two years, I had the privilege and honour of serving as a member of the Royal Commission on National Development in the Arts, Letters and Sciences, under the chairmanship of the late Right Honourable Vincent Massey. We spent a good deal of time on broadcasting. Television was only in its infancy, and while we considered it, studied it and made a report on it, most of our concern was with broadcasting in the more or less orthodox and accepted sense of that term.

I have here the report of that commission, and there are just two short passages I would now like to read. The first has to do with why it is felt we should have public broadcasting in Canada.

> The easy and obvious answer soon appeared.

As to how Canadians could enjoy the advantages of broadcasting.

> In the United States the new industry of radio was growing phenomenally. Men of enterprise quickly mastered the early techniques and enlisted and adapted an astonishing amount and variety of talent for the new medium. Commercial returns justified their investment. Here, it seemed, was the solution to Canada's problem. With easy access to the south, American programs could be channelled in to Canada inexpensively through stations along the border. Canadians could again feast heartily and cheaply on American bounty, this time without even an obligation to return thanks. It was then that some Canadians began to think that history was about to repeat itself in a new and alarming form.

The report continues in that tenor to give the history which has already been given so admirably, fully and interestingly by the honourable Senator Davey.

I read just one other sentence:

> The quality of the programs which the Canadian listener receives must however be the test for the justification of a national system of radio.

I do not propose this afternoon to go into any detail concerning the bill itself. I am not a member of the committee, but the chairman of the committee assured me at luncheon that if I came along he would permit me to take part in the discussion of the bill, which I would like to do, and to ask one or two questions about some of the clauses in the bill.

However, I would like to say this about the bill, that sets out in clause 2 the general policies—under (a), (b) and (c), as to the philosophy of public broadcasting in Canada. These have been formulated as a result of 40 to 50 years' experience by Canadians working in these fields and being subjected to the programs produced. Personally, I am very happy that those responsible for the drafting of this bill have included in this early clause what seem to me to be such wise statements of philosophy and policy in the matter of broadcasting generally.

A few days ago I had the privilege, as the guest of Dr. Andrew Stewart, Chairman of the B.B.G., of attending in the auditorium of the National Art Gallery a most interesting demonstration of the art of Canadian television. I believe all the members of the Senate and of the House of Commons received an invitation to attend, and while I had some reservations about devoting nearly three hours that evening to this program, it was more than worthwhile. This program was produced by both private and public television in Canada. It was produced at the request and suggestion, I think, of the American Academy of Broadcasters of New York, for use and display in New York, Washington and other parts of the United States, to inform the citizens of that country what we in Canada have achieved in this area of the mass media of broadcasting and television, and this in particular because all these programs were related to our Centennial Year 1967.

With the permission of honourable senators, rather than reading this material, I would like to present this small page for inclusion in the *Debates of the Senate* of today.

The text follows:

A SALUTE TO CANADIAN TELEVISION

Program

Part I

Opening:

100 Years Young—CBC English Network

News:

CBC English Network

CTV

CBC French Network

Drama:

Rumble of Silence—CTV

Hatch's Mill—CBC English Network

D'Iberville—CBC French Network

Public Affairs:

Leadership Convention—The Progressive Conservative Party of Canada—CTV

The Battered Child—CBC English Network

Lord Thomson of Fleet—CTV

Mills of the Gods—CBC English Network

Local Stations:

Buffalo Days—CKCK-TV, Regina, Saskatchewan

Jean-Pierre Ferland—CFTM-TV, Montreal, Quebec

Under Attack—Screen Gems Ltd.

Command Performance—CJCH-TV, Halifax, Nova Scotia

Commercials:

Courtesy of the Television Advertising Bureau

Sports:

Football—CTV

Hockey—Courtesy of the National Hockey League

Part II

Variety:

Pig and Whistle—CTV

Mozart—CBC French Network

Gordon Lightfoot—CBC English Network

Daytime Television:

Edward Albee—CBC English Network

University of the Air—CTV

Game Show Montage—CBC and CTV

Special Artistic Presentations:

Swan Lake—CBC English Network

Henry V—CTV

Stravinsky—CBC English Network

Two or three days ago I received from the British Columbia Television Broadcasting System Ltd., a private body, a letter announcing a new program, and I should like to read two paragraphs of it.

> Each program will deal with a subject pertinent to young people entering Canada's labour force, with an expert from each field joining the students of participating high schools in open and free-form discussion.
>
> We feel the series has exceptional merit and interest because it is a genuine effort to reach young Canadians with a program specifically created to inform rather than teach; to stimulate interest in the major issues that affect the economic welfare of every citizen of British Columbia and, consequently, the whole nation.

I quote that as evidence and an illustration of the fact that television broadcasting, both public and private, have been and continue to be, of major importance in certain fields of education, in terms of informing and influencing the minds and behaviour of human beings.

I have heard this afternoon from other members of this distinguished chamber some of the criticisms with which I agree. I do not have the time that I would like to have to listen to radio or to look at television, so I am not really competent to be an expert critic of either. I do know from what I have seen and heard, and from what I have read, that there are programs, particularly on our public system that, in my opinion, should never have been permitted. But, on the other hand, there have been far more programs taking up far more time that were most distinguished, and of which every Canadian can be proud, and without which we would be less well informed, less cultured and, in a sense, more deprived, than peoples of other countries.

This raises the question of programs that I do not like and, as I gather, most of the members of this house do not like, and how to deal with the situation. Frankly, as I said in my introductory remarks, this is a central problem of democracy. It is not only in the C.B.C., in radio and television, that you find this problem. At the present time the universities are faced with very much the same kind of situation in a variety of ways, and they too are puzzled and disturbed as to what to do and how to do it.

This grows out of the fact that we are living in a democracy, where we pride ourselves upon the freedom of the individual, freedom of speech, freedom of religion, freedom for everybody to do, be, say and write what he or she would like to do, be, say and write, subject always, we would hope, to its being done within the law in a responsible way, and having a regard for the opinions, feelings, and rights of others.

How we can achieve this is something we have not yet worked out. Our success as a people, as a country, and as a nation in finding a solution to this problem will, to my mind, determine the future of our democratic society.

Some mention was made of the possibility that this could be done if the Government or Parliament retained greater control and supervision over radio and television in respect of both programs, which is a matter that is of major concern to me, and finances. Finances, I think, do not pose too serious a problem, because Parliament can decide the total that will be made available to the C.B.C. But, the business of programming is a very different matter, and I doubt very much whether any of us would be happy if we learned that one party, whether it be Liberal, Conservative or the N.D.P., were going to be in the position of deciding who produces the programs and what they are. This would lead to political interference and partisanship in

the control of the most influential and powerful instrument in our society, and it would be completely unsatisfactory.

Mention was also made of the fact that, by and large, private broadcasting is not bedevilled by this undesirable programming. I think that that is a fact, but as one honourable senator pointed out, private broadcasts, by and large, are sponsored broadcasts—save in the case of those of educational or public service variety—and the sponsors have control and supervision over these programs.

This raises the other problem of control being exercised by a certain group within our community or society who may or may not be the men and women or the organization that the people wish to have control over these powerful agencies. This, I suggest, points up another of those difficult situations that arise for those who live in a democracy.

In conclusion, honourable senators, I should like personally to record my own opinion that what we have achieved in principle, namely, the division of this field, which is of such very great importance and influence, between public broadcasting and private broadcasting, as it should be in Canada. It remains for us to work out to the best of our abilities, and in our own way, solutions to the problems that will inevitably arise in a field of this importance.

Hon. Chesley W. Carter: Honourable senators, it is my opinion that Bill C-163 is the most important piece of legislation that we shall deal with this session, and probably the most important that we shall deal with for many years to come.

Before I come to the substance of the few remarks I wish to make I should like to express my congratulations to Senator Davey on the masterly way in which he explained this very comprehensive and, in many respects, complicated and controversial bill.

I congratulate those who have preceded me in the debate on the pertinent remarks they have made, with a particular word of commendation to Senator Vaillancourt. He and I operate on very much the same wavelength and he said many of the things that I would otherwise have mentioned, but he did it with much greater force and eloquence than I could have used.

I have for a long time had a great interest in the subject of broadcasting, because when I came here 19 years ago one of my first assignments was to the committee to which the C.B.C. and the Canadian Film Board reported. In those days the spokesman for those two agencies in Parliament was our old friend the late Honourable Dr. McCann, then the Minister of Revenue. I recall that in what now seems those far-off days the greatest opposition to the C.B.C. came from the press and private broadcasters. The private broadcasters took great exception to being tied up with the C.B.C., who were in a position to dictate to them what policy they should pursue and to what lengths they could go in their programs. At that time the press were perhaps a little fearful of radio broadcasting, and later, particularly of television, because they thought those media would in time make newspapers obsolete. From experience, with hindsight, we know that the opposite has been the case.

In those days there was no greater champion of the C.B.C. than myself. I thought that the national broadcasting system, with the public broadcasting being the senior partner and the private sector the junior partner, was certainly the best service that could be designed for Canada. However, as the years went on, particularly after the advent of television, things in the C.B.C. seemed to get out of control and great changes occurred in the programming. It appeared that the programming had fallen into the hands of those who were determined to ridicule and undermine our national leaders and national institutions; they were determined to corrupt the minds and morals of our younger generation and undermine our democratic institutions, and indeed the very moral and spiritual values on which our democratic society is founded and from which it draws its inspiration and nourishment. At that time it seemed that the C.B.C. management was quite powerless to do very much about this turn of events.

I would be one of the first to admit that for technical and artistic excellence the C.B.C. is second to none. Some of the very best programs that have been produced anywhere in the world have been produced by the C.B.C. Unfortunately the C.B.C. has also produced some of the filthiest and most repugnant programs that have ever been broadcast. A parliamentarian cannot carry out his duty to his constituents or to Canada by standing aside and permitting public moneys to be used in such a way, without at least taking a stand against it. I took my stand in the other place, as did others, but nothing seemed to happen. The minister would acknowledge our protests; he would agree to convey them to the C.B.C. management and find out what the trouble was and report back, but that was the

end of it. The C.B.C. paid no attention whatsoever, and went from bad to worse. When that happened I was reluctantly driven to the conclusion that the C.B.C., which could be a bulwark to Canada, was instead becoming a menace.

I endeavoured to try to find out the cause, and I referred to the original act to see if it contained anything which would provide a clue, but in that act I found no direction whatsoever. All the Broadcasting Act under which the C.B.C. operated did was to outline the powers and functions of the corporation, and apart from emphasizing the development of Canadian talent gave no positive direction.

I then thought that since we had a regulatory body perhaps a source of remedy could be found there. When I got in touch with the Board of Broadcast Governors I found that although they had a great many rules and regulations, which unfortunately were rather vague, there was no definite, clear procedure by which they could be implemented. Because of the frustration which was building up in myself and in some of my colleagues in the other place at that time, I endeavoured to do something about it.

On November 12, 1964 I introduced in the other place Bill C-138, which was called an "Act to amend the Broadcasting Act (Broadcast Tending to Corrupt Morals)." We already had put legislation on the statute books to deal with obscene literature. I, with my simple mind, could not see that, if obscene literature was a bad thing and had to be controlled, obscene programs, which were a hundred times worse in my opinion, certainly merited some sort of effort to try to put them under the same sort of control. So I introduced that bill.

I am not going to read the bill, but would read just a few paragraphs from the explanatory note. It reads like this:

> The purpose of this Bill is to prohibit and penalize radio and television broadcasting of anything tending to corrupt morals; and to do so, insofar as it is technically possible, compatible with those principles of Canadian public morality accepted and set out in Sections 150 to 153 of the Criminal Code which prohibit obscenity in other communication media available to the public.
>
> The Board of Broadcast Governors have attempted to prohibit obscene and otherwise offensive broadcasts. However, these regulations are not as definite and clear in substance as they might be: and they are deficient in procedure, so that any citizen who might wish to lay a criminal charge would find it difficult to produce evidence in court.

The main purpose of my bill was to enable any citizen who took offence at an obscene program, to provide evidence under oath to the B.B.G. and thereby set up a chain of re-action which would ultimately result in action being taken to court.

I was astounded at the reception which my humble efforts were given. All across Canada there was a big outcry of "censorship", "thought control", and other slogans. There were editorials on these themes appearing in different parts of the press and being copied from one to the other. There was quite a spontaneous attack on me personally, just for introducing this simple bill.

I mention this because later I wish to refer to the objectives of this bill. I want to make the point that the objectives should be related to the kind of world and the kind of age in which we are living. That is the kind of world we are living in: a person who tries to avoid obscenity is attacked from one end of Canada to the other. Even Mr. Laurier Lapierre went out of his way on this "Seven Days" program, to try virtually to bring me into contempt for this small effort.

Honourable senators, the bill before us today refers to the national interest but it does not spell out very definitely, apart from referring to national unity, what the national interest is or by what criteria we are to judge the national interest.

It refers in a rather indefinite manner to this in clause 2(h), in the bill as introduced which said:

> where any conflict arises between the objectives of the national broadcasting service and the interests of the private element of the Canadian broadcasting system, the objectives of the national broadcasting service must prevail:

It will be remembered that in the other place quite a battle raged to have some reference to the national interest inserted in this bill.

The bill also refers to objectives—which is a great improvement over the old bill, which gave no direction at all. The bill refers to objectives more in the manner of guidelines than as definite objectives. In clause 2(b), in the bill as introduced, we read:

> the Canadian broadcasting system should be effectively owned and controlled by

Canadians so as to preserve and strengthen the cultural, political, social and economic fabric of Canada;

It says nothing whatever about preserving the moral and spiritual values on which our society is founded and by which it is sustained.

In the next clause, this bill indicates that persons who make broadcasts have a certain responsibility for the public effects of the programs which they broadcast. We can be thankful for small mercies, in that this is a vast step over the old one. However, it is still sufficiently vague to permit many of the old abuses to continue.

As I said earlier, when we refer to objectives, we have in mind the C.B.C. objectives—information, education and entertainment—at least, these are the terms in which these objectives are to be achieved. Probably the reason the objectives are not more specific is that we have not begun to understand or comprehend the tremendous potential of television as a means of mass communication. The more we understand it, the more frightening it becomes. For that reason, it is extremely wise that, as far as academic education is concerned, this is to be dealt with by a separate authority.

The objectives, therefore, should be related to the times we live in. The dominant characteristic of the times in which we are living today is the war which is going on for the minds and souls of men. That is why the potential of the television and radio broadcasting media—but so much the greater for television—is so frightening.

We can have a program which is technically perfect; we can have a program which is artistically perfect. The program can be of the highest level of entertainment and can do all these things but, at the same time, it can affect one way or another this war that is going on for our hearts and our minds.

A few weeks ago Senator Aird, when he introduced his discussion on NATO, pointed out that until NATO had become properly organized some 14 nations had disappeared behind the Iron Curtain. I would like to emphasize here that most of those nations disappeared without firing a single shot. They were the victims of what is known as "ideological warfare". What happened was that the people's faith in their leaders and in their institutions was undermined. Their moral character and the foundations of their society were eroded and undermined, their will to resist disappeared and they were "sitting ducks."

Under such circumstances there is no need to fire a shot, and anybody who thinks that cannot happen in Canada is making a tremendous mistake. So, much as we would like to think only in terms of information, education and entertainment, we cannot, if we are going to be true to Canada and true to our responsibilities in this chamber, avoid the plain fact that we must also think in terms of national security.

Now, it should be clear to all of us what the general objectives are of those who want to destroy our free institutions, our freedom and our free way of life. The over-all program in general terms can be very simply stated. It is first of all: Hate the United States! Hate Germany! Keep the old sores open! Undermine the moral fibre of the nation! Destroy the national character! And after all that is the real strength of a nation—its character. It is not the number of guns or bullets a nation has; it is its character. Destroy that and destroy the people's faith, and the battle is won.

Now, a program can be designed to achieve these same objectives. These programs can be top entertainment. As I say, they can be perfect from the artistic standpoint as well as from the technical standpoint. But, in addition to providing the entertainment and information and so on, they can also affect us one way or another in this battle for our minds and souls.

As I said in the beginning I was a strong supporter of the C.B.C. a few years ago, but in recent years I have become one of its severest critics because I can see what is happening.

We cannot see the wind, but when we look out the window and see the trees bending and the grass bending and the clothes moving on the line, we know the wind is there. We can see its effect. And when we see things happening around us, such as have been happening in C.B.C. over the years, we can be sure it is not happening by chance. I can go back to years ago when the late Konrad Adenauer made his first visit to Washington. The C.B.C. was filled up over that whole weekend with programs of Hitler's Germany and "hate Germany" programs. They were all designed to develop a hostile attitude. Such programmers do not want peace or unity. They want co-existence on the enemy's terms.

I could mention other programs which I have listed here, which have revolted our

people. Some of those programs have been referred to in this chamber. There was another one, "Quest", in which a retarded person was seduced by a social worker who was supposed to be helping him. We can think back to the program "the Open Grave", in which Christ was portrayed as a communist, and right down over the years this type of programming has been going on. You might also think back to the documentary program on LSD, one which I remember seeing. What did it do? Instead of warning young people of the dangers inherent in the use of LSD, that program was presented in such a way as to glamourize it. After seeing that program, I think young people would want to go out and experiment with LSD.

The same thing happens with our newscasts. I do not quite share Senator Davey's enthusiasm with respect to the news broadcasts of the C.B.C. I will agree with him to the extent that their selection of news items is good. But very often the way they treat those items is bad—bad for Canada, bad for national unity and bad for our relationship with the United States and other countries. I do not think that happens accidentally.

When I brought in my bill I was accused of censorship. I want to reply to such an accusation that censorship is what we have now. Thought control is what we have been having—but we have been having it from a few people who have been able to get into certain important positions in the C.B.C. When a newsman decides that a certain item is going to be put on the C.B.C. or be included in a news item and something else is going to be left out, when another item is going to be hit hard, and still another is going to be passed over softly—if that is not censorship, I do not know what it is.

We have got to make up our minds that we are having censorship. We may not have it officially by government, but we are having what I call the worst form of censorship, and I see no way in this bill that that problem can be overcome.

There is a great deal of slanted news on the C.B.C. They seem to have a list of items which they can tap when they run out of the regular ones to carry on the line, items which they wish to push at that time. On the six o'clock news two or three weeks ago they had a Unitarian minister from Toronto—and why this particular minister should be singled out to come on that program twice to give his views on Vietnam, I cannot fathom. But it suited a certain purpose at that time. Honourable senators, I do not think this can be controlled by legislation, but the people should be made aware of it; that is the main point. If the public can be made aware of them, then these things will not be effective and that is perhaps as far as we can go.

Honourable senators, I apologize for these few random remarks, which are more or less disjointed because I have not had the time to prepare them more fully. However, before I sit down I want to express my best wishes to the new president of C.B.C., Dr. George Davidson, whom I have known well for many years, and to Dr. Picard whom I have never met. They must be very good men. Because it has taken such a long time to find the right people, it must follow that they are the best available. My mind goes back to the old story in Greek mythology where Hercules had to clean out the Augean stables. They are faced with a similar job, and I wish them every success.

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

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Thursday, February 15, 1968

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

Prayers.

DOCUMENTS TABLED

Hon. John J. Connolly tabled:

Statutory Orders and Regulations published in the *Canada Gazette*, Part II, of Wednesday, February 14, 1968, pursuant to section 7 of the Regulations Act, chapter 235, R.S.C., 1952. (English and French texts).

Report of Operations under the Municipal Improvements Assistance Act for the year ended December 31, 1967, pursuant to section 11 of the said Act, chapter 183, R.S.C., 1952. (English and French texts).

Report of Permits issued under the authority of the Minister of Manpower and Immigration for the year ended December 31, 1967, pursuant to section 8(5) of the Immigration Act, chapter 325, R.S.C., 1952. (English and French texts).

DAIRY PRODUCTS

NOTICE OF INQUIRY

Hon. Hazen Argue: Honourable senators, I give notice that on Monday next I will inquire of the Government:

1. How many dairy producers by provinces is it estimated produce (a) less than 420 pounds of butterfat per year and (b) less than 1,750 pounds of butterfat per year when shipped to market in the form of cream?

2. How many dairy producers by provinces is it estimated produce (a) less than 12,000 pounds of milk and (b) less than 50,000 pounds of milk when shipped to market as manufacturing milk?

CANADIAN NATIONAL RAILWAYS

NOTICE OF MOTION FOR ORDER FOR RETURN

Hon. Hazen Argue: Honourable senators, I give notice that on Monday next I will move for an order of this house:

That there be laid before this house

1. Copies of all construction contracts entered into between Canadian National Railway Company and other parties under authority of section 2 of An Act respecting the Construction of a Line of Railway in the Province of Alberta and in the Northwest Territories by Canadian National Railway Company from a point at or near Grimshaw, in the Province of Alberta, in a northerly direction to Great Slave Lake, in the Northwest Territories, being chapter 56, of the Statutes of 1960-61.

2. Copy of the agreement entered into between Her Majesty, the Canadian National Railway Company, the Consolidated Mining and Smelting Company of Canada Limited, and Pine Point Mines Limited, as required under section 6 of the said statute; and

3. Copies of all letters, papers and documents of any kind in connection with the said construction contracts and the said agreement.

Hon. Lionel Choquette: Honourable senators, may I ask a question? How does my honourable friend make his inquiry returnable on Monday next, when we do not know whether we are to meet on Monday, Tuesday or Wednesday?

Hon. Mr. Argue: That is an error on my part. I just assumed that we would be here on Monday.

Hon. Jean-Paul Deschatelets: It will be returnable at the next sitting.

ADJOURNMENT

Hon. John J. Connolly: Honourable senators, I might as well solve this problem of the next sitting right now.

I move, with leave of the Senate, that when the Senate adjourns today it do stand adjourned until Monday, February 19, at 8 o'clock in the evening.

Motion agreed to.

1968 WINTER OLYMPIC GAMES

NANCY GREENE WINS GOLD MEDAL

On the Orders of the Day:

Hon. John J. Connolly: Honourable senators, I am sure we are all delighted to know that today at Grenoble, France, 24-year-old Nancy Greene of Rossland, British Columbia, won an Olympic Gold Medal for Canada in the Women's Giant Slalom. I am informed

that she clinched the world's combined championship by this tremendous feat.

I know that all members of this chamber wish to congratulate Miss Greene most warmly, and to say that we are very proud indeed of what she has achieved for this country.

Hon. Senators: Hear, hear.

Hon. Mr. Connolly (Ottawa West): I am pleased to announce also that Canada's hockey team won its game against Sweden by a score of 3-0.

Hon. Senators: Hear, hear.

BROADCASTING ACT

SECOND READING

Leave having been given to proceed to Order No. 2:

The Senate resumed from yesterday the adjourned debate on the motion of Hon. Mr. Davey for the second reading of Bill C-163, to implement a broadcasting policy for Canada, to amend the Radio Act in consequence thereof and to enact other consequential and related provisions.

Hon. Allister Grosart: Honourable senators, I am sure there is general agreement that this is an important bill. That point has been stressed in the other place and here by almost every speaker who has addressed himself to the bill, and it was obviously so regarded by the sponsor of the bill, the honourable Senator Davey, whom I congratulate on his painstaking, detailed and knowledgeable presentation. I certainly received the impression when I was listening to him that he knew the strong and weak points of the bill and was not afraid to say what they were.

I think it fair to say that both here and in the other place the general consensus has been that this bill is a sincere, thoughtful and thoroughgoing attempt to meet the problems which have been created by the breakdown of control by Parliament, the Government, the B.B.G., and the C.B.C. management of both the expenditures and programming in one essential part of our broadcasting system, namely, the public sector. I believe this is the essential problem facing our great and worthwhile Canadian experiment of a mixed private and public system of broadcasting.

I suggest that the result of that breakdown presents one of the strangest anomalies in the long history of the communications business. It has created the situation where the public system, the government-owned system, the system described in this bill as the agent of Her Majesty, has taken unto itself a degree of licence—and I use the word "licence" in the strongest and most sinister sense in which it can be used, the sense in which it is cognate with licentiousness—which the worst hucksters of the marketplace are denied by the owners of private TV and radio stations and by the sponsors of their programs. I say this is an anomaly, that the trouble we are faced with, and the problem which this bill is obviously intended to meet, is the breakdown, the licence taken by the broadcasting system owned by the people. As Milton said, long ago:

> License they mean when they cry, Liberty!

I take it that it is the intention of this bill to make it impossible that the sort of situation which arose in the last few years can happen again in Canada. In that respect and to that extent I support the bill. I congratulate Parliament, private industry, the Government, and those in the C.B.C., who have spent so many thousands of hours of thoughtful consideration of the problems which have been created and of the solutions which might be offered.

The problem of control was put very well by the Standing Committee on Broadcasting, when it reported this:

> Although the ultimate authority and responsibility of Parliament is clear, it is equally clear that Parliament cannot administer or supervise broadcasting, nor do we believe a minister of the Crown should have such power. A reconstituted B.B.G. should provide an assessment of our broadcasting system. In order to do so it must have clearcut directives from Parliament as to how it will be expected to act on Parliament's behalf.

I am sure the question in all our minds is, does this bill give those clearcut directives to the authority it has set up?

I have read the bill carefully and the discussions which have gone on about it; and I will have to say that there is no pat answer to that question. I hope it will achieve its objectives, and there are some good grounds for that hope. There are other grounds on which one may have some doubts.

The bill does give to what it calls the "authority"—that is the word used for the new

body replacing the B.B.G., the Canadian Radio-Television Commission—the power to demand under clause 2(b) a Canadian system that will safeguard certain values. Perhaps paragraph (b) is worth reading:

> The Canadian broadcasting system should be effectively owned and controlled by Canadians so as to safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada;

I will have some comments to make on that in a moment, and particularly on the assumption that if it is owned and controlled by Canadians we will have this safeguard. The fact of the matter is that we have Canadian control but not the safeguard. It is a *non sequitur* that control by Canadians will necessarily give us this safeguard.

The bill also gives the "authority" power in clause 2(d) to demand "a high standard of programming"—whatever that may mean and however it may be interpreted.

Clause 2(g) (iv) gives the authority the right to demand a continuing contribution to the development of national unity and Canadian identity, and with this it gives a certain degree of power to the new body. It gives the power to amend, suspend or revoke certain licences. Unfortunately, this power applies only to the private sector. The obvious remark is, of course, that it was not the private sector that caused the trouble. In this particular part of the bill it might appear to be a case of whipping the wrong horse. But, so far as I can see, the so-called authority has no power whatsoever to enforce these standards on the public system.

Under clause 24 it does have the power to report a violation—I emphasize that word—to report a violation to the minister. Now, the bill assumes that the C.B.C. may violate—that is the word used—the act, and the only power given to the so-called authority is that it may report this to the minister and, if it does, the minister must lay it before Parliament in 15 days.

I appreciate the difficulties that surround this whole problem, but I believe it would be a good thing to give this authority the power to revoke the C.B.C. licences. I doubt if that power would ever be used, but if the power was there it would certainly give the new authority some of the necessary tools to carry out the obligations that this bill places on it. I do not think the granting of that power to the commission would in any way weaken the C.B.C. I suggest that it would strengthen the hand of management, if they were able in reply to the insistence of certain producers and directors of their right to follow their creative compulsions—with which we are not all in agreement—to say to them, "Sorry, but we have the responsibility to make sure that a C.B.C. licence is not revoked."

I rather regret in this connection that the authority was not called an Authority. It is called the Canadian Radio-Television Commission. In the original act it was called a "Council", I think. The suggestion was made that it might be called "The Authority," but that has not been adopted. I think it would strengthen the bill if that were done, because surely what we need in Canada today in this whole field of broadcasting control, guidance and improvement is authority. All the evidence points to that, and all of the problems that have arisen in the last few years can be traced to the lack of authority. Everybody declined to take any responsibility. The Government declined. The Government said, "Oh, no. We cannot interfere with the C.B.C." The B.B.G. said, "We cannot interfere with programming." And the C.B.C. management said, "Oh, no. We cannot interfere with creative genius."

Finally, the C.B.C. did summon up some courage to do something, but then they were faced with a revolt. They had a revolt on their hands and immediately gave in, largely because they had no authority to control the situation.

Senator Deschatelets pointed up the problem when he asked Senator Fournier (Madawaska-Restigouche) whether "the Government should interfere to a certain extent with the affairs of C.B.C. in order to correct at times certain wrongdoings." That is a very good question. I do not know whether Senator Deschatelets has an answer to it. I am afraid I have not.

Hon. Mr. Deschatelets: Just to make it clear, honourable senator, it was in the form of a question. Of course, I did not mean that I was in favour of the Government's taking part in any decision inside the powers of the C.B.C. I was just asking the question. Senator Fournier was under the impression that the bill did not correct certain mistakes of the C.B.C.—certain problems that may have existed in the past—and I just asked him whether he was in favour of the Government's invading the jurisdiction of the C.B.C. I repeat, it was in the form of a question.

Hon. Mr. Grosart: I thank the honourable senator for his explanation and I hope I made it clear in my remarks that I understood it was a question, perhaps a rhetorical question. As I say, I do not know what the answer to that is. Strangely enough, in spite of the declarations of government non-interference, the bill does give the Government very extensive powers, although I do not think they are the kind of powers that Senator Deschatelets was thinking of. Under clauses 23 to 27 it can issue certain directives to the commission and it can under other conditions within 60 days "set aside" the issue, the amendment or the renewal of any licence. This of course is limited to 60 days and to specific conditions of licence.

Now what use should or might be made of these powers, only time can tell, but I hope we will never again have any Canadian Government plead that its hands are tied, or hide behind this or any other act when a matter of urgent public importance such as this arises in the broadcasting field. I say if any government finds it necessary to take the responsibility to clean up a situation that needs cleaning up, it can find in almost all cases the power to do so in this bill. It will, of course, be a matter of political judgment. But then that is what governments are for, to make political judgments as to when, where and whether it should invoke any of these powers. I make it clear that it is not a complete and overall authority, but it is an authority that can be used if the Government is aware of situations as they develop.

As I have said, I believe there are some grounds for hoping that this bill will achieve its objectives, and in my view one of the most encouraging is the fact, upon which I congratulate the Government, of the appointment of Dr. George Davidson to be head of the C.B.C. Many honourable senators know Dr. Davidson well, and I think they will agree with me that if any man can make the C.B.C. and this bill work, it is George Davidson. If he cannot do it, I do not think the bill is workable. He has the know-how of controlling the expenditure of public money, which is a very important factor in the present situation; he has an intellect that can match any intellect in the C.B.C., and this may be a very important factor in dealing with some of the problems he will have in guiding into maturity some of the brilliant, creative minds to be found in the C.B.C.

Hon. Mr. Connolly (Ottawa West): This may be because he is a classical scholar.

Hon. Mr. Grosart: That was probably his starting point, but I would say his classicism has been well burnished in the hard school of politics, bureaucracy and particularly the Treasury Board. I recognize the honourable leader's interest in that background because he has such a background himself and in both cases it shows at the right time and in the right places.

Hon. Senators: Hear, hear.

Hon. Mr. Connolly (Ottawa West): I am not in Dr. Davidson's class, I can say that.

Hon. Mr. Grosart: I say this, that Dr. Davidson will need this background, this intellect, in the very important job of giving guidance to the people he has to deal with in the C.B.C.—for many of whom I have the greatest admiration. I say that because I like creative people; I like people whose intellects run a little ahead of the rest of us, but they need guidance, and I am sure they are going to get it from Dr. Davidson.

The kind of guidance they will need above all else is an appreciation that the power that is put into their hands, as producers, as directors, as script writers, is a public trust, and it is not a public trust that they have any right to use to propagate their personal, social, moral or any other views.

Hon. Senators: Hear, hear.

Hon. Mr. Grosart: And George Davidson, as we all know, has tact and ability in handling men. I have no knowledge of his ability to handle women but, from what I know of the C.B.C., he will need that ability too.

I am sorry to say that I do not know Dr. Picard personally, but I do not exclude him from my hope for the contribution that he, in partnership with Dr. Davidson, may make. I am sure that he will be an excellent partner for Dr. Davidson.

Having made those rather general remarks, honourable senators, may I indicate a few changes that might be made to help this bill achieve its objective. I have no doubt these matters will be discussed in committee, and I raise them in a very general way now only in the hope that, as usual, the Leader of the Government will have them passed on to the appropriate authorities, so that they will at least know that these suggestions have been made, and they will have an opportunity to be prepared to give us their answers in committee.

Hon. Mr. Connolly (Ottawa West): I will do this well in advance of the committee.

Hon. Mr. Grosart: I thank the Leader of the Government, because I know that has been his practice in the past, and I know it is one we all appreciate. We do not always get the results we look for, as I am sure Senator Roebuck will agree.

Hon. Mr. Flynn: Not too often.

Hon. Mr. Grosart: But, at least, we do know they are referred to the appropriate authority, and that any intransigence that develops later has been well considered and is not merely a spur of the moment intransigence—which does not make it any the less difficult to take, as I am sure Senator Roebuck will agree.

Clause 2 (b) states that:

> the Canadian broadcasting system should be effectively owned and controlled by Canadians so as to safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada;

I am going to suggest in committee that we change the wording slightly: that instead of saying "so as to safeguard", it should read, "shall safeguard". Let us place a definite obligation on those who have the authority in both the private and public sectors to safeguard the cultural, political, social and economic fabric of Canada. And I, for one, am disappointed that there are not at least two more adjectives included. I would like to see us add, "... moral and spiritual" before the words "fabric of Canada;". I am not going to suggest what the interpretation of those words might be. It will differ from time to time, person to person, and place to place. On the other hand, if anyone will deny that there is such a thing as a moral and spiritual fabric in Canada, then we do not need to worry about a broadcasting act or anything else. If it exists, let us put it in the act, as an obligation of the public broadcasting system.

Clause 2 (c) states:

> all persons licensed to carry on broadcasting undertakings have a responsibility for the programs they broadcast but the right to freedom of expression and the right of persons to receive programs, subject only to generally applicable statutes and regulations, is unquestioned;

I suggest that we delete the word "only". I say that the "right to freedom of expression" should be subject to much more than the "applicable statutes and regulations". As we all know, the right to freedom of expression is subject, in any mature society, to good judgment, to good taste and good manners.

Hon. Mr. Thorvaldson: And decency.

Hon. Mr. Grosart: Yes. It is not sufficient to say that this obligation has been fulfilled if the freedom of expression does not happen to contravene some other statute. I say that is an unnecessary limitation, and I hope a change will be made.

In clause 2(g)(iv) there was considerable discussion as to whether there should be a requirement of the whole broadcasting system to:

> contribute to the development of national unity and provide for a continuing expression of Canadian identity;

I merely say here that I range myself on the side of those who believe that the maintenance of national unity is an obligation of anyone who exercises the privilege of using the public airwaves in any capacity whatsoever.

Clause 2(h) disturbs me a little, because it says, in effect, that where any conflict arises between the two systems, private and public:

> it shall be resolved in the public interest, but paramount consideration shall be given to the objectives of the national broadcasting service;

On this I find myself in complete agreement with the position taken by Senator Thorvaldson, and I think with very good reason, when one examines the wording. Surely, it is sufficient to say that if any conflict arises between the two, it shall be resolved in the public interest—period. I say that because the only conclusion I can reach from the words:

> ... but paramount consideration shall be given to the objectives of the national broadcasting service

is that this can only apply when it cannot be resolved otherwise in the public interest. In other words, if it is resolved in the public interest, what other interest has the C.B.C. in the matter?

I would like to refer for a moment to a matter I raised with and questioned Senator Davey upon. I think we may have misunderstood each other, or I misunderstood his answer.

In clause 17—which deals with the powers exercisable by the executive committee, after consultation with the part-time members—the executive committee is given this power, upon application by a licensee, to amend any conditions of the broadcasting licence issued to him. I suggested to Senator Davey that this does mean that the executive committee, as provided by clause 19, can clearly amend in any way it pleases, in private and without a public hearing, any licence.

I do not want to refer to any particular case because it is past history, but some honourable senators will know the background of my remarks. Surely this means that in private, without a hearing, and in consultation with only some of the part-time members, this executive committee can allow a station to extend its coverage far beyond that allowed in the original licence.

If there is any doubt as to that I would point out that clause 16(1)(b)(ix) mentions, among the licensing conditions that are in the hands of the executive committee, regulations "respecting such other matters as it deems necessary for the furtherance of its objects." I suggest that there is far too much power given here to the executive committee in allowing it to take this action in private, because when we come to clause 19 we discover that a public hearing must be held in certain circumstances. Subclause (2)(a) provides:

> (2) A public hearing shall be held by the Commission, if the Executive Committee is satisfied that it would be in the public interest to hold such a hearing, in connection with
>
> (a) the amendment of a broadcasting licence.

I suggest that here there is a clear case of the granting of power that is not in the public interest.

There are some other matters, honourable senators, that I may raise in committee, but before I resume my seat I wish to congratulate everyone who has had anything to do with this bill. The minister used a very good phrase when she described this legislation as "legislation by consensus". That, in a way, is what it is. Its long history, which Senator Thorvaldson gave us and which I shall not repeat, demonstrates that it comes to us with the general approval of the industry, of the C.B.C., and of the House of Commons. There are some who would have liked to see some other changes in it, but this bill does come to us with general approval.

The only question left is: Will the people who are appointed to do this job stand up to their responsibility and use the powers they are given in this legislation, and not make it the kind of travesty of control that former acts of Parliament in respect of broadcasting have been?

Hon. Paul Desruisseaux: Honourable senators, much has been said about this bill, and the justification for it. A great deal of criticism has been expressed of it, but I assume that we all agree that anything of this importance is liable to create controversy, regardless of its importance or far-reaching effects.

I should like to pay my compliments, along with other honourable senators, to Senator Davey who sponsored this bill, and to those who have spoken on this motion, on their presentations, arguments and criticisms.

My reason for speaking in this debate is more because of the experience I have acquired through the years in the field of communications than for any other reason. I hope all honourable senators will bear with me in patience as I mention the points I should like to make.

I have been connected with communications in the form of newspapers, radio and television in Sherbrooke and the Eastern Townships, and I have experienced all the developments in these fields over the past 20 years. I saw, for instance, our little radio station of 250 watts grow to one of 10,000 watts, and I presented personally a brief advocating an increase in its power to 50,000 watts. That application, of course, was not granted.

We came along with television in 1955 with Station CHLT-TV, and later we took under our wing an FM station which was quite powerful and covered a large area—a station of 60,000 watts.

In the Eastern Townships there are eight channels, three of them American, representing the three biggest American chains, one C.B.C. French network, one C.B.C. English network, one independent French station from outside, and our own regional station. We have also the CTV situation in Sherbrooke. Through the years we have seen come into being many community antenna companies. In the Province of Quebec there are approximately 170 of these companies, and we have about 60 of them in the region that we are covering.

So, honourable senators, I know what has been happening, and I understand the C.B.C. situation and our own, as our AM station and our television station were both affiliated from the very first with the C.B.C.

In looking back over what has been happening since 1928 in respect of broadcasting in Canada, I should like to point out that in that year a royal commission was appointed to investigate what should be the future of the Government's role in radio. The proponents of Government broadcasting at that time contended that private stations would never function outside the big cities because of the rather sparse markets, and that unless the Government went into broadcasting a large part of Canada would be denied domestic programs.

Four years later, in 1932, we saw the creation of the Canadian Radio Broadcasting Commission, which we made responsible for establishing coast to coast networks and the provision and sustaining of non-advertising programs. In 1936 we saw the creation of the C.B.C., which we made responsible for the character and advertising content of all programs broadcast by private or C.B.C. stations and network operations. We also made it responsible for the applications for licences or modification of ownerships or powers, and they had to make their recommendations to the Minister of Transport. In 1958 we saw the establishment of the B.B.G., to whom were transferred the regulatory powers formerly held by the C.B.C. What happened then which was possibly of some importance was the establishment of the private network in CTV in 1961. We now have Bill C-163 which will be the implementation of broadcasting policies.

Because of what has been said about the C.B.C. I should like to refer briefly to some of the thoughts I have about the corporation and to some statistics which I think important to give here, and which so far as I know have not so far been mentioned.

The C.B.C.—the Government system as we call it—offers radio and television coverage for some 60 to 65 per cent of the 16 million Canadians through its English network, while the private stations affiliated with the C.B.C. offer coverage for another 33 per cent, making a total of 98 per cent possible coverage. According to the statistics, for the 6,500,000 who speak only French or are bilingual, the C.B.C. provides French coverage for 64 per cent, the affiliated stations provide coverage for 30 per cent, making a total of 94 per cent.

When discussing the service rendered, we should not forget the immensity of the territory to be covered in Canada. I believe it is one of the most fantastic realizations of responsibility borne by Parliament in former days by the establishment of these facilities in Canada, and I for one congratulate all those who shared in the pioneering and development, technically and otherwise, of the system we now have. I have some criticisms which I will refer to later.

That is not all the C.B.C. offers by way of public service. We sometimes forget about the other things, and I do not think we should. The affiliated networks of which I spoke operate 31 AM and six FM stations, 16 shortwave, 49 TV stations with satellites and 141 low power transmitters. All but 15 private stations are affiliated, and of these 11 are part of the CTV independent network.

The C.B.C. provides the Northern Service on short and medium wave in two Eskimo dialects, five Indian languages, in French and in English, broadcasting over a territory of more than two million square miles. This comprises also what we call the Arctic Patrol Service which gives news messages and renders invaluable service to the north, the navy and the Merchant Marine. It also provides the Northern Messenger service the whole year round, and efforts are presently being made to extend these services.

A service we are sometimes inclined to forget is that for the armed forces, which is responsible for programming and transmitting short wave and medium radio and television. They report news on short wave, and through the national network they report directly any important events occurring in Canada, together with sporting events such as the Grey Cup and the Stanley Cup series. This service provides the forces with taped spectacular programs and taped TV programs for projection. There are two and a half hours of sports news a week and also news and features on current events. The C.B.C. is responsible for 84 hours of taped programs throughout Europe, and on occasions sends some of its artists to distant bases to entertain members of the armed forces.

There is also an international service provided in a number of languages for Europe, Africa, Latin America, the Caribbean islands, Australia, New Zealand and the South Pacific. The C.B.C. is also responsible for maintaining communications with some 3,000 amateur short wave operators throughout the world.

They provide a multilingual program called *Canadian Magazine*, and last year on many occasions, as we all saw, there were features on Expo and Centennial Year, including the national and international ceremonies which occurred last year. They also conduct "Intertel", of which they are a charter member. Intertel produces documentaries designed for some 40 million or 50 million people throughout the world, and 30 documentaries have already been completed and circulated.

The C.B.C. radio and television stations give some 200,000 hours of programming each year. Such an achievement cannot be anything but costly, by any measure. There are faults which have been found, there has been criticisms, and possibly some of these expenses could be cut. However, in programming, I do not think we will be able to do much in the way of cutting the personnel of some of these programs. I would like it, but it is not possible according to the union regulations—and I should know something about that part of it. I do not believe that we can hope for much more revenue in the way of advertising. There is presently a large deficit, but we have to realize that we maintain two national television networks and seven regional radio networks which must be continued and will never be profitable. We should not fool ourselves about that.

The C.B.C., however, helped to generate indirect revenues to the Government, through important taxes on radio and television sets, radio and television station revenue taxes, on licences, and payments to 8,600 employees who in turn must pay taxes on their incomes. We must remember that there are about 30 million radio sets and about 5¼ million television sets in Canada.

The severe criticism which has been made here was, I feel, deserved. I believe it should be and will be the responsibility of the C.B.C. to fulfil the spirit of the bill which we are about to pass. The guidelines are there and I should hope that they will be respected.

Honourable senators, I wish to conclude this part of my remarks by saying that we have the greatest tool to assure the unity of Canada. Surely it is not derogatory to freedom to indicate that in the communication medium, to Canadians, efforts must be made to achieve this.

Without boasting and without reservations, inasmuch as I am concerned, I am somehow inclined to affirm that there is nowhere in this world an organization which renders such basic essential services to its country. I commend the pioneers who had the vision to assure this very useful service to Canada. We are not without ignoring the very special problems we have in Canada.

I would like to extend a bit, if I may be permitted, because of the importance of putting it down on record.

We have in Canada a narrow strip of land which is populated, extending 3,000 miles. This strip is served jointly by the United States stations and by ours. We have this disadvantage of having a relatively small population to serve through this narrow strip. This creates a problem for advertisers and also for doing what we would like to do all the way. There is a distinct disadvantage when we rule severely on broadcasting, because we place the Canadian stations in a position that the Americans have not. Let me illustrate.

In advertising, we say that in Canada you can advertise only so many minutes per hour, and we rule about the way it can be spread. The United States, with its larger and richer market, has more lenient laws about advertising. We have to comply with these laws—either the C.B.C. or the independent stations or independent networks—and in my appreciation they are inept because the American stations, through this narrow strip that we serve, serve also all Canadians in the populated and greater market.

There is another problem which has been creeping up and will increasingly do so, because of the community programs that we have established, community channels, all through Canada. This is as it should be, this is the national development, but these stations have permission to bring in the more distant stations. They come from all over all the American networks. Then we have to compete with this programming that we do, and this divides the viewers or the listeners when it comes to tabulating the audiences.

There are some instances where the international companies, selling products both in the United States and in Canada, have made the decision to curtail some of their budget for the Canadian market, because of the overlapping of the American possibility. There are American stations now advertising in the Canadian papers and magazines to bring Canadian advertising to the United States, to be directed back to Canada, because of certain restrictions.

I do not think I should add more to this background, but I wanted to bring it out before going on to one or two of the clauses. I think that this bill is trying to improve the conditions that we have. I think it is extremely severe but I personally cannot see what else we could do.

I would like now to make some short remarks regarding clause 2. Clause 2(b) reads:

> the Canadian broadcasting system should be effectively owned and controlled by Canadians...

Now, what is an effective control? Can we define that here, with this? I do not believe it can be defined here.

I would have been inclined to think that possibly—and I will bring it up before the committee for consideration—the words "directly or indirectly" would have been better there. If I read it with those words in, it sounds like this:

> the Canadian broadcasting system should be directly or indirectly owned and controlled by Canadians...

Well, that is not quite right, but the idea is that the words "directly or indirectly" would refer to foreign control. That is, we should not allow either direct or indirect control by anybody but Canadians.

In clause 2(c) there is the word "but" where I think there should be "and". As I think this is a matter for valid consideration, I will bring it before the committee. It now reads:

> all persons licensed to carry on broadcasting undertakings have a responsibility for the programs they broadcast but the right to freedom of expression...

According to my suggestion it would read this way:

> all persons licensed to carry on broadcasting undertakings have a responsibility for the programs they broadcast and the right to freedom of expression and the right of persons to receive programs, subject only to generally applicable statutes...

In clause 2(d) the words "high standard" appear, and I would like to know what a high standard is. How do we evaluate high standards according to Canadian measurements? I do not know the answer to that question without some definition being given of high standard.

I was extremely happy to see the guideline that had been put in clause 2(g)(iv).

> contribute to the development of national unity and provide for a continuing expression of Canadian identity;

This guideline should be watched carefully when it comes to applying it, but I think its presence in this bill will be most useful.

I do not know what will be the result when it comes to basic discussions about clause 2(i), concerning educational broadcasting. When it comes to our troubles with the provinces, some might want a special arrangement, but this does not appear to me to curtail or prevent the possibility of agreements with the provinces. In fact, I am happy about this.

When this bill goes before committee, I would like to examine a little more thoroughly with them the problem of CATV, community antenna television, for it is not only the present that we are concerned with but the future, because the next few years will be very important. It is my belief that in the not too distant future it will be possible to have communications by means of the cables in connection with satellites that will enable us to present anything we want, even in terms of propaganda from any other country. There will be no limitation whatsoever on what we will be able to accomplish by way of communication at a distance using CATV.

In committee I would like to venture some of the thoughts that have been expressed on this problem elsewhere in order to try to formulate something concrete and constructive.

In the light of all that has been said by others and by myself, and despite the criticisms that have been made, much has been accomplished in Canada in the communication field through Parliament. Much has been done so far, but there are so many basic reasons for continuing to improve our laws that affect communication, that I think close attention such as has been paid in the other house and here is fully warranted.

I believe that we have in Canada the most important organization in the world in the field of communication. I believe that organization is rendering a major service to our Canadians.

I do not think I should add anything about this bill except that for the reasons I have given you I am most happy to support it. If this bill is implemented, I would like to see its application watched carefully so that in

the field of communication Canadians will continue to have one of the best systems in the world.

That the quality of programming may come under criticism from time to time is not surprising, considering the size and importance of the C.B.C. Such an organization is liable to such criticism. In fact, the private stations have their share of criticism as well and normally do something about it. Now, I do not know what the rules, restraints or regulations are that affect the affairs of the C.B.C., but I feel that the C.B.C., with these new guidelines, will be able to achieve more freely than ever before what they would wish along these lines, because there are internal restrictions, and anyone who has anything to do with unions will know what I am speaking about now.

Again, may I say, honourable senators, that I support this bill without reservation, hopeful that it will go through.

Hon. Charles McElman: Honourable senators, it is not my intention to participate in the now popular Canada winter game of "Damn the C.B.C.," although Bill C-163 provides an excellent avenue for such sport.

During spring, summer and autumn, TV viewing drops off, since we Canadians are an out-of-doors people, and the sport of baiting the C.B.C. diminishes accordingly. But with the return of the inclement and severe Canadian winter, our viewing habits are restored and we again take up the game with relish, venting our outrage over programs that offend our tender sensibilities. At times this sport threatens to outstrip in popularity our national game of hockey. And in view of our poor showing in recent years in international hockey competition, it is not at all surprising.

The inconsistency of moral righteousness as displayed in Parliament and elsewhere does puzzle one on occasion. Take, for instance, the case of a particularly gory murder in which one or more leading Canadian newspapers may publish photographs of the victim, together with articles of clothing and the accoutrements of the crime, as well as the often sensational accompanying prose. Nothing, or very little, is left to the imagination. And the account is read and reread by an interested public.

The same gory details are available to the television media. If they were to use them with abandon equal or similar to that of the newspapers, there would be a public outcry of unbelievable proportions. Mothers would scream that the minds of their children were being warped. Others, including parliamentarians, would demand more government control of such broadcasting. But the television medium is generally most circumspect in its refusal to use such material to the full and lurid extent that it is best equipped to do. Yet where are the few words of commendation for the restraint which they show?

A further example: Pick up your weekend magazine and other periodicals and feast your eyes in almost every edition on the scantily-clad, bikini-wearing bathing beauties, bikinis which are almost nonexistent these days with their see-through materials. Do adults or parents hide these from their children or burn them as unfit to be seen by adolescents? Not at all! In many cases they immediately start looking for the source of supply so that their little girls may be made more appealing to the "discriminating" young man of today.

Imagine, if you will, their reaction if they were treated each day to similarly provocative displays on television—a medium much more capable of presenting such material. Yet it does not do it. So we hear no appreciable condemnation of the printed medium and no word of praise for the TV industry in its exercise of restraint.

Then we have LSD and the hippies. We have been hearing a great deal about these in recent months. Articles appear *ad nauseam* in the printed media, including those by so-called authorities who talk of the use of LSD and marijuana as though they were as harmless as candy. No concerted public outcry follows in Parliament or elsewhere! But let one program—balanced or imbalanced, according to one's particular opinion—appear on C.B.C. television, and all hell breaks loose.

Many other examples may be given, but these are probably sufficient to support my view that we should take a more balanced approach in our constructive criticism of all media and the effect of their programming upon the moral values held by Canadians. Let us not focus our total attention on the C.B.C.

To avoid any misunderstanding, let me say at once that I do not personally approve of all C.B.C. programming, or that of CTV, or public or private radio. There are programs that offend me personally; there are programs that cause me to find excuses to change the TV channel when we are viewing as a family, because I do have children in their formative years as well as grandchildren. But I refuse

to take unto myself the role of censor, and I would hope that our Government will continue to refuse to take on such a role directly, except through unbiased and nonpartisan boards or commissions that will be properly armed with administrative machinery such as we are now considering in Parliament.

Now let us look for a moment at the type of society that we have built in Canada. Basically, it is a Christian society with its relevant values. Although challenged on many fronts, it maintains that strong foundation and that set of values which is woven throughout the fabric of our law for protection of the public at large.

But it is also a society—quite unlike the totalitarian society—which refuses to erect protective barriers against hypothetical dangers or threats against itself. Our people will not support or stand for laws that restrict even far-out human liberties. This is good. They will not permit them unless they can be made to see that dangers and threats have arisen and that protective measures are called for.

And this is where the media fulfil their role in our society. They must inform the public on all questions of public interest. It is their duty and responsibility to do so. This bill requires some of the media to do so in the field of broadcasting. They must present the pros and cons of each issue. Their approach should and must be balanced in order that the masses may reach a proper consensus, in order that the people may let their views be known, particularly to legislators, and in order that our society, through Parliament, may where necessary erect protective barriers against any threats to the social structure we enjoy.

The recent bill against LSD is a case in point. How would the people of this far-flung nation have been aware of the dangers of this drug and its use if the news media had not publicized from coast to coast the growing use of it in pockets throughout the nation? On what other basis, or through what other means, would the Canadian public have become aware of the growing threat to our youth, through its escalating use? How else could public opinion have been mobilized to support protective legislation?

And despite all the hubbub and criticism that we have heard, the C.B.C. was in the forefront providing, through television largely, balanced information concerning the dangers involved and in providing Parliament with an informed public that would support the protective legislation that we in this house have approved.

So, let us not be too free in our condemnation of the media, particularly when they are serving their role of creating an informed public, which is essential in maintaining public support for our parliamentary process.

There is one further aspect of this that deserves our careful consideration. We are justly proud of the society we have created in Canada, including its weaknesses, which are far outweighed by its strengths, and we are particularly proud of our preservation of freedom of speech and freedom of the press, including all media of public expression. We have been most careful in preserving these freedoms and I trust we will continue to be vigilant in this regard.

However, there is another side to the coin. Are we equally careful and vigilant to ensure that the effective control of broadcasting will not fall into hands which may not serve the public interest to the fullest extent? Yesterday Senator Thorvaldson spoke of this with some depth of understanding and apprehension about the dangers.

May I commend to all honourable senators the reading of a very recent book by Mr. Ken Lefoli, a competent Canadian writer. It is entitled *The Bad News*, and deals in depth with the corporate press of North America and, in so many instances, with its subservience to the corporate business structure of the U.S.A. and Canada. It is well worth the time it takes to read. Totally aside from interlocking ownership, this book points out how, for instance, the fear of losing the advertising accounts of Ford Motors and General Motors has a most stultifying effect on editorial writers and publishers who might otherwise mount a real crusade for safe automobiles on our highways.

This brings me to my very strong reason for participating in this debate. There is a situation in my home province of New Brunswick which cries out for corrective action by the B.B.G. or the new C.R.T.C. to be established by this bill. It is a situation that few have cared to speak about publicly because of the great and influential interests involved. It is widely discussed and deplored in private. Perhaps a similar situation prevails to a greater or lesser extent in other parts of the nation, but my particular concern is its effect in New Brunswick.

Let me give honourable senators a little background and foundation for my further remarks. As you are aware, New Brunswick is one of the smaller provinces, with a population of only some 630,000. Consequently, the market for the various news media is rather limited, and the total number of the various and respective media is equally limited. In daily newspapers we have only one French language daily, *L'Evangeline*, and only five English language dailies. Of these latter five English dailies, four are reportedly under the total or effective financial control of the complex Irving industrial empire, whose head is Mr. K. C. Irving—four out of five. We have a goodly number of weekly newspapers, both English and French language, with a multiplicity of owners and publishers. The same applies in radio broadcasting, although the Irving interests own one of the two private radio stations in our largest industrial city, Saint John.

In television broadcasting, New Brunswick has one French language station in Moncton, which is a C.B.C. outlet. We have only two privately owned stations—CKCW at Moncton, and CHSJ at Saint John—both English language stations. With their respective satellites they blanket the whole province, parts of Nova Scotia and Prince Edward Island.

The Irving interests own CHSJ-TV in Saint John, which, with its satellites, covers well over half of the province. It is operated in concert with CHSJ radio, which is one of the two private stations in Saint John. It is a rather poorly kept secret that the Irving interests have repeatedly endeavoured to purchase the only other television station in the province of New Brunswick, the one in Moncton and its satellites. This would give those interests complete control over television broadcasting in the English language in the province. Fortunately, thus far the owners of CKCW-TV in Moncton have resisted all offers, and I hope they continue.

So, there we have it. Of our five English language daily newspapers, four are reportedly under the direct financial control of this Irving empire. Of our two English language television stations, reportedly one is under the complete and direct financial control of the Irving interests, and the remaining one is sought by those same interests. Reportedly, they have effective financial control of one of the only two private radio stations in our principal City of Saint John. So they have a rather extensive effect on the formation of public opinion in a small area such as New Brunswick.

No doubt some honourable senators are asking how this could be permitted to happen in the broadcasting field. I would agree. Indeed, how could it happen under the regulations we have already in effect?

This situation would be sufficiently alarming were the news media the only field in which this corporate empire is involved. But when you consider the whole broad field of their involvement in almost every sector of the New Brunswick economy, their involvement in the area of news and public information distributing services takes on even more alarming proportions.

Let me enumerate some of the other sectors of involvement of the Irving interests: shipbuilding, shipping, highway transportation, oil refining, complete gasoline and lubricant distribution, steel fabrication, both heavy and light machinery manufacturing, building construction, forestry, pulp and paper industry, lumber mills, fishing industry, prefabricated home and trailer construction, base metals mining and processing, and so on. In short, these interests are directly involved in a major portion of all economic activity in New Brunswick. Thousands of New Brunswick families are dependent for their very livelihood upon the tremendous industrial and business activities of the Irving interests.

Now, do not misunderstand me. I am not attacking the Irving interests in the industrial and business field, or the extent of those interests, other than in the field of radio and television broadcasting. I have nothing but commendation for Mr. Irving and his corporations, for the great faith he has displayed in his native province by continually expanding investment throughout his lifetime. I have been publicly quoted as saying that my wish would be that there could be at least six more Mr. K. C. Irving's in New Brunswick to make it go ahead even more rapidly—and, incidentally, it would create more competition.

My view in that regard has not changed, but because of the involvement of these interests in every major sector of business and economic activity in the province, I believe it to be most undesirable that they be directly involved also in the ownership and financial control of elements of the news and broadcast media.

Picture, if you will, the situation that could develop were a labour-management dispute to erupt in any one of the many Irving industrial enterprises, such as the dry dock, the pulp

mill, the oil refinery. The Irvings might be most meticulous in maintaining a "hands-off" policy toward coverage of this by their newspapers and radio and TV stations.

But what of the management of those various media? Place yourself in that position. If you felt that labour had a good case in the dispute, would you, as the newspaper publisher or station manager, feel free to undertake a crusade on behalf of the union involved? I suggest that balanced news coverage might suffer.

Or, look at the instance of where the municipal, provincial or federal government might take legislative action which required greater tax contributions by industries in which the Irving interests are involved, or fewer tax concessions or lesser subsidies —such as in shipbuilding. Would you, as an editor or station manager, be inclined to praise such action as in the interests of the public, or would you damn the Government in a continuing and relentless manner?

The very foundation of the bill now before us is "the public interest".

In addition to our close interest, as expressed by many in both houses of Parliament, in the protection of the public from certain excesses in programming, we must be equally conscious of the public interest in ensuring as far as possible that the media in the broadcasting field would also present to the public a balanced report of all matters affecting the public interest, in order that we may have a truly informed public and not a public whose views suffer the effect of biased or one-sided or unbalanced coverage.

Let me give you, honourable senators, the comment of the editor of the only other English language daily newspaper in New Brunswick, *The Daily Gleaner* of Fredericton, on the occasion of a matter of public dispute that arose in the Saint John area concerning a new crossing of the St. John River. This newspaper is owned and published by Brigadier Michael Wardell.

The dispute in question involved prospective tolls, among other things. It was heated and protracted, and Mr. Irving became personally and publicly involved. Here is the comment of the editor of *The Daily Gleaner*. It is headed "Startling but Democratic", and it continues:

> The extraordinary barrage of publicity used by Mr. K. C. Irving and those who support him in Saint John to bring about a last-ditch revision of the harbour bridge scheme must be startling to those not conversant with the use of all media of public information to create the impact of an idea.

I emphasize the fact that this is the only other daily English language newspaper in the province. The editorial goes on:

> ... the use of all media for the purpose of recruiting public opinion on a subject of intense public interest is a democratic process which should be encouraged.

The editor failed to mention the financial control of the Irving interests in the radio and television stations and the newspapers, all of which were marshalled on one side of this dispute.

Honourable senators, I should like to conclude my remarks by quoting from a section of the 1966 White Paper on Broadcasting—this has already been quoted in part—wherein it is stated:

> Within Canada, ownership or control of one medium of communication by another is equally a matter of concern if it tends to develop into a monopoly. There is a growing number of cases where either ownership or control extends to both the local newspapers and the local radio or television facilities. The Board of Broadcast Governors will be required to investigate and report on public complaints or representations about situations of this kind.
>
> Parliament will be asked to authorize the Government to give guidance to the Board of Broadcast Governors aimed at preventing foreign control of broadcasting facilities, the domination of a local situation through multiple ownership, or the extension of ownership geographically in a manner that is not in the public interest.

The House of Commons Standing Committee on Broadcasting, Films and Assistance to the Arts, in its report on the White Paper, dated March 21, 1967, commented as follows:

> The Committee supports the White Paper's proposal that the B.B.G. be required to investigate and report on public complaints or representations about situations where control of broadcasting and another communications medium may tend to create a monopoly of information.

> We suggest that similar action would be justified where there appears to be danger of an undue concentration of control within broadcasting media. We also recommend that the B.B.G. be authorized to initiate such investigations in the absence of public complaints when it deems advisable.

Honourable senators, it is my strongly held view that the B.B.G., or its successor in accordance with the provisions of this new broadcasting bill, should carefully consider the advisability of suggesting to the owners of CHSJ-TV and radio stations that they divest themselves of effective financial control of those stations, and that such action will be a prerequisite to any favourable consideration of renewals in due time of broadcasting licences to those stations. It is my belief that the public interest demands such action.

It is my view also that a C.B.C. English language television outlet should be established in New Brunswick without further delay. There is none at present. The capital city of Fredericton should, in my view, be the location of such a station, since it is the centre of government and the source of a majority of news of public interest. It is also sorely needed in New Brunswick in order to present a more complete and more balanced coverage of matters which are of public interest.

Hon. John M. Macdonald: Honourable senators, there are a few comments I should like to make in respect of this bill.

While listening to the really fine debate that has taken place it did seem to me that perhaps in the anxiety, as it were, of the speakers to criticize some aspects of the broadcasting system, we might give the impression that we do not know or appreciate all the good that has been done by this same broadcasting system.

I speak only about television. As we all know, television has a tremendous influence, and whether this influence be for good or for ill depends upon what is seen on the receiving sets. We know that television has caused a tremendous change in the habits of the Canadian people. We know too that it has been a great blessing to many people, especially to those who are ill or who are for some reason shut in. The national broadcasting system has certainly given excellent coverage of public functions, such as those that take place here in the federal Parliament at Ottawa, and at other places. The Canadian people have been able to see these state functions with great clarity, and the broadcasting system has covered them with good taste and dignity.

I would not want the impression to get abroad that we do not appreciate all the good points of the broadcasting system. Certainly the coverage of sporting events is beyond criticism. For example, the hockey games, especially on Saturday nights, are watched by a great many people. I suppose that on television we had a better view of the Pan-American Games last year than if we had been in the stands in Winnipeg. While some of the criticism which has been directed against some programs is wholly justified, we must maintain a sense of proportion and give credit where credit is due.

Those in the broadcasting system should realize that the criticism which has been levelled has been made because people want to see a still better service, and such criticism should not be resented. There is a general feeling that those in the broadcasting system resent criticism, and it has been said that they are apt to ridicule those who are opposed to them. The very fact that there has been in this chamber criticism of some programs indicates there is quite a widespread feeling of criticism in the country as a whole. Those producing the programs criticized should remember that poor taste is always poor taste no matter how much it is dressed up, and that vulgarity is no substitute for talent.

Hon. Mr. Roebuck: Hear, hear.

Hon. Mr. Macdonald: Programs which offend the general moral sense of our people are objectionable, and I do not think it can be said to be censorship to ask the producers to take care that the general feelings of the people are not violated.

Just as everyone else who has spoken has offered a few criticisms, I have one or two of my own to which I should like to draw the attention of the chamber.

Hon. Mr. Smith (Queens-Shelburne): Make it clean!

Hon. Mr. Macdonald: As I listened to the sponsor (Hon. Mr. Davey) telling us how many people viewed certain programs I wondered what formula was used to determine how many people were looking at a program at a particular time. It should be remembered that in the region from which I come there is

one TV station, which is privately owned, although it is affiliated. Consequently, our choice of program is somewhat limited. We either look at what we are given or we do not look at all; we are a captive audience. I know people who turn on their set at six o'clock in the evening and leave it on until they go to bed, although many of them turn down the sound for certain programs.

I suppose one is bound to have good programs, poor programs and others which one cannot say are either good or bad, which are just dull. What sometimes annoys me is to hear a studio audience clapping loudly at some pathetic joke or other program feature. I fully understand that at times the reaction of a live audience is needed in order that the performers can do their best, but I do not believe that any live studio audience with a sense of responsibility should accord such tremendous applause to every speech or action of some of these performers.

Reference has been made to the news programs, which generally speaking are good, but I do not understand why a person in India, Spain or London can read the news any better than someone in the studio in Toronto or Montreal. I do not think it is claimed that these persons are foreign correspondents in the sense that the great newspapers used to have foreign correspondents, who were not only very learned but in touch with what was going on in the capital cities of the world. As far as I can understand, what these persons read is simply what comes from the Canadian Press or other news services. It may be that this method of presentation gives the illusion of greater attention to detail or greater knowledge because they are nearer the event, but I personally do not see it.

Perhaps my biggest "beef" is this. I do not know if the regulating body can control what goes into commercials, but when infants and children of tender years are used for advertising purposes there must be something in the law on child labour to prevent their exploitation. Honourable senators will have seen the detergent commercials. I would hate to think there is any housewife in Canada who was so soft-headed that she would be influenced to buy the articles some of these advertisements try to promote.

The bill makes reference to political broadcasting. Perhaps it will allow some dramatization of these broadcasts. I do not think that is a good idea. At present the political broadcasts are fairly rigidly controlled, but if dramatization is to be allowed it will mean that the candidate with the greatest financial backing will put the better campaign on TV. I think political broadcasting should be left as it is. It is working satisfactorily and is fairer than it would be if they were allowed to put on any kind of show to put over a political viewpoint.

I agree that on the whole this is good legislation. Its success will depend on those in authority, those appointed to manage the affairs of the corporation. That is what it comes down to, that management must accept its responsibility and manage the business. It will serve no useful purpose if they are timid about exercising their authority. The success of the bill when it becomes law will depend on those selected to manage the affairs of the corporation. I conclude by saying that generally speaking I support the bill.

Hon. Jean-François Pouliot: Honourable senators, I have just a few words to add to the debate, which I have found very interesting.

In the first place, I would like to answer the question which the Deputy Leader of the Government (Hon. Mr. Deschatelets) asked Senator Fournier of Madawaska, in this debate. The question concerned the responsibility of the Government in the management of C.B.C. Senator Deschatelets asked Senator Fournier if the Government should intervene. I hope my quotation is correct, and if it is not I would like to be corrected.

Hon. Mr. Deschatelets: That was the question.

Hon. Mr. Pouliot: It was the tenor of the question.

Hon. Mr. Deschatelets: Oh, yes.

Hon. Mr. Pouliot: It was, shall the Government tell the C.B.C. what to do in the management of the corporation?

Hon. Mr. Deschatelets: No. That is not exactly it. Most senators are complaining about certain mistakes on the part of the C.B.C. Now, who is going to take the initiative to correct those mistakes, which have been repeated over the years? I just asked whether the honourable senator was in favour of the Government intervening in some way in the affairs of the C.B.C. I said that down through the years no Government had ever intervened in the management of the C.B.C.

Senator Pouliot will remember that in 1956, when Prime Minister St. Laurent was upset by a certain program, he sent a personal letter to the C.B.C. This action stirred up quite a protest all over the country, because people said that the C.B.C. should be considered as a sacred cow.—"Don't touch it!" This was the feeling then and it has remained the feeling. But, because Senator Fournier gave me the impression that he did not consider that the bill we are examining now will permit certain mistakes to be corrected, I was asking him if he thought that the Government should intervene from time to time.

Hon. Mr. Pouliot: I remember very well the incident to which my honourable colleague has referred. At that time, the honourable Mr. St. Laurent complained of a program which had appeared over the C.B.C. I think it was a television program. The Opposition blamed him for intervening as Prime Minister. Well, the fact that a gentleman is Prime Minister of Canada cannot deprive him of his rights—

Hon. Mr. Deschatelets: As a citizen.

Hon. Mr. Pouliot: —as a citizen, to criticize any program of the C.B.C. or of any other organization, private or public. That is my first reaction about it. This is what I said in the House of Commons at the time. I was a member of the house at the time; I was not yet in the Senate.

Hon. Mr. Deschatelets: We were both there.

Hon. Mr. Pouliot: Yes, we were both there. If my honourable friend remembers, I said it in a speech as a Member of Parliament. I believe that any Member of Parliament and any senator and any public man in Canada has the unquestionable right to criticize the programs of the C.B.C. We did so when Mr. Ouimet, the former president, appeared before a Senate committee. There were many of my colleagues there who told him what they found wrong with the management of the C.B.C. They complained bitterly, and justly too, of the programs which were shown.

I understand very well that it is impossible for the minister in charge, who is the Secretary of State, to tell the C.B.C. whether or not a program is satisfactory. It is not for the members of the cabinet to act as censors, to direct the management in the choice of programs. But, on the other hand, what is the trouble? The trouble comes from the fact that there is a mystery in everything that is done in the C.B.C. There are two extremes. There is the extreme of the Government governing the C.B.C., and the error of the other extreme of considering the C.B.C. as untouchable. There is but one way to remedy the situation: it is to have a permanent standing committee on the C.B.C. in the House of Commons or in the Senate, where everything can be disclosed, in camera, before representatives of all political parties. For me, it is the only way to have a satisfactory management of the C.B.C.

I remember when the former president of the corporation gave a speech before the Canadian Club here in Ottawa. He complained that Parliament had intervened in the administration of the C.B.C. How is that? Is it because many of my colleagues who are here at the present time thought that it was their duty to tell the president what they thought of the programs of the C.B.C., that he can complain of intervention on the part of Parliament in the management of the corporation? He was criticized and justly so. Did it bring any satisfactory result? I do not know. I am not in a position to tell. However, the very fact that the then president of the C.B.C. complained about the intervention of Parliament in the management of C.B.C. is the best possible reason for the Parliament of Canada to intervene in the business of the C.B.C.

Now, there is a distinction between the Government and the Parliament. I do not know of any minister who would assume the responsibility of giving orders concerning the programs, because they vary so much. For me, what is necessary is to prevent the C.B.C. from doing everything in a cloud of mystery, in the first place; and to give the opportunity not only to the Government but to the representatives of all parties in Parliament —whether in this chamber or in the other chamber—to know something about it, to know how much is paid for a program.

Senator Fournier made a very good speech and asked proper questions, those which should be asked by a father of a family who wants to get decent programs over the C.B.C. network. We need some protection, and the only way to get it is to have a standing committee on the C.B.C. in either of the Houses of Parliament. Such a committee should meet regularly and there should be no secrets there. Everything should be told about salaries, cost of programs, and so on.

What is the trouble with the C.B.C.? It is because there is no authority. The C.B.C. is a

corporation which spends over $150 million a year of the taxpayers' money, and it is without a real head having authority over the whole enterprise.

I make this suggestion to the Government in all earnestness in the hope that it will serve some purpose. What is the use of changing the legislation, of having a big, new bill to deal with the C.B.C. if the mystery persists, if the cloud does not clear, if we do not know what is being done behind the curtain? It is of no use to pass any kind of legislation unless the heads of the C.B.C.—the bigger and the smaller heads of branches of that institution—come before Parliament to tell the truth and to explain their position and to give an opportunity to the Members of Parliament to pass judgment with a knowledge of the situation, a knowledge that nobody has at the present time.

When I think of the very strong language used by the Secretary of State, Miss LaMarsh, when she said that there was something rotten in the C.B.C.—excuse me, ladies and gentlemen, but that is the expression she used—I am dumfounded that we have not got a standing committee in either the Senate or the House of Commons in order to have full information about it.

It is the old story. It is not new. You know that. It is impossible for us to state that any civil servant has made a mistake or even that he has been wrong once. They are all infallible. They never make mistakes. If you do complain of one who has made one mistake, you are unjust, because he does not sit with us and we are attacking someone who is not here to defend himself. You have heard that. That is said in Ottawa which is a bureaucratic town, a place where bureaucracy is worshipped. In fact, they are like Buddhas. They worship themselves; they worship the middle part of their anatomy, like Buddha.

Well, that is that. Are you willing to do something about it? If so, then support my idea so that we can learn something. At the present time we do not know any more about it than we know about the divorce reports we are asked to approve. We know nothing about it. We know nothing about the C.B.C.'s business. Therefore, I hope that the matter will come before the committee, and, although I am not a member of that committee, I will go to see what the proceedings are about.

In any event, it seems to me that someone should make such a suggestion to the Government so that either the House of Commons or the Senate can set about establishing a standing committee on the C.B.C., a committee where the truth will be told for the first time and for the benefit of the whole country.

Hon. Keith Davey: Honourable senators—

The Hon. the Speaker: I would remind honourable senators that if honourable Senator Davey speaks now it will have the effect of closing the debate.

Hon. Mr. Davey: Honourable senators, because I spoke at such length the other evening, and because the debate since then has been so full, so fair and so useful, I feel there is little which I can usefully add at this time. Furthermore, as honourable senators know, it is planned to send the bill to a committee where it can be examined in greater detail.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Davey, bill referred to the Standing Committee on Transport and Communications.

DIVORCE

REPORTS OF COMMITTEE ADOPTED

The Senate proceeded to consideration of reports of the Standing Committee on Divorce Nos. 580 to 627, inclusive, which were presented on Tuesday, February 13.

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 560, for the relief of Marguerite Marie Cecile Villeneuve Rogers.

Resolution 561, for the relief of Giovanna Nicastro Ancora.

Resolution 562, for the relief of Frances Greenspon Kitaeff.

Resolution 563, for the relief of Margaret Anne O'Brien Plunkett.

Resolution 564, for the relief of Carl Joseph LeBlanc.

Resolution 565, for the relief of Gladys Maria Marshall Robertson.

Resolution 566, for the relief of Robert Forsyth Ogilvie.

Resolution 567, for the relief of Percy Robert LeRoux.

Resolution 568, for the relief of Miklos Nicolao Groner.

Resolution 569, for the relief of Colleen Mary Kenney Smith.

Resolution 570, for the relief of Joseph Bicek.

Resolution 571, for the relief of Barbara Ann O'Reilly Young.

Resolution 572, for the relief of Patricia Anne Marie Leonora Wisdom Rose.

Resolution 573, for the relief of Carol Oberfeld Rosenbloom.

Resolution 574, for the relief of Marjorie Helena Porteous Sonne.

Resolution 575, for the relief of Irene Tilly Kompasz.

Resolution 576, for the relief of Marie Marguerite Francine Desbiens Paglia.

Resolution 577, for the relief of Patricia Alaine Tyson Crook.

Resolution 578, for the relief of Marion Patricia Jenkins Ganas.

Resolution 579, for the relief of Edith Witt Reti.

Resolution 580, for the relief of Ilona Margit Mate Preysz Balinthazy.

Resolution 581, for the relief of Paul Pare.

Resolution 582, for the relief of Linda Gaudreault Levesque.

Resolution 583, for the relief of Bessie Mletchkovitch Linder.

Resolution 584, for the relief of Violet Ivy Jane Dice Walker.

Resolution 585, for the relief of Rudolf Kopatsch.

Resolution 586, for the relief of Liebe Deborah Levine Friedman.

Resolution 587, for the relief of Lucette Cayer Emard.

Resolution 588, for the relief of Suzanne St. Denis Gougeon.

Resolution 589, for the relief of Vlasta Vacikova Stedry.

Resolution 590, for the relief of Joseph Armand Gabriel Rene Martineau.

Resolution 591, for the relief of Guy Lafrance.

Resolution 592, for the relief of Marie Germaine Suzanne Duchesne Desbiens.

Resolution 593, for the relief of Jean Charles (John) Roy.

Resolution 594, for the relief of Richard Abraham.

Resolution 595, for the relief of Daniela Kragiel (Kragel) Wolwertz, otherwise known as Daniela Kragiel (Kragel) Walwertz.

Resolution 596, for the relief of Wilfred Shanks.

Resolution 597, for the relief of Lise Dufort MacDonald.

Resolution 598, for the relief of Judith (Judy) Helen Millar Clarke.

Resolution 599, for the relief of Roland Seney.

Resolution 600, for the relief of Constance Gloria Quain Anderson.

Resolution 601, for the relief of Jean Paul Provost.

Resolution 602, for the relief of Serge Boivin.

Resolution 603, for the relief of Christiane Guerbette Mireault.

Resolution 604, for the relief of Micheline Allaire Herbart.

Resolution 605, for the relief of Annabelle Norma Jane Godfrey Price.

Resolution 606, for the relief of Leo Theodorus Bik.

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 at the next sitting.

Motion agreed to.

The Senate adjourned until Monday, February 19, at 8 p.m.

THE SENATE

Monday, February 19, 1968

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

Prayers.

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:

Herbert Orville Sparrow, Esquire

Lazarus Phillips, Esquire

Richard James Stanbury, 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 Assistant; took the legally prescribed oath, which was administered by the Clerk, and were seated:

Hon. Herbert Orville Sparrow, of North Battleford, Saskatchewan, introduced between Hon. Mr. Connolly (Ottawa West) and Hon. Mr. McDonald.

Hon. Lazarus Phillips, of Montreal, Quebec, introduced between Hon. Mr. Connolly (Ottawa West) and Hon. Mr. Gélinas.

Hon. Richard James Stanbury, of Toronto, Ontario, introduced between Hon. Mr. Connolly (Ottawa West) and Hon. Mr. Davey.

The Hon. the Speaker informed the Senate that each of the honourable senators named above had made and subscribed to 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.

Hon. John J. Connolly: Honourable senators, I am sure that I speak for all members of the Senate when I say to Senator Sparrow from the Province of Saskatchewan, Senator Phillips from the Province of Quebec, and Senator Stanbury from the Province of Ontario, that we heartily welcome them to this second chamber of Canada. We hope that their days here will be happy and fruitful, and that they will be with us in this place, which is an honoured and a distinguished place, for a very long time indeed.

Hon. Senators: Hear, hear.

DOCUMENTS TABLED

Hon. Mr. Connolly (Ottawa West) tabled:

Report of the Canadian Government Printing Bureau for the year ended December 31, 1966, pursuant to section 36 of the Public Printing and Stationery Act, chapter 226, R.S.C., 1952. (English and French texts).

Report of Expenditures and Administration in connection with the Old Age Security Act for the fiscal year ended March 31, 1967, pursuant to section 12 of the said Act, chapter 200, R.S.C., 1952. (English and French texts).

Copies of the Report of the Task Force on the Structure of Canadian Industry entitled "Foreigh Ownership and the Structure of Canadian Industry" (English and French texts) together with copies of press releases relating thereto (English text).

Report of the Auditor General to the House of Commons for the fiscal year ended March 31, 1967, pursuant to section 70(2) of the Financial Administration Act, chapter 116, R.S.C., 1952. (English and French texts).

NATIONAL AND ROYAL ANTHEMS

REPORT OF SPECIAL JOINT COMMITTEE

Hon. Maurice Bourget, chairman of the Special Joint Committee on the National and Royal Anthems, presented the first and final report of the committee, as follows:

The Clerk Assistant (Reading): The Special Joint Committee of the Senate and House of Commons—

Hon. Mr. Bourget: Dispense.

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

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

Motion agreed to.

MOTION TO PRINT REPORT AS APPENDIX

Hon. Mr. Bourget moved, with leave of the Senate, that the first and final report of the Special Joint Committee of the Senate and House of Commons on the National and Royal Anthems, 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 pages 883-4.

STANDING COMMITTEES

BANKING AND COMMERCE—ADDITION TO MEMBERSHIP

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

That the names of the honourable Senators Carter, Grosart, Inman and Laird be added to the list of senators serving on the Standing Committee on Banking and Commerce.

Motion agreed to.

TRANSPORT AND COMMUNICATIONS—ADDITION TO MEMBERSHIP

Hon. Mr. McDonald, with leave of the Senate, moved:

That the names of the honourable Senators Kickham, Kinnear and Thompson be added to the list of senators serving on the Standing Committee on Transport and Communications.

Motion agreed to.

FINANCE—ADDITION TO MEMBERSHIP

Hon. Mr. McDonald, with leave of the Senate, moved:

That the names of the honourable Senators Desruisseaux, Dessureault and Everett be added to the list of senators serving on the Standing Committee on Finance.

Motion agreed to.

EXTERNAL RELATIONS—ADDITION TO MEMBERSHIP

Hon. Mr. McDonald, with leave of the Senate, moved:

That the name of the Honourable Senator Aird be added to the list of senators serving on the Standing Committee on External Relations.

Motion agreed to.

DAIRY PRODUCTS

INQUIRY STANDS

On the Inquiry of Hon. Mr. Argue:

That he will inquire of the Government:

1. How many dairy producers by provinces is it estimated produce (a) less than 420 pounds of butterfat per year and (b) less than 1,750 pounds of butterfat per year when shipped to market in the form of cream?

2. How many diary producers by provinces is it estimated produce (a) less than 12,000 pounds of milk and (b) less than 50,000 pounds of milk when shipped to market as manufacturing milk?

Hon. Hazen Argue: Honourable senators, I would request leave to ask for the answer to the inquiry standing in my name.

Hon. Mr. Connolly (Ottawa West): I will have the answer for the honourable senator as soon as I can possibly get it. It may stand for a few days, but as soon as I have it I will see that you receive it immediately.

Inquiry stands.

EXCISE ACT

BILL TO AMEND—WITHDRAWN

On the Order:

Third Reading of Bill S-30, intituled: "An Act to amend the Excise Act—Honourable Senator Langlois).

Hon. John J. Connolly: Honourable senators, this item has been standing on the Order Paper for some time. I stood it the other day until later in the day, but I was unable to attend the end of the sitting. This bill had been given second reading in the chamber, and it was felt by the ministries concerned—the Department of Finance and the Department of National Revenue—that the amendment not to require Canadian vodka to be aged for two years before being sold, was appropriate. However, since that time there have been various representations made by the industry in connection with the matter. It was felt that there was a problem arising out of the export market for spirits from Canada that might be adversely affected were the bill to proceed. In these circumstances, I am now directed to apply to the Senate for permission to have the bill withdrawn and the motion discharged. I would therefore ask at this time for consent to withdraw the bill.

The Hon. the Speaker: Has the honourable senator leave to withdraw the bill?

Hon. Senators: Agreed.

Bill withdrawn.

DIVORCE

RESOLUTIONS ADOPTED

The Senate proceeded to consideration of Resolutions numbered 560 to 606, inclusive, which were presented on Thursday, February 15.

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, moved the adoption of the following resolutions:

Resolution 560, for the relief of Marguerite Marie Cécile Villeneuve Rogers.

Resolution 561, for the relief of Giovanna Nicastro Ancora.

Resolution 562, for the relief of Frances Greenspon Kitaeff.

Resolution 563, for the relief of Margaret Anne O'Brien Plunkett.

Resolution 564, for the relief of Carl Joseph LeBlanc.

Resolution 565, for the relief of Gladys Maria Marshall Robertson.

Resolution 566, for the relief of Robert Forsyth Ogilvie.

Resolution 567, for the relief of Percy Robert LeRoux.

Resolution 568, for the relief of Miklos Nicolao Groner.

Resolution 569, for the relief of Colleen Mary Kenney Smith.

Resolution 570, for the relief of Joseph Bicek.

Resolution 571, for the relief of Barbara Ann O'Reilly Young.

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Resolution 576, for the relief of Marie Marguerite Francine Desbiens Paglia.

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Resolution 584, for the relief of Violet Ivy Jane Dice Walker.

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Resolution 586, for the relief of Liebe Deborah Levine Friedman.

Resolution 587, for the relief of Lucette Cayer Emard.

Resolution 588, for the relief of Suzanne St. Denis Gougeon.

Resolution 589, for the relief of Vlasta Vacikova Stedry.

Resolution 590, for the relief of Joseph Armand Gabriel Rene Martineau.

Resolution 591, for the relief of Guy Lafrance.

Resolution 592, for the relief of Marie Germaine Suzanne Duchesne Desbiens.

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Resolution 603, for the relief of Christiane Guerbette Mireault.

Resolution 604, for the relief of Micheline Allaire Herbart.

Resolution 605, for the relief of Annabelle Norma Jane Godfrey Price.

Resolution 606, for the relief of Leo Theodorus Bik.

Resolutions adopted, on division.

EXCISE TAX ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Eric Cook moved the second reading of Bill C-191, to amend the Excise Tax Act.

He said: Honourable senators, Bill C-191 might, I think, be termed the annual amendment to the Excise Tax Act. This year the amendment, broadly speaking, achieves three purposes. First, it increases some taxes; secondly, it exempts certain articles from taxes; thirdly, it makes some technical amendments.

Let us first consider the tax increases. Clause 6 of the bill adds section 28A to the Excise Tax Act. The new section 28A adds a special tax of 2½ cents per gallon on wines containing not more than 7 per cent of absolute alcohol and a special tax of five cents per gallon on wines containing more than 7 per cent alcohol.

Clause 9 of the bill increases the excise tax on cigars from 15 per cent to 17½ per cent.

Clause 10 increases the excise tax on cigarettes from 2½ cents to three cents on each five cigarettes, and also increases the excise tax on tobacco from 80 cents per pound to 90 cents. All thse increases came into effect on December 1, 1967.

Let me direct your attention to the articles now exempt. Drugs are now exempt from sales tax, and clauses 1 and 4, and clause 11, subclauses (2) and (5) of the bill, make the necessary amendment to the Excise Tax Act for this purpose.

The other articles exempted from tax by the bill before us are:

(1) Materials for use exclusively in the construction by provinces of residences for students. See clause 6 of this bill.

(2) Materials for the sole purpose of constructing, equipping or operating laundry services, cleaning services or linen supply services for bona fide hospitals. See clause 7.

(3) Farm wagons. See clause 11(1).

(4) Boots and appliances for people who have crippled or deformed feet. See clause 11, subclauses (3) and (4).

(5) Artificial breathing apparatus. See clause 11(6). And, finally, manufacturers' drawings and plans. This exemption is provided for in clause 11(10), which repeals the existing Part XIII of Schedule III of the act and substitutes a new one, which lists the manufacturers' plans, etc. See section 3 of the new schedule.

There are other amendments. Clause 8 of the bill is an important clause. This clause will delete, as the explanatory note says, words that have the effect of restricting the jurisdiction of the Tariff Board to cases where there has been no previous binding judicial decision on the question at issue and would also make it clear that the Board's jurisdiction is limited to a determination of the proper rate of tax.

The remaining clauses on which I have not commented are merely ancillary provisions of a highly technical nature. They are minor amendments, necessary to other sections of the Excise Tax Act because of the changes which I have explained.

If there are any other questions on these incidental amendments, I am sure the officials of the department can readily answer them when the bill is in the committee stage.

Honourable senators, if the bill receives second reading I will move that it be sent to the Standing Committee on Banking and Commerce.

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

EXCISE ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Leopold Langlois moved the second reading of Bill C-192, to amend the Excise Act.

He said: Honourable senators, as you will notice by merely glancing at this bill, it is a very simple one indeed. Its main purpose is to implement the Excise Act resolution which was tabled in the other place on November 30 last. However, clause 1 of the bill achieves a different purpose, in that it merely moves or transfers to section 172 of the act the allowance on the production of beer which at present is set out in Part III of the schedule to the act. There is no change in the amount of the allowance. This allowance is provided because the amount of beer on which the gallonage excise duty is imposed is measured during the brewing process. There is some loss in volume between the time of measurement in the vats and the time the beer is placed in bottles or kegs for sale.

Moreover, this allowance has always applied only to beer produced in Canada. There is no need for such an allowance for imported beer, since it is measured for tax purposes in bottles at the time of importation.

Clause 2(1) of the bill would implement paragraph 1 of the Excise Act resolution tabled in the House of Commons on November 30 last, which read as follows:

> That effective December 1, 1967, the duty of excise on spirits distilled in Canada be increased from thirteen dollars to fourteen dollars and twenty-five cents per proof gallon.

Now I come to clause 2(2), which is an amendment to subsection 5 of section 1, where the words "produced from native fruits" are deleted.

The reason for this amendment is very simple. The subsection being amended presently provides an exemption from excise duty for spirits which are distilled from wine and used in the manufacture of other wines. The process is to distill spirits from wine, thus obtaining a product with a high alcoholic content than can be obtained from fermentation. This distilled product is then added to wines, such as sherry or port, in order to increase the alcoholic content. The present wording of the exemption requires that these tax exempt spirits must be "distilled from wine produced from native fruits". Manufacturers of honey wine wish to use spirits distilled from wine made from honey, but such spirits are not exempt from tax under the wording of the subsection as it exists today. The amendment would correct this by removing the reference to wine "produced from native fruits".

I come next to clause 3 of the bill. This amendment would implement paragraph 2 of the Excise Act resolution tabled in the House of Commons on November 30 last, which reads as follows:

> That effective December 1, 1967, the duty of excise on Canadian brandy be increased from eleven dollars to twelve dollars and twenty-five cents per proof gallon.

Here I would like to add that since 1942 the rate of duty on Canadian brandy has been kept at a level of $2 less than for similar spirits, and this difference in rate is being retained.

Lastly, I come to clause 4, which would implement paragraph 3 of the Excise Act resolution tabled in the House of Commons on November 30 last, which read as follows:

> That effective December 1, 1967, the duty of excise on all beer or malt liquor be increased from thirty-eight cents to forty-two cents per gallon.

It is a simple bill and one which I think is quite clear, and I commend it to the favourable consideration of this house.

Hon. M. Wallace McCutcheon: Honourable senators, as Senator Langlois has said, this is a very simple bill, but I have a few comments I should like to make about it this evening. I shall not discuss the character of the budget resolutions that the Minister of Finance brought in on November 30 last, because I shall have an opportunity of doing that at a later time.

All this bill does is increase the excise tax on certain alcoholic liquors, and the minister, in the approved fashion of Liberals, has expressed his concern for the ordinary individual by increasing the tax on beer by a higher percentage than he has increased the tax on spirits. The minister has increased the tax on beer when one of his predecessors, having increased the tax on beer and on spirits during the Korean crisis, afterwards removed the increase that he put on spirits. Beer is the one commodity that still bears the burden of the excise duties imposed during the Korean War, and according to my calculation they are now raised by another 10½ per cent.

If the minister would study the material that was put before him he would realize that he had here an opportunity, assuming that he needed the extra revenue, to increase the tax on spirits and leave the tax on beer alone. He would thus have increased the spread between the two with a corresponding benefit to the people of Canada, because it is an acknowledged fact that alcohol consumed through malt beverages does not produce the same risk of alcoholism that is produced by the consumption of alcohol through spirituous beverages.

I do not want to stress that. I want merely to comment on it, and tomorrow I shall have some comments to make on the entire budget resolutions of the minister.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Langlois, bill referred to the Standing Committee on Banking and Commerce.

NATO PARLIAMENTARIANS

THIRTEENTH ANNUAL CONFERENCE AT BRUSSELS, BELGIUM

The Senate resumed from Wednesday, January 31, the adjourned debate on the inquiry of the Honourable Senator Aird, calling the attention of the Senate to the Thirteenth Annual Conference of NATO Parliamentarians held at Brussels, Belgium, 20th November to 25th November, 1967, and in particular to the discussions and proceedings of the Conference and the participation of the delegation from Canada.

Hon. John J. Connolly: Honourable senators, I wonder if the honourable Senator Langlois, in whose name the adjournment stands would cede his place to me on this occasion?

Hon. Mr. Langlois: Yes.

Hon. Senators: Agreed.

Hon. Mr. Connolly (Ottawa West): Honourable senators, I do not intend to detain the Senate for any great length of time this evening. I should like to say that in my opinion the debate that has been engendered by the notice of inquiry set down by Senator Aird calling attention to the North Atlantic Treaty Organization, and particularly the meeting of the NATO Parliamentarians in Brussels in the fall of last year, has been a particularly good one. The speech of Senator Aird in introducing this matter was of the first order. Not only did he and Senator Cook, who was also a member of the delegation, discharge their duty to this chamber in an admirable way, but both of them, together with Senator Méthot, represented the Senate in a way that we like to hear about when our representatives return from foreign parts.

I am pleased too, as I am sure we all are, that Senator Grosart, who has had some experience with NATO, and Senator Thorvaldson, participated in this debate although they were not members of the delegation at Brussels this year. Senator MacKenzie also made a valuable contribution, and we will in time hear from Senator Langlois, who is conversant with the NATO organization.

The interest of members of this chamber in matters of foreign affairs, and in the foreign policy of this country, has been demonstrated to the point where it is accepted as being of paramount importance to the country. The capacity of honourable senators to participate in the work of these organizations which usually meet outside Canada is a credit to this chamber, and indeed to Canada.

NATO itself is entering a new phase of activity. The problems it faced when it was first established are different from those it faces now. The situation in northern Europe particularly has changed. The addition of NORAD to the general western defence structure has made a vast difference to this country and to the importance of the work done by the North Atlantic Treaty countries.

One point we should remember in connection with these debates is that the delegations are composed of persons who are not in the ministry. They are back benchers. They are persons who have an opportunity to study problems connected with these various organizations such as the NATO Parliamentarians, the Commonwealth Parliamentary Association, the International Parliamentary Union, the Canadian-American Committee, and other international organizations to whose meetings we send delegations.

I was particularly pleased to hear Senator MacKenzie refer to the original contributions made by the late Senator Wishart Robertson. His connection with NATO parliamentarians cannot be stressed too often, because when Senator Robertson was the Speaker of this chamber he managed, against almost insuperable odds, to get the countries of the alliance to establish the NATO Parliamentarians' organization.

This organization does not do the fighting, it does not do the policing, and it does not do the defending. What it does do is enable parliamentarians to attend meetings at which the aims of, and the projects proposed by, the alliance are explored annually in depth. They then go back to their home parliaments and inform their members and the public of those countries of the value of the organization. They also express criticisms of policies and trends if they deem it fit to do so. The work of these delegations in informing public opinion in Canada and the other countries of the alliance has been invaluable. We are indebted to all senators who devote their time, not to go on junkets, but to give their energies to the work of these organizations, particularly NATO.

I speak with personal feeling about the NATO parliamentarians because I think it was the first organization I joined when I became a member of the Senate, and the first organization upon which I served as a delegate. The first meeting I attended was not

strictly a meeting of NATO Parliamentarians, although it was sponsored by NATO. It was called the Atlantic Congress and was held in London, I think in 1959, and was composed of more than parliamentarians. There was a good sprinkling of parliamentarians in the Canadian, American and other delegations, but there were also laymen and laywomen, prominent people in the various alliance countries who were deeply interested in the problems then facing the western world.

I remember on that occasion submitting a paper, as some of us were asked to do, which I called "The Real Meaning of NATO" which ultimately was published in pamphlet form and sold for 35 cents. As soon as I saw it on the bookstand I bought a dozen copies which I promptly gave to my relatives and friends, which exhausted the supply I had purchased. The only other person I know of who bought a copy was His Honour the Speaker. He was browsing round a bookstore in Ottawa one day, saw this pamphlet and expended 35 cents for a copy. It is probably out of print now, though if anyone has a copy it may be a keepsake only.

Hon. Mr. Choquette: A collector's item.

Hon. Mr. Connolly (Ottawa West): Maybe it is a collector's item. I did not make much of a fortune out of it and I fear I did not make much of a reputation out of it either.

I mention that only in passing because now that Canadian parliamentarians are taking such prominent parts in these various international organizations I think they are in a position to give leadership and a thrust to the work of these organizations when attending the meetings as delegates.

At the NATO parliamentary meetings I remember particularly sitting on the Economic Committee under the chairmanship of Senator Javits of New York. His example is one that any delegate from our Parliament might well follow. He was energetic, enterprising, interested, active and well informed. He gave the impression that parliamentarians can make these organizations work, not only in the interests of the alliance, but in the interests of the welfare of the western world which NATO is intended to defend.

The Economic Committee was one of which I was proud to be a member. The people on it from West Germany, the Scandinavian countries, Italy, France, Great Britain and all the other countries of the alliance were very distinguished. I remember particularly the stress that was laid in those years by Senator Javits and the other members of the committee on the importance of economic strength for the countries of the alliance; it was not enough to have only military strength to provide the defence required for the West.

I remember too the stress that was laid on the importance of trying to prevent the undermining of markets by countries behind the Iron Curtain who might well have sapped the economic strength of members of the alliance. I recall a warning given one year ago to certain countries who were beginning to trade perhaps much too extensively with some of the Iron Curtain countries. They were warned that if they put all their eggs in one basket they would endanger their own economies, should the rug be pulled out from under them, either by the country with which they were trading or by other countries to whose directives they would have to subscribe.

I also remember the importance that was paid in those days—and I think it still applies—to attempt to build up the underdeveloped countries of Asia and Africa, to develop economic growth for those countries, and the importance to the alliance of having this work done so that the disparity between the poor nations and the rich nations, so-called, would not be great. Unfortunately, since those days, while much has been done for the underdeveloped countries, I think it fair to say that the gap has actually widened, despite the fact that there has been growth in some countries of Asia and Africa.

The NATO Parliamentarians on that Economic Committee said that it was necessary for the member countries to assist these underdeveloped or developing nations economically, for the benefit of their own people. It was also said to be important for them to do it because other countries with objectives which were at variance with the objectives of NATO might very well step in and take the place of western countries if the NATO members did not play their full part and show goodwill in the development of these poorer nations.

I am bound to say that there is a certain amount of overlapping with these international organizations—with the C.P.A., the I.P.U., U.N. and its agencies, and NATO. There are bilateral arrangements between countries which sometimes create a duplication of the work. But there is still a great deal of practical work to be done. It is not always sufficient simply to go to these meetings to make a speech or two. Let me take Senator Javits as a good example of what can be done, using as

a base an organization like the NATO Parliamentarians Association.

I have spoken quite a bit about the problem of underdeveloped countries. One year the whole committee was deeply concerned about developments in Latin America. Senator Javits, of his own motion, brought in a proposal to see if some funds could not be collected to promote the development of certain capital requirements in Latin America. A corporation was formed, called ADELA, and some $25 million was subscribed to it.

I remember being in Peru a year or so later, when industrialists there were saying that had it not been for ADELA, certain capital developments essential to the improvement of the economy would not have occurred. This work was supplementary to the work of the Alliance for Progress, which Senator Kennedy had been working on at that time.

We in this country do not hear very much about Latin America, because our foreign aid for the most part—of necessity, I think—has to be channelled more into Commonwealth areas. Probably Commonwealth areas are more in need of foreign aid than any other organized body of countries in the world. Nevertheless, Senator Javits' initiative in connection with ADELA was a very worthy project. It supplied something from the private sector that could easily have been overlooked in the foreign aid programs of other countries.

There was some talk in those years also about the great value of the Colombo Plan, to which Canada has subscribed and of which Canada is a very important member. Senator Javits thought at that time that perhaps other elements of the private sector of the economies of the countries in the NATO alliance might be able to do more in southeast Asia and Africa. However, his term as chairman of the economic committee ran out. I understand that he is now the chairman of the political committee.

Hon. Mr. Grosart: Honourable senators, would the honourable senator permit a question, in view of the fine tribute he has paid to Senator Javits, who has been prominent in NATO and as a United States delegate for a great many years? Would he agree with me that the time is long overdue when the Canadian Government should accept responsibility by taking leadership and exerting some influence to see that there is some degree of permanence in the Canadian delegations to this and other international organizations?

Hon. Mr. Connolly (Ottawa West): I do not think the Government has any objection whatever to continuity in delegations that go from this Parliament. I do not think the problem lies there, because there is much continuity in the delegations which go to all these meetings. There has been complaint from time to time that there is too much continuity. I think it is a question of trying to balance off continuity, which is desirable on the one hand, and experience for new people who are coming along, on the other hand.

Let us take for example the Canadian-U.S. committee. There are many honourable senators here who have attended a number of those meetings and have made valuable contributions. Their value increases as the years go on. But I think that they, too, will agree that there are times when new experience should be developed and new faces should be shown. Of course our Parliament is not as big as either the British Parliament or the U.S. Congress. We are a little different here.

I am glad Senator Grosart raised this question, because it is always a problem when the selection of delegates is to be discussed by the leaders. As he knows, the Opposition and the Government leaders both are involved in the selection of delegates.

Hon. Mr. Belisle: The honourable senator was not speaking for the Opposition in the Senate.

Hon. Mr. Connolly (Ottawa West): It is a politically contentious question but I think it think that matters very much. It is not a politically contentious question but I think it is a valid question and one that we should keep in mind.

Hon. Mr. Croll: I do not think it need be kept too much in mind, for I do not agree with him at all.

Some Hon. Senators: Hear, hear.

Hon. Mr. Connolly (Ottawa West): This increases the problem. However, we have a relatively small Parliament—265 members in the lower house; 102 members in this house. Compare the number in the British House. The British House of Lords at the present time has more than 1,000 who could participate. There are people in those Parliaments who make a career out of work on these international organizations. One sees the same people all the time, at I.P.U., at C.P.A., at NATO, at the Council of Europe and other organizations.

Hon. Mr. McCutcheon: It is a good life.

Hon. Mr. Choquette: They get all the nice trips.

Hon. Mr. Connolly (Ottawa West): Up to a point it is a good life, but while it is a good life it should also be an interesting life. It should also be an experience that involves a great deal of work. I do not think that our delegation should go unless they are fully briefed and adequately prepared.

Hon. Senators: Hear, hear.

Hon. Mr. Connolly (Ottawa West): The more preparation we have, the better we are. In that connection, I have a suggestion to make about this debate, and then I am finished. As Senator Power tells me, every time I get on my feet I speak too long. I will make one suggestion, and perhap Senator Aird and others would consider it in connection with his inquiry.

At the end of the debate, I would hope that Senator Aird would move that a select committee of the Senate be established with the view to having an inquiry into the present state of the NATO alliance in so far as Canada is concerned. I believe many senators would be delighted to become members of such a committee and they would gain invaluable information about the work which could be done at the next meeting of the NATO Parliamentarians. I would hope that this practical work would continue from year to year.

Hon. Mr. McCutcheon: What would the Government think about it?

Hon. Mr. Connolly (Ottawa West): I think the Government would be quite pleased to see this happen.

Hon. Mr. McCutcheon: Well, you are optimistic.

Hon. Mr. Hollett: May I ask the Leader of the Government if he would not think it wise to appoint a select committee to inquire into the methods employed in the selection of delegates?

Hon. Mr. Croll: That is right.

Hon. Mr. Connolly (Ottawa West): That could be done, I suppose, but I think the answer to the honourable senator's question could be given by the Leader of the Government and the Leader of the Opposition jointly.

Hon. Mr. McCutcheon: It would be like looking at election expenses.

Hon. Mr. Hollett: I would like to hear the answer.

Hon. Mr. Connolly (Ottawa West): I think I have given the answer.

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

The Senate adjourned until tomorrow at 3 p.m.

APPENDIX

(*see p. 875.*)

NATIONAL AND ROYAL ANTHEMS

REPORT OF JOINT COMMITTEE

February 15, 1968.

The Special Joint Committee of the Senate and House of Commons on the National and Royal Anthems makes its first and final report as follows:

Your Committee was appointed on June 6, 1967, to consider and report on the question of lyrics for the National and Royal Anthems of Canada. In the pursuit of its responsibilities, your committee held twelve meetings. The membership of the committee consisted of the Honourable Senators Bourget, Davey, Gélinas, Smith (Queens-Shelburne), White, Yusyk, and Messrs. Brand, Forrestall, Gauthier, Hymmen, Johnston, Laflamme, Mandziuk (replaced), Martin (Timmins), McCutcheon, McWilliam, Orange, Prud'homme, Ryan, Tremblay (Matapédia-Matane) (deceased).

Your committee acknowledges with grateful appreciation the assistance rendered it by the representative groups which appeared and/or made recommendations, and by the more than one thousand (1,000) interested individuals who submitted proposed lyrics in English, in French, or a combination thereof. Included in these submissions was an imaginative proposal for a mixed bilingual verse. Your committee is indebted also to the contribution in one form or another made by the Department of Justice, the Department of Manpower and Immigration, the Library of Parliament, the news media, and Mr. Rex LeLacheur, music consultant to the committee.

The unanimous recommendation of your committee is that the Government be authorized to adopt forthwith one verse in each of the two official languages of "O Canada" for the National Anthem, and one verse in each of the two official languages of "God Save the Queen (King)" for the Royal Anthem in Canada. The recommended texts are:

O Canada

O Canada! Our home and native land!
True patriot love in all thy sons command.
With glowing hearts we see thee rise,
The True North, strong and free.

From far and wide, O Canada,
We stand on guard for thee.
God Keep our land glorious and free!
O Canada, we stand on guard for thee.
O Canada, we stand on guard for thee!

O Canada! Terre de nos aïeux,
Ton front est ceint de fleurons glorieux!
Car ton bras sait porter l'épée,
Il sait porter la croix!
Ton histoire est une épopée
Des plus brillants exploits.
Et ta valeur, de foi trempée,
Protégera nos foyers et nos droits.
Protégera nos foyers et nos droits.

God Save the Queen (King)

God save our gracious Queen (King)
Long live our noble Queen (King)
God save the Queen (King);
Send her (him) victorious;
Happy and Glorious,
Long to reign over us;
God save the Queen (King).

Dieu protège la reine (le roi)
De sa main souveraine!
Vive la reine (le roi)!
Qu'un règne glorieux,
Long et victorieux
Rende son peuple heureux.
Vive la reine (le roi)!

Comments pertaining to the above texts are:

(1) The National Anthem:

The English text of "O Canada" is a slightly modified version of the verse and refrain written by the Honourable Judge Robert Stanley Weir. The underlined portions merely indicate the changes made by your committee. These amendments emanate, not from any particular individual, but from the consensus of suggestions made to your committee.

The French text is that written by the Honourable Judge Adolphe Basile Routhier

without amendment. Your committee received comments, in particular the special study by Le Conseil de la Vie française, referring to the "poetic licence" exemplified by the author. However, it is of the opinion that the weight of acceptance of the words in their present form nullifies the need for change. Your committee received few representations concerning the Routhier version.

(2) The Royal Anthem in Canada:

The English text of the Royal Anthem is that which is currently to be found in the public domain.

The French text is that adopted in 1952 for the coronation of Her Majesty Queen Elizabeth II. It was this same text that was used on the occasion of the inauguration of the National Flag of Canada on February 15, 1965.

With respect to the words of the National and Royal Anthems, your committee notes the existence of lyrics in other languages which are sung by various Canadian groups of different ethnic origins. To foster closer and warmer ties between all citizens of this country, your committee feels that there should be encouragement for such groups to sing the Anthems in their own language on suitable occasions.

Your committee recommends that the Government accept with gratitude the offer of the copyright on the Weir version of "O Canada" made by Gordon V. Thompson Limited and the heirs of the Honourable Judge Weir.

Your committee recommends that steps be taken to commemorate in some appropriate and permanent form the originators of our National Anthem, i.e., Calixa Lavallée, Adolphe Basile Routhier and Robert Stanley Weir.

All which is respectfully submitted,

Maurice Bourget
Joint Chairman

THE SENATE

Tuesday, February 20, 1968

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

Prayers.

DOCUMENTS TABLED

Hon. John J. Connolly tabled:

Copies of an Agreement, dated February 15, 1966, between the Government of Canada and the Government of the Province of Manitoba respecting the development of the hydro-electric potential of the Nelson River. (English and French texts).

Annual Report to the Governments of the United States and Canada by the Columbia River Treaty Permanent Engineering Board for the period October 1, 1966 to September 30, 1967. (English text).

MOTION TO ADJOURN

POINT OF ORDER

Hon. Jacques Flynn: Mr. Speaker, I rise on a point of order. I suggest that the decision taken in the other place in view of the events of last night should guide us, and that the Senate should adjourn pending clarification of the situation in which the Government finds itself today. I, therefore, would appeal to the Leader of the Government to agree to such an adjournment. I think the Senate is as concerned as the other place in the present situation and should do likewise.

I do not think the climate is conducive to good discussion. We are not sure whether what we are going to do will not be a completely empty gesture.

Therefore, I appeal to the Leader of the Government to move, or to cause to be moved, the motion that was moved in the other place earlier today.

Hon. John J. Connolly: Honourable senators, I can understand the motives which inspire the Leader of the Opposition to speak as he does and I impute no sinister motives to him. I am sure he understands, too, that when I speak I speak very frankly and sincerely.

I think that our position is quite different from that of the House of Commons. The House of Commons is in being: it stands adjourned under circumstances which are peculiar to their situation, not to ours. The Senate has before it certain work, most of which has already been passed by the House of Commons. Certainly, we could adjourn until tomorrow, but we would be sitting around doing nothing.

I am a little more optimistic than the Leader of the Opposition that things will work out to a point where we will not be carrying on a futile exercise.

Hon. Mr. Flynn: If you are optimistic, you should agree with my proposal.

Hon. Mr. Connolly (Ottawa West): My feeling is this. We often stand adjourned while the House of Commons is sitting and that house is not affected in any way by the fact of our adjournment. With so many senators here in Ottawa, we should proceed with the business we have before us.

Some Hon. Senators: Hear, hear.

Hon. Mr. Connolly (Ottawa West): We have an order paper. It has some items on it and I hope in the interests of the Senate that we will stand above a situation which affects another place but which does not directly reach in here. I therefore hope that all honourable senators will agree to this course of action. I think that we can accomplish some useful work this afternoon. If it is desired that some item for debate be adjourned, we will of course grant the usual courtesies that are granted on such occasions when people are not prepared to go on, but there are certain things that we can do and I hope that we will do them.

Hon. M. Wallace McCutcheon: Honourable senators, I rise to support the suggestion of the Leader of the Opposition (Hon. Mr. Flynn). I do not believe that there is such a gulf or wall or curtain, or whatever one may call it, between the other place and this place. The Leader of the Government in this house (Hon. Mr. Connolly, Ottawa West) is a member of the cabinet, and as such he made it very clear to us recently what his special responsibilities were as a member of the cabinet. In those circumstances, I do not think we should proceed with business this afternoon.

Seconded by Senator Choquette, I move that the Senate do now adjourn.

The Hon. the Speaker: It has been moved by the honourable Senator McCutcheon, P.C., seconded by the honourable Senator Choquette, that the house do now adjourn. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No!

Some Hon. Senators: Yes!

The Hon. the Speaker: In my opinion, the nays have it.

Hon. Lionel Choquette: With due respect, Mr. Speaker, I do not want to quarrel with your decision, but this is a constitutional question and I do not think that Your Honour has power to decide on that. The House of Commons is not functioning. It might be dissolved tomorrow. We do not know. In any event, the Prime Minister has requested an adjournment of 24 hours in which to assess the problems facing the Government of the day, and we cannot go on. Surely we are a branch of Parliament, and Parliament is composed of, as we know, the Queen, the other house and the Senate. If one does not function, we cannot say, "Well, you boys over there in the other place are not agreeing, but we are a nice family and we are going to go ahead." We cannot do that. I suggest that Your Honour has no power to decide on this question.

Hon. Mr. Hollett: Honourable senators, I make this suggestion. Suppose that eventually, 24 hours hence, it is decided that Parliament ended as from 10.30 last evening. Will any work which we do here in such circumstances be legal?

Hon. Mr. Flynn: Or useful?

Hon. Mr. Hollett: That is the question I would like to have answered. It is just possible, unfortunately, that a decision will be made which will mean that the House of Commons ended the session at 10.30 last night.

Hon. Mr. Connolly (Ottawa West): Mr. Speaker, on a point of order, this is a motion to adjourn the Senate, and I think it is not a debatable motion. I think the question now has to be put and a vote called for.

The Hon. the Speaker: It has been moved by honourable Senator McCutcheon, P.C., seconded by honourable Senator Choquette, that the house do now adjourn. Is it your pleasure, honourable senators, to adopt the motion?

Those in favour of the motion, please say "content."

Some Hon. Senators: Content.

The Hon. the Speaker: Those against the motion, please say "non-content."

Some Hon. Senators: Non-content.

The Hon. the Speaker: In my opinion the non-contents have it.

Senators Flynn, Choquette and McCutcheon rose.

The Hon. the Speaker: Call in the senators.

Motion of Hon. Mr. McCutcheon negatived on the following division:

CONTENTS

Honourable Senators

Belisle	Macdonald (*Cape Breton*)
Blois	McCutcheon
Choquette	Methot
Flynn	O'Leary (*Carleton*)
Fournier (*Madawaska-Restigouche*)	Pearson
Gladstone	Quart
Grosart	Sullivan
Haig	Walker
Hollett	Willis
Irvine	Yuzyk—21
MacDonald (*Queens*)	

NON-CONTENTS

Honourable Senators

Argue	Hastings
Basha	Inman
Beaubien (Provencher)	Kickham
Benidickson	Kinnear
Boucher	Laird
Bourget	Lamontagne
Bourque	Langlois
Burchill	Lefrançois
Cameron	Leonard
Carter	Macnaughton
Connolly (Halifax North)	McDonald (Moosomin)
Connolly, P.C. (Ottawa West)	McGrand
Cook	Paterson
Croll	Phillips (Rigaud)
Davey	Pouliot
Denis	Power
Deschatelets	Rattenbury
Desruisseaux	Roebuck
Everett	Smith (Queens-Shelburne)
Fergusson	Sparrow
Fournier (De Lanaudiere)	Stanbury
Gélinas	Thompson
	Urquhart—45

The Hon. the Speaker: I declare the motion lost.

CANADIAN DAIRY COMMISSION ACT

BILL TO AMEND—FIRST READING

Hon. Hazen Argue presented Bill S-34, to amend the Canadian Dairy Commission Act.

Bill read first time.

The Hon. the Speaker: Honourable senators, when will this bill be read a second time?

Hon. Mr. Argue: Next sitting.

Some Hon. Senators: No.

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

Motion agreed to.

PRIVATE BILL

THE BONAVENTURE AND GASPÉ TELEPHONE COMPANY, LIMITED—REPORT OF COMMITTEE

Hon. T. D'Arcy Leonard, 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-33, intituled: "An Act respecting The Bonaventure and Gaspé Telephone Company Limited", has in obedience to the order of reference of February 1, 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. Leonard: Honourable senators, I move, with leave of the Senate, that this report be adopted now.

Hon. Mr. Flynn: No.

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

Motion agreed to.

27059—63½

BROADCASTING ACT

REPORT OF COMMITTEE

Hon. T. D'Arcy Leonard, 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-163, intituled: "An Act to implement a broadcasting policy for Canada to amend the Radio Act in consequence thereof and to enact other consequential and related provisions", has in obedience to the order of reference of February 15, 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. Leonard: I move, with leave of the Senate, that the report be adopted now.

Hon. Mr. Flynn: No.

Hon. Mr. Leonard 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

POINT OF ORDER

On the Orders of the Day:

Hon. Mr. Grattan O'Leary: Before the Orders of the Day are called, honourable senators, I rise to a point of order.

I submit that the first item on the Order Paper emanates from the budget, a part of which was rejected yesterday, as a consequence of which the cabinet, Her Majesty's ministers in the other place, have asked for a delay of 24 hours so that they can consider the matter and decide what they should do about the constitutional position created by the vote in the other place last evening. That has been agreed upon in the other place, and I submit to honourable senators that it would be highly improper for this house to consider a measure emanating from the budget of which, I repeat, a vital part was rejected in the other place yesterday, resulting in the

request made by the Prime Minister through one of his ministers in the other place half an hour ago.

It is a part of the budget which is being delayed in the other place, and I submit we have no right, no authority, and no duty, to undertake a debate on it in this house at the present time. Her Majesty's ministers, the members of the cabinet in the other place, have decided that for the time being they are not competent to deal with public business.

Some Hon. Senators: No!

Hon. Mr. O'Leary (Carleton): They have decided it is desirable that they should not deal with public business for 24 hours.

I do not like to think about what has happened to collective cabinet responsibility in this country during the past three or four weeks, but I ask the Leader of the Government (Hon. Mr. Connolly, Ottawa West) how he as Leader of Her Majesty's Government in the Senate can set himself apart from his colleagues and attempt to deal with public business in the Senate.

I further ask what the Leader of the Government thinks this will do in the public mind as to the understanding or lack of understanding of what the Senate is about. Tomorrow morning in the newspapers of this country the public will be told what has happened, and in every headline the word used will be "Parliament"—that Parliament had to adjourn or decided to adjourn for 24 hours to consider the situation, but the Senate went on.

Hon. Mr. McDonald: So it should.

Hon. Mr. O'Leary (Carleton): The impression created by that will be that the Senate does not matter—

Hon. Mr. McDonald: No.

Hon. Mr. Flynn: That is right.

Hon. Mr. O'Leary (Carleton): —an impression already deeply entrenched in the public mind. The public will say, "What does it matter what the Senate does? The Senate is nothing, it is not an integral part of Parliament." It will be Parliament they will be thinking about. I submit it would be wrong to do that to the Senate, that we have no business entrenching in the public mind—although goodness knows it exists in the public mind—the impression that the Senate is not really an integral part of Parliament and it does not matter what it does. We will make ourselves a laughing stock of the press and the country if we go on with the business here this afternoon, and so far as I am concerned I propose to have no part in it.

Hon. John J. Connolly: Honourable senators, the honourable senator has asked a question. There are several questions involved and perhaps I should answer them.

In the first place, he asked me whether I set myself apart from my colleagues with respect to the business that is on the Order Paper. My answer to that is very simple and very obvious for myself and my colleagues—

Hon. Mr. Flynn: Your colleagues in the cabinet, not here.

Hon. Mr. Connolly (Ottawa West): The answer, for myself and my colleagues, is that the House of Commons has already passed the bills which are before us now. They are financial bills. The Senate is required to deal with these financial bills, because they are part of the work of Parliament and because the Senate is an integral part of Parliament.

Some Hon. Senators: Hear, hear.

Hon. Mr. Connolly (Ottawa East): In the second place, if someone should report that "Parliament" had adjourned but the Senate did not adjourn, then I am not going to take the responsibility for political illiterates who speak or talk or write that way.

In the third place, the honourable senator has asked me this question, "Do I think the Senate does not matter?" It is precisely because I feel that there is business before the Senate that I have suggested the course that we have voted on this afternoon, of proceeding with the business which we are required as senators to do.

Some Hon. Senators: Hear, hear.

Hon. Mr. Connolly (Ottawa West): Honourable senators, perhaps all of this is academic—because, so far, the members of the Opposition have seen fit not to give unanimous consent to the adoption of reports of committees that were passed this morning on one private and one public bill. That is their right. It is a courtesy which normally is accorded, and the courtesy was not extended this afternoon.

Hon. Mr. Flynn: By the majority—when we suggested to adjourn the house.

Hon. Mr. Connolly (Ottawa West): I am talking now about the courtesy that is normally accorded reports of committee on bills.

Hon. Mr. Flynn: One courtesy for another.

Hon. Mr. Connolly (Ottawa West): That courtesy was not extended this afternoon.

Hon. Mr. Flynn: After one courtesy was refused to us.

Hon. Mr. Connolly (Ottawa West): Yes, but I think in the case of the Senate there is responsibility here. In any event, I am not going to be sidetracked on that. I said the point was academic, because as it happens, the first item on the Orders of the Day, stands in the name of honourable Senator McCutcheon. I indicated earlier that if Senator McCutcheon is not prepared to proceed this afternoon we will accord him the normal courtesies which we accord to those who wish to adjourn a debate. The other matters will be dealt with in the normal course.

Hon. Jean-François Pouliot: Honourable senators, I would like to appeal to Senator O'Leary (Carleton), who is worried about what the press and the public will say. They will say but one thing. It is that while the House of Commons is adjourned the Senate continues to work. It will impress them favourably, and they will say that the Senate is accomplishing a lot for the country when the House of Commons is being silent.

Taking into consideration what has been said by the Leader of the Government in the Senate, I would point out to my honourable friend that the first item on the Order Paper is for the resumption of the debate on the motion of one of our colleagues, seconded by another one, for second reading of bill C-191, intituled an act to amend the Excise Tax Act. That bill has passed third reading of the House of Commons, which has nothing more to do with it. It has been sent to us in due course to deal with it.

The second item is:

> Resuming the debate on the inquiry of the honourable Senator Aird, calling the attention of the Senate to the Thirteenth Annual Conference of NATO Parliamentarians, held at Brussels, Belgium...

This is not a matter of Government policy. It is an expression of views of the senators who have attended the NATO Conference in Brussels.

The third item is:

> Consideration of the First and Final Report of the Special Joint Committee of the Senate and House of Commons on the National and Royal Anthems.

It is the first and final report. The House of Commons may deal with it in due course, if there is no dissolution; but here it is our duty to consider it, and I do not see why we could not consider it today, instead of delaying its consideration.

Then there is:

> Second reading of Bill S-31, intituled: "An Act to provide for the dissolution of the Dominion Coal Board".

This is a Senate bill. Why not proceed with it, if the leader is ready to proceed do so?

Therefore, there is nothing on the Order Paper which would provoke any difficulty with the House of Commons. We do not have to do anything with the House of Commons at the present time. If we proceed we will look only after the Senate's own business.

Hon. Jacques Flynn: Honourable senators, I think I should explain to the honourable Senator Pouliot that his remarks are completely irrelevant. We did not ask that the Senate adjourn because we are not concerned with what the House of Commons does or because that house would not be concerned with what we are doing. It is because of an event which is completely outside the business that we have to deal with today, namely, the fact that the Government has been defeated and does not any longer enjoy the confidence of the other place.

Some Hon. Senators: No, no.

Hon. Mr. Flynn: This is something that is paramount, and is our concern as well as the concern of the House of Commons. They decided that they should not deal with their own business today because of that. I do not see why the Senate should be indifferent to something which is of the utmost importance, not only to Parliament but to the whole country.

Hon. Mr. O'Leary (Carleton): Hear, hear.

Hon. Mr. Flynn: Therefore, I suggest, with all due deference to Senator Pouliot, that he did not understand the purport of our argument or he would not have spoken as he did.

Hon. Allister Grosart: Honourable senators, on the point of order, in reply first of all to the remarks of the Leader of the Government suggesting there was some discourtesy or some failure to extend courtesy on this side, I would point out that all that was done on this side of the house was to follow our own rule book. It seems to me that it is an absurd

attitude to take, when members of this side merely ask that our rules be followed, to suggest that there is some discourtesy. If that is the suggestion, we had better change all the rules. If a member here cannot invoke the rules without being accused of discourtesy, we had better rewrite the rules.

On the matter raised by Senator O'Leary (Carleton), that we do not have a right to debate item No. 1 on the Order Paper, dealing with the Excise Tax Act, this is certainly a Government motion, introduced here under the sponsorship of the Government. This is a Government which at the moment does not enjoy the confidence of the House of Commons—whatever may happen tomorrow. The Leader of the Government here is a member of a Government which does not at the moment enjoy the confidence of the elected representatives of the people of Canada.

Specifically, that lack of confidence has been expressed in a matter of the utmost importance. This is not an inconsequential matter. This was the third reading of a bill which in itself is of the essence of the budget, and item No. 1 on our Order Paper is another of the items arising out of that same budget.

I say, on a point of order, that it is ridiculous for this Senate to carry on under these circumstances and to discuss a bill brought before us by a Government which has now lost the confidence of the elected representatives of the people, because the elected representatives have repudiated the tax policy of this Government.

An Hon. Senator: Order.

Hon. Mr. Grosart: It is not a question of order. I am discussing this first order, and if any honourable senator wishes to raise a point of order I will be very glad to discuss it with him. I am perfectly entitled to discuss this on the point of order raised by Senator O'Leary (Carleton).

The high tax policy of which Order No. 1 is a part has been repudiated, and I for one am glad that it has. It would be the essence of courtesy, yes, the essence of courtesy to the other house, if in this particular case we followed the wise lead of the motion for adjournment moved there by a member of the Government and seconded by another member of the Government.

Hon. Arthur W. Roebuck: Honourable senators, it seems to me that we have got too much excitement in this house.

Hon. Mr. Flynn: It is a good thing there is some excitement.

Hon. Mr. Roebuck: And I would suggest to the honourable Leader of the Opposition and his very excited followers that they keep cool.

Hon. Mr. Walker: Oh, we are to play it cool.

Hon. Mr. Roebuck: I suggest that they keep cool. At the present moment they seem to have some idea looming very largely in their imaginations. Imagination is a good thing, but they are very happy at the moment at prospects that will not materialize. I am very glad to see them so happy. I hope they enjoy themselves for a short time, because it will be a very short time before we settle down—and even they will settle down—to the routine business of this house.

Hon. Mr. Flynn: Tomorrow?

Hon. Mr. Roebuck: Tomorrow.

Hon. Mr. Flynn: We are willing to deal with it tomorrow, if the situation returns to normal.

Hon. Mr. Roebuck: Now, my friend Senator Grosart talks about the Government having lost the confidence of the Commons. That is not the case at all.

Hon. Mr. Flynn: Well, what is it, then?

Hon. Mr. Roebuck: I have the floor.

Hon. Mr. Grosart: If that is not losing confidence, how do you lose the confidence?

Hon. Mr. Roebuck: I have the floor. It is not the case at all. There was a snap vote yesterday—

Some Hon. Senators: Oh, oh.

Hon. Mr. Roebuck: And if you like to be technical about it, you can say that that vote was a vote of lack of confidence.

Hon. Mr. Flynn: That is just wishful thinking.

Hon. Mr. Roebuck: You may say that that was a vote of lack of confidence at that time. But do not forget that the members of the Commons were away, most of them on Government business.

Hon. Mr. Grosart: They were away on party leadership business.

An Hon. Senator: It was purely leadership.

Hon. Mr. Roebuck: Is that not the public business? Can one imagine anything more important in Canada today than the election of a prime minister? Of course that is Government business.

Hon. Mr. Choquette: The Prime Minister had warned them not to be away.

Hon. Mr. Roebuck: I opened my remarks by suggesting that the Leader of the Opposition and his followers keep cool, and I repeat that at this moment. They may enjoy themselves for a while, if they like, for a little while, but their enjoyment will be shortlived.

Hon. Mr. Deschatelets: Very good, senator.

Hon. Mr. Roebuck: They were away for the most part on the people's business.

Hon. Mr. Flynn: That is propaganda.

Hon. Mr. Roebuck: That was yesterday. Today is a very different day, and it will not be long before my friends across the way will find out the difference.

But, honourable senators, that has nothing to do with what is before us. The bill that is here has been passed by the Commons. The Commons could not change that decision. It is a bill passed by that house and sent to the Senate for its approval or disapproval, and it is our duty now to carry on, quite irrespective of what may happen today or has happened today or happened yesterday in the Commons. It is our duty to go on with our work and to pass this bill or reject it, as we see fit, but at all events to act upon it, whatever is the first item before the house.

May I say once again, please keep cool. We are the senior chamber, the senior legislative body in the Dominion of Canada, and we are supposed to take things quietly and thoughtfully. Please be cool. Let us go on with our work as we should.

Hon. Mr. Flynn: Please do not lecture us that way.

Hon. David Walker: I think the honourable and distinguished Senator Roebuck should confine himself to talking about divorce. Believe me, I have never heard a more ridiculous argument in my life. It reminds me of the time in 1934, when he told the Legislature of Ontario that to abrogate the Beauharnois contract was perfectly legal, as a result of which his career in the Ontario Legislature rapidly came to an end.

"Too much excitement," the honourable senator said. Too much excitement! The excitement has been on the other side. We are taking this thing seriously, and we are treated with sneers—sneers by this bunch of rubber stamp senators. It is shocking.

Hon. Mr. Roebuck: There is something in our rules about offensive language used by one senator to another, and I suggest to the honourable senator who has the floor that he use parliamentary language in discussing the matter before us.

Hon. Mr. Walker: I always did, but I must say I never learned that habit from my friend. Now, here we have a situation—"play it cool," says the honourable and benign senator. "Play it cool," he says, when the Government, having been defeated on a money bill, has, as it appreciates itself, only two alternatives. Oh, there are other alternatives, but there are only two important alternatives: either the Government resigns or it asks for a vote of confidence.

Now, my friend agrees with that. He is saying yes. Under those circumstances the Government, with the consent of the Opposition, has no other alternative but to resign or ask for a vote of confidence. My friend agrees with that. Let us go on from there.

The Prime Minister arrived home only at 1.30 p.m. today, and under those circumstances it is understandable that the Opposition joined with the Government in agreeing to the adjournment of the house.

An Hon. Senator: As a courtesy.

Hon. Mr. Walker: As a courtesy, but also it is constitutionally impossible for the Government of the day to carry on after having been defeated in the house on a Government bill and having lost the confidence of the elected members of Parliament—which is the case, regardless of the reason which my friend puts forth. It is impossible for them to carry on the business of the House of Commons unless and until they get a vote of confidence or unless and until the Prime Minister goes to the Governor General and submits his resignation and is asked to carry on or, in his place, submits somebody else to carry on the task of Government, or Mr. Stanfield is asked to take over the Government.

This is not ridiculous. We are very serious. We are deadly serious. So is the Leader of the Government. He knows, because he sat in cabinet this morning, that there were to be

none of the members of the cabinet taking part today. They all agreed to the adjournment. There was cabinet solidarity, and he, too, did not vote today. You will notice that he did not vote on the question of adjournment.

Hon. Mr. Connolly (Ottawa West): He certainly did.

Hon. Mr. Choquette: He got up when his time came.

Hon. Mr. Walker: Do I stand corrected? I apologize for that, then. But I am surprised that my honourable friend (Hon. Mr. Roebuck)—with all his years in the Ontario Legislature, where he was prominent for some time, and after his experience in this house—should make the remarks that he has made today. The Government up to the moment is defeated, and unless and until it is replaced by another leader, or another Government, or has obtained from the house which defeated it yesterday a vote of confidence, all the business of Government is at a standstill. My honourable friend Senator Roebuck is not suggesting for a moment that we are not in this house part of the Parliament of this country. We are a very important and essential part of it.

Hon. Mr. Roebuck: We are part of Parliament.

Hon. Mr. Walker: Of course we are part of Parliament. It is the height of idiocy to suggest, with the greatest of respect, that we are not.

I think it is borne out that we should not and cannot continue to carry on the business of the house, which I am very loath to do until it is determined in the other place whether or not the Government of the day is to be sustained by a vote of confidence or is going to resign and call on the Tories. Whatever the reason may be for their defeat, to suggest that the Government members were off on public duties elsewhere around the country and therefore were defeated, is ridiculous. They were campaigning for the leadership. Parliament is hundreds of years old and the laws of Parliament are well known. When a government is defeated on a money bill it either resigns immediately or else attempts to get a vote of confidence. Would my friend like to interrupt or make a speech, or would he allow me to finish what I have to say? The situation is such that even my friend should understand. I am sure the Leader of the Government (Hon. Mr. Connolly, Ottawa West) would not wish us to do anything until the Government of the day seeks and gets a vote of confidence. Is my friend suggesting that the House of Commons will attempt to do any work without a vote of confidence in the Government, and if the House of Commons cannot carry on unless it obtains a vote of confidence, how can we in the Senate hope to carry on?

Therefore, Mr. Speaker, I am asking you because of your stature, your authority, your wisdom and your knowledge of constitutional matters, to find that we are *functus* and we have no power at the moment. If you cannot find that, I would suggest to the Leader of the Government that he should display the wisdom he has displayed on other occasions —although at the moment he may have given way to anger, perhaps as a result of the all-night sitting of the cabinet—

Hon. Mr. Connolly (Ottawa West): I am afraid that is not a fact either. I went home to bed.

Hon. Mr. Walker: In any event, Mr. Speaker, the honourable Leader of the Opposition was perfectly right when he said that we are going to see as far as we can that no business is done in this house today.

Hon. Mr. Connolly (Ottawa West): The Senate is conducting business right now.

Hon. Mr. Walker: My honourable friend, Senator Argue, who is probably one of the leading authorities on constitutional questions is interrupting me—

Hon. Mr. Connolly (Ottawa West): Will the honourable senator permit a question? Does he think that he is on firm constitutional ground when he says that the Senate is at this time *functus*?

Hon. Mr. Walker: With the greatest respect, when the Government is defeated the other house should not under any circumstances attempt to carry on business. There is no question about that. That is the fact we are asking you to recognize.

Hon. Mr. Roebuck: You did not answer the question.

Hon. Léon Méthot: Honourable senators, I am under the impression that in answering that question we should put another question to ourselves. Supposing we proceed with this

bill which is now before us as the first order on the Order paper, do you think we could get the Governor General to come to the Senate today to give Royal Assent to that bill?

Hon. Mr. Flynn: Not today, for sure.

Hon. Mr. Méthot: And not before the Government resumes. If the Governor General cannot come today to give the Royal Assent to this bill, we do not have any more rights than the Commons to proceed. That is my opinion.

Hon. Mr. Connolly (Ottawa West): I do not think that the question of Royal Assent arises on the motion for second reading of a bill when we were denied unanimous consent to consider a report of a committee.

Hon. Mr. Flynn: Let us assume we have all the courteous co-operation we can dream up for the purpose of this discussion.

Hon. Mr. Roebuck: Does the honourable senators also suggest that the Crown is out of business as well as ourselves?

Hon. Mr. Méthot: The Crown has certain powers mentioned in the British North America Act and it can proceed with appropriate business, but it cannot do anything else. Nevertheless, I am of the opinion that even if we finally gave consent to this bill and gave authorization to pass it today, it still could not receive final consent in view of the situation of the Government.

Hon. Mr. Connolly (Ottawa West): Surely that is irrelevant.

Hon. Mr. Méthot: In relation to any money bill there are three areas of authority, the Governor General, the Senate and the House of Commons. This is the same situation which I was opposing when I was dealing with the question of the Senate proceeding alone on divorce matters. I was always against it.

Hon. Malcolm Hollett: Honourable senators, I want to say a few words in favour of a man whom I respect very much, and that is the Leader of the Government (Hon. Mr. Connolly, Ottawa West). I am saying it by way of advice. I am older than he is and I can give him advice.

A few days ago we had a bill before us, and the honourable leader did not want to do certain things because he believed emphatically in cabinet solidarity. He would not do anything that the cabinet did not agree to. Now, the cabinet today was solid in their request that the House of Commons be adjourned for 24 hours, and the honourable the Leader of the Government is a member of that cabinet. Yet, in spite of what the cabinet did in the House of Commons, the honourable Leader of the Government comes here and tries to do exactly the opposite.

Now I am asking the Leader of the Government in his own best interests to reconsider this matter because I am quite convinced—and I have had a little experience in Parliament of another place, not in the Commons—that anything we might do today could have no legitimate surety. The situation is that the Government has been defeated, and Mr. Pearson or somebody on his behalf asked for a brief time to think it over. The various Opposition parties agreed to give Mr. Pearson and the cabinet—cabinet solidarity—time to consider the whole question. Yet the honourable Leader of the Government in this place wants us to continue to do business which would be completely nullified in the event that last night's accident, if you like, is really a fact tomorrow. If the honourable the Prime Minister decides that Parliament is finished, what force in law has anything we do here today? However, that is not my concern. My concern is for the Leader of the Government in this place. Let us have cabinet solidarity in everything. That is the advice I want to give him.

Hon. Mr. Connolly (Ottawa West): I can answer the honourable senator's question very quickly. First of all, I take back nothing about my views on cabinet solidarity, as expressed here a short time ago.

Secondly on the question of the adjournment of the Senate today, it is the Senate's prerogative to deal with the business on its own Order Paper. There is no question of Government policy involved. On the contrary, the Senate is master of its own procedures and it is quite within the prerogatives of the Senate to deal with this Order Paper. As I said at the beginning when the point of order was raised, I feel the question may be academic, and if Order No. 1 is called perhaps it will be apparent why.

The Hon. the Speaker: I consider that the debate on the point of order has been free and unrestricted, and I have heard nothing that alters my view that I am obliged to respect the decision of the Senate and to follow the order of the agenda. Therefore, we now come to the Orders of the Day.

EXCISE TAX ACT

BILL TO AMEND—SECOND READING—ORDER STANDS

On the order:

Resuming the debate on the motion of the Honourable Senator Cook, seconded by the Honourable Senator Burchill, for second reading of Bill C-191, intituled: "An Act to amend the excise Tax Act".—(Honourable Senator McCutcheon, (P.C.).

Hon. Mr. McCutcheon: Stand.

Order stands.

NATO PARLIAMENTARIANS

THIRTEENTH ANNUAL CONFERENCE AT BRUSSELS, BELGIUM—ORDER STANDS

On the Order:

Resuming the debate on the inquiry of the Honourable Senator Aird, calling the attention of the Senate to the Thirteenth Annual Conference of NATO Parliamentarians held at Brussels, Belgium, 20th November to 25th November, 1967, and in particular to the discussions and proceedings of the Conference and the participation therein of the delegation from Canada—(Honourable Senator Langlois).

Hon. Mr. Langlois: Stand.

Some Hon. Senators: Stand!

Order stands.

NATIONAL AND ROYAL ANTHEMS

REPORT OF SPECIAL JOINT COMMITTEE—ORDER STANDS

On the Order:

Consideration of the First and Final Report of the Special Joint Committee of the Senate and House of Commons on the and House of Commons on the National National and Royal Anthems—(Honourable Senator Bourget, P.C.).

Some Hon. Senators: Stand!

Hon. Mr. Bourget: Stand.

Order stands.

DOMINION COAL BOARD DISSOLUTION BILL

MOTION FOR SECOND READING—ORDER STANDS

On the Order:

Second reading of Bill S-31, intituled: "An Act to provide for the dissolution of the Dominion Coal Board"—(Honourable Senator Connolly, P.C.).

Some Hon. Senators: Stand!

Hon. Mr. Connolly (Ottawa West): Stand.

Order stands.

Hon. Mr. Choquette: What was the use of voting?

Hon. Mr. Connolly (Ottawa West): Honourable senators, I move that the Senate do now adjourn.

Hon. Mr. Choquette: We won our point.

Hon. Mr. Connolly (Ottawa West): Oh no. We have the control of the house.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Wednesday, February 21, 1968

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

Prayers.

MOTION TO ADJOURN

Hon. Jacques Flynn: Honourable senators, the Government of this country, which was defeated in the House of Commons on Monday last, has this afternoon given notice of a motion in that house, whereby it seeks a repudiation by the House of Commons of the vote which took place on Monday last. In other words, the Government acknowledges that it was defeated on a vote of importance, the equivalent of a straight vote of non-confidence, and has admitted that it cannot place before Parliament any other business than this motion, whether it is constitutional or not.

The Prime Minister asked leave to have this motion discussed this afternoon and he could not secure unanimous consent because representatives of the Opposition parties —who were unanimous on Monday last and who are still of the same view today—consider that this defeated Government cannot place any business before Parliament, and, in any event, we are presently faced with a very serious constitutional crisis which is the only business that could require the attention of Parliament at this time.

Therefore, the problem which has been discussed in the other place has the same importance in this chamber: whether the Government, after having lost the confidence of the House of Commons, can continue to place business before Parliament. The Senate being an essential part of Parliament, I suggest that in these circumstances we should adjourn until Tuesday of next week for the following reasons. First, the motion introduced by the Prime Minister this afternoon cannot be dealt with before Friday, and most likely a vote will not take place before next Monday. In the meantime there is no use thinking that we can expect any bill from the other place, nor can we have royal assent to any bill that we might pass here. Secondly, our Order Paper is very thin indeed. We have nothing that is urgent. We have nothing that should take time. We have nothing on the Order Paper that need keep us here, and we would be making the senators lose their time by remaining here under these circumstances.

Therefore, because of this very grave constitutional problem and because of this practical problem, I urge the Leader of the Government (Hon. Mr. Connolly, Ottawa West) to move that the Senate do now adjourn until next Tuesday, to reassemble then when the situation will have been clarified one way or the other. If we do not come back then, it will mean that it will be up to the people to decide the issue.

Hon. John J. Connolly: Honourable senators, the proposal which is made by the Leader of the Opposition, the honourable Senator Flynn, is the same proposal which was made yesterday and which was debated at considerable length. I think the viewpoints on both sides were expressed very clearly.

Perhaps I could summarize the Government point of view in this way. The problems which beset the House of Commons do not necessarily affect this chamber. We have an Order Paper containing certain items of business which the other place has already passed. The important items on the Order Paper are not items which originated in this chamber; they have already been passed by the House of Commons. As a second chamber in a bicameral system and in accordance with our normal practice, we then consider the legislation which the other place has dealt with. I think there are many senators from across this vast land at this time of the year who feel that what we should—

Hon. Mr. Flynn: Not keep them here for nothing.

Hon. Mr. Connolly (Ottawa West): —we should proceed today as we proceeded yesterday and try to deal with as many of the items on the Order Paper as we can. I think it is the duty of the Senate to deal expeditiously with the business presented to it. In my view, the fact that the other place may or may not have adjourned should not concern us. They continue to sit at times when we are adjourned, and there have been times when they have had to wait until the Senate dealt with certain matters which they had already passed.

Hon. Mr. Flynn: That is completely irrelevant.

Hon. Mr. Connolly (Ottawa West): I do not think I need repeat or cover all the ground I covered yesterday. I have probably put

enough of the position on *Hansard* to make it abundantly clear that we have work to do, and I would hope that the Senate will concur in this view.

Hon. Mr. Choquette: May I ask a question? Is this a question of the other place being adjourned or the Government being defeated and not knowing what the next step is going to be? In talking about adjournment, the leader confuses the word "adjournment" with the word "defeat."

Hon. Mr. Connolly (Ottawa West): To my mind, the issue is a very simple one. We have an Order Paper on which we have business with which we are expected to deal—

Hon. Mr. Flynn: It is Government business.

Hon. Mr. Connolly (Ottawa West): —and I think we should deal with this business.

Some Hon. Senators: Hear, hear.

Hon. Allister Grosart: The Leader of the Government says we have an Order Paper. This is, or should be, an Order Paper put before this house by a Government which has the confidence of the other house.

Some Hon. Senators: No, no.

Hon. Mr. Flynn: Yes.

Hon. Mr. Grosart: The title of Senator Connolly is "Leader of the Government." He has spoken to us here of the principle of cabinet solidarity. We are in a position where the rest of the cabinet says it is not expeditious, it is not proper for one part of Parliament to proceed with the business of Parliament. We are faced here with one member of that Government, who has talked to us of cabinet solidarity, now saying a different principle of cabinet decision applies in this place. I say this makes nonsense out of the concept of Parliament, of which this chamber is an essential part. Surely, it makes no sense for a cabinet to be taking one stand with its right hand and another with its left hand?

Further, I point out that in an official view this Government at the present time is acting unconstitutionally. I say "an official view." I quote to the chamber from a document which honourable senators know well, the *Canada Year Book*. It is described as—and I am summarizing—the "official annual" of, among other things, "institutions of Canada," of which this chamber is one. I might also say that it is described as being published by authority of the Honourable Robert Winters, a cabinet minister. I read to the chamber from page 86 this statement:

> Following established precedent or convention, it—

And this refers to the Cabinet.

> —is always responsible to the Commons. When the cabinet (the Government)—

Of which the honourable senator is a member.

> —suffers defeat on a Government bill or a vote of censure or on a motion of want of confidence in the Commons, the existing Government or cabinet must—

And I emphasize that word.

> —either resign or request a dissolution from the Governor General.

The Government has put itself beyond the pale of the Constitution. It is quite true that when a Government remains within the pale of the Constitution there is always a Government for certain purposes and with certain limitations.

I say that the honourable Leader of the Government, as we know him, is not today the Leader of a Government because that Government has put itself beyond the pale of the Constitution, as clearly described in this official publication of the Government of Canada, on the authority of one of his colleagues in the cabinet. That being the case, I would suggest that it is the course of wisdom, the constitutional course, the course of respect for this chamber, to accept the suggestion made by the honourable Leader of the Opposition and to adjourn this house while the other place is adjourned.

Hon. Mr. Connolly (Ottawa West): The honourable senator has asked me a question and perhaps I could answer it. He asked a question about cabinet solidarity and said that the right hand does not know what the left hand is doing. I do not know whether I happen to be the right hand or the left hand, but I am the Leader of the Government in the Senate, the spokesman for the Government in the Senate. My colleagues in the other place are bound by rules that affect their procedure in their house.

Hon. Mr. Flynn: It is the same principle here.

Hon. Mr. Connolly (Ottawa West): Surely our rules are different.

Hon. Mr. Flynn: Oh, no.

Hon. Mr. Connolly (Ottawa West): This cannot affect the principle of cabinet solidarity. I think that should be abundantly clear. In the second place, I would think there might be higher and better constitutional authority than the *Canada Year Book* to deal with a situation like this. I say the Senate has business before it; there is nothing in our rules to prevent our dealing with this business; our members are here to deal with the business. We are often criticized for not sitting. Here we have business to do, business that has been passed by the other place, and I suggest that we should do it.

Hon. David Walker: Honourable senators, would my friend the Leader of the Government (Hon. Mr. Connolly, Ottawa West) be good enough to give any precedent whatever for the course which he is now following. The Government of the day, of which he is a member, has been defeated in the other place. It is not necessary for it to be defeated in this place. When the Government is defeated on a money bill, as it was the other night, not once but twice, can my friend indicate any precedent whatever under which the Senate is entitled to continue to function?

Hon. Mr. Connolly (Ottawa West): The question as to which course the Government will take in the other place is for the other place to decide. My honourable and learned friend will readily agree on that. So far as precedents for our doing the work that is on our Order Paper are concerned, I think we have a hundred years of precedents. When work comes before this chamber and Parliament is in session we have always dealt with our business, and I propose that we do that now.

Hon. Mr. Walker: After the Government is defeated?

Hon. Mr. Connolly (Ottawa West): The Government is still in office.

Hon. Mr. Choquette: Wait until Friday.

Hon. Mr. Walker: Then my friend is carrying on without indicating any precedents to this house.

Hon. Mr. Connolly (Ottawa West): On the contrary, I said there are a hundred years of precedents.

Hon. Mr. Walker: A hundred years of precedents, but not after the Government has been defeated in the other place on a money bill. If my honourable friend wishes to deny that, let him tell us where in the last hundred years such a precedent exists. There is none.

Hon. Mr. Connolly (Ottawa West): My honourable friend should realize that Parliament has not been dissolved; the Government has not resigned; it is still in office.

Hon. Mr. Walker: But it has been defeated, and the Leader of the Government says we should carry on today without any precedent for carrying on—

Hon. Mr. Connolly (Ottawa West): On the contrary.

Hon. Mr. Walker: —or authority.

Hon. J. Harper Prowse: Surely the matter at issue is simply this. There is a problem in the other place which can be settled only in that place. It is not the responsibility of this chamber to decide what has happened in the other place. The decision has to be made there.

Hon. Mr. Grosart: There has been a decision.

Hon. Mr. Prowse: Parliament is continuing to function.

Hon. Mr. Flynn: But the other house is not sitting.

Hon. Mr. Prowse: Surely we cannot use anything that is going on in the other place as an excuse to stop doing our duty here.

Hon. Mr. Flynn: Not if you close your eyes to it.

Hon. Mr. Prowse: It seems to me to be as fundamentally simple as that. If any members have business they want to go home to do, they are perfectly free to go.

Hon. Mr. Grosart: Shame!

Hon. Mr. Prowse: But for myself, I am quite prepared to stay here and be at the disposal of the house to do the business of the country which is waiting to be done here.

Some Hon. Senators: Hear, hear.

Hon. Mr. Flynn: I would point out to the Leader of the Government that the reason given by his Prime Minister in the other place for not proceeding with the ordinary business which is on the Order Paper in the other place is the fact that the Government was defeated. That same reason is equally

valid here. It is not a question of rules; it is not a question of differences in rules. It is a question of the principle involved. The Government has acknowledged that, and my honourable friend is a member of this Government. Does he suggest that the course taken by the Prime Minister and other members of the cabinet in the other place is the wrong course? I ask him why does he not follow the same rule, the same principle and the same line of conduct here?

Hon. Mr. McDonald: You are not right.

Hon. Mr. Connolly (Ottawa West): The answer is very simple. I have not the same problem.

Hon. Mr. Flynn: You have a two-thirds majority. That is the difference.

Hon. Mr. Connolly (Ottawa West): That is not so. On the contrary, there is nothing in the Rules of the Senate that prevents our doing business.

Hon. Mr. Flynn: It is not a question of rules; it is a question of principle.

Hon. Mr. Connolly (Ottawa West): It is a well-established principle that when the Senate has work to do and the rules permit this work to be done—

Hon. Mr. Flynn: The House of Commons also has work to do.

Hon. Mr. Connolly (Ottawa West): —there is no reason in the world why we should not do it.

Hon. John M. Macdonald: Honourable senators, there seems to be some misunderstanding here about the business of this house and that of the other place. The Leader of the Government here, and one of the senators, said that the concerns which beset the House of Commons are not concerns of ours. I say that this is not a problem which besets the House of Commons; it is a problem which besets the Government.

Hon. Mr. Flynn: And the country.

Hon. Mr. Macdonald (Cape Breton): Yes, and the country. You are not denying that this is Government business. You are saying this is only Senate business.

The first item on the Order Paper is a report by honourable Senator Leonard. The second item is another report by him. This is not Government business?

Hon. Mr. Leonard: No.

Hon. Mr. Flynn: Oh, yes, it is.

Hon. Mr. Macdonald: They are Senator Leonard's private acts, I presume! The third item is the resumption of the debate on the motion of honourable Senator Cook. Is that not Government business—or are they repudiating him also?

The fourth item has to do with NATO. Yes, it is Senate business; but as it has been on the Order Paper since December 19, it is not of any urgency.

The fifth item is consideration of the first and final report of the Special Joint Committee on the National and Royal Anthems. Is this not Government business? The sixth item is the second reading of Bill S-31, to provide for the dissolution of the Dominion Coal Board. Is that not Government business?

I say to honourable senators that this is Government business. These problems are not House of Commons problems. Since it is a Government problem, then this house should adjourn until the Government's position is clarified.

Hon. Harold Connolly: Honourable senators, in speaking now it may be thought that I am curious sort of person to sit in this house. I have never subscribed to the myth that this is a chamber of sober, second thought. I am glad I never gave ear to that mythology, in the light of the heat generated here today.

If we lay any claim or pretence whatever to the theory that we are sober-minded ladies and gentlemen who are determined to eschew all the pitfalls into which the members of the other house have fallen from time to time, and if we are to continue to conduct in a decorous manner such business as is before us, then surely we have betrayed ourselves here today. I am not concerned with the constitutionality or what passes for such in the other place.

Hon. Mr. Flynn: You are lucky.

Hon. Mr. Connolly (Halifax North): In the real sense, it is no business of mine, except in an indirect fashion. But I am concerned with this, that we have a reputation we should not tarnish. Moreover, I want to say to you in complete candour, I have always believed

that when men are appointed to this chamber they should eschew all further connection with politics, because unless and until they do we will never convince the people of this country that they are either a chamber of sober second thought or have an experience and a parliamentary decorum far beyond that which obtains in the case of many members of the other place.

It seems to me that we ought not to engage, even in a small measure, in vicious partisanship.

Some Hon. Senators: Hear, hear.

Hon. Mr. Connolly (Halifax North): I am of course a political eunuch, and I think perhaps I am out of tune with my contemporaries here. Whether or not that be so, is it not a simple fact that long before the so-called crisis of Monday last we had here on our Order Paper for our consideration certain items, as the Leader has said, already passed by the Commons and moved on to us for our consideration? Now, in all fairness, these bills have been passed in the other place. Is there any reason why we should not consider them? Is there any sound or reasonable reason why we should not do so?

Hon. Mr. Flynn: I can say to my honourable friend, there is business on the Order Paper in the other place, bills which have gone through this Senate, and they are standing there pending a solution of the crisis.

Hon. Mr. Connolly (Halifax North): I have to disagree with the honourable Leader of the Opposition party. Let us keep the horse where it belongs, in front of the cart. Let us not reverse the situation.

Hon. Mr. Flynn: Why not?

Hon. Mr. McDonald: That is a typical Tory—wanting to go backwards.

Hon. Mr. Flynn: We got rid of you.

Hon. Mr. Connolly (Halifax North): Let us be true to the reputation that we so assiduously and delicately built up in the minds of the people of this country, namely, that we are above partisanship, that in this chamber we are most reluctant to discuss matters on a purely political and lowlier campaign basis, and that we are determined, in the interests of this chamber and of good Government of this country, that we are going to discuss all matters on their merits.

Hon. Harry A. Willis: Honourable senators, I may be making a partisan speech, but I am sorry that Senator Roebuck is not in his seat. Perhaps I might direct a question to the Leader of the Government. Yesterday Senator Roebuck in his speech, not once but at least twice, if not more, pointing to us over here, said: "You are laughing now. I do not blame you, but in two or three days time it will be changed."

Everyone who knows anything about the constitutional history knows that the Prime Minister has the alternative of either resigning with his Government at once, going to the Governor General and asking that someone else be appointed, or giving 48 hours' notice of a motion of confidence. How did Senator Roebuck know that there was going to be a vote of confidence, when the Prime Minister did not disclose it in the press until six o'clock last night? That was two hours after it was hinted by Senator Roebuck here.

Hon. Mr. Smith (Queens-Shelburne): He had Mackenzie King's crystal ball.

Hon. Mr. Willis: It is a breach of confidence, and I say it is wrong.

Hon. Mr. Leonard: You are wrong.

Hon. Mr. Willis: Does my honourable friend deny that he did not make that statement? He made it twice, and the Prime Minister had not declared what he was going to do—which is his prerogative and his alone.

The Hon. the Speaker: Presentation of petitions.

Hon. Mr. Flynn: Mr. Speaker, under the circumstances, there is no other solution for us, since the Government wants to use its majority, but to move, seconded by Senator Choquette, that the Senate do now adjourn.

The Hon. the Speaker: It has been moved by the honourable Senator Flynn, P.C., seconded by the honourable Senator Choquette, that the house do now adjourn. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No!

Some Hon. Senators: Yes!

The Hon. the Speaker: In my opinion the nays have it.

[*Senators Flynn, Choquette and Macdonald (Cape Breton) rose.*]

The Hon. the Speaker: Call in the senators.

Motion of Hon. Mr. Flynn negatived on the following division:

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The Hon. the Speaker: I declare the motion lost.

HON. ARTHUR W. ROEBUCK

FELICITATIONS ON APPROACHING NINETIETH BIRTHDAY

Hon. Jean-François Pouliot: Honourable senators, before the Orders of the Day are called, I have a non-contentious matter to submit to you.

The 28th February next will be a very important day for us because it will be the birthday of our dean, Senator Roebuck, who will then be 90 years of age, in spite of which he is still alert and gives an admirable example of relentless work. There will be celebrations in due course, but as at the moment we have no idea how long the Senate will sit. I would ask to place on *Hansard* an interview which was published in *La Presse* in Montreal 26 years ago, and which tells of the accomplishments of Senator Roebuck from his birth until that time. If you are agreeable, I will place it on *Hansard.*

Hon. Senators: Agreed.

Hon. Mr. Croll: Who is the author?

Hon. Mr. Pouliot: The author is your best friend. It is an article which will teach the youth about the wonderful career of the Dean of the Senate and it will be for everybody an example to follow.

(*For text of article See Appendix pp. 910-11.*)

INCOME TAX SURCHARGE DEDUCTION

PRIVILEGE

On the orders of the day.

Hon. Allister Grosart: Honourable senators, I raise what may be a contentious matter after the obviously non-contentious matter just raised by Senator Pouliot. I raise this matter for the consideration of the Chairman of the Internal Economy Committee. Normally I would direct my point of privilege to the Leader of the Government, but, as I have said, I do not believe that constitutionally he is the Leader of the Government at this time.

Hon. Mr. Flynn: He is *de facto.*

Hon. Mr. Leonard: Is that in the *Canada Year Book* too?

Hon. Mr. Grosart: I should perhaps comment on the interesting interjection by Senator Leonard who, I take it, objects to my citing the *Canada Year Book* as an authority. I would point out to him that the section in question was written by the Department of Justice of the Government, and it was the official view of the Government of Canada on

this matter as recently as the date of publication. My authority is more than merely the book.

Hon. Mr. Flynn: It is better to have that authority than to have none at all as was the case with the Leader of the Government.

Hon. Mr. Prowse: Would it not be better if the honourable senator postponed his remarks until tomorrow when undoubtedly this whole question will be discussed again?

Hon. Mr. Grosart: I am not aware of the precise point on which the honourable senator is offering me directions. He wonders if we can leave this. My answer is "No". I do not intend to leave it because it concerns my point of privilege. My point of privilege involves the sum of $8.90. Eight dollars and ninety cents was deducted from my Senate cheque in January. I understand the cheques for February have not yet been made out. This $8.90 was deducted under the authority of part of the Income Tax Act which has now been defeated. The act under which that deduction was made has no authority now whatsoever. I suggest, therefore, that the Chairman of the Internal Economy Committee take the matter up with the appropriate authorities to make sure that there is not another illegal deduction from my cheque in February.

I raise this point because it goes beyond my own personal concern. The fact of the matter is that the situation in which I now find myself is the same as that in which millions of Canadians find themselves. I am being asked, as others are being asked all over the country, "When do we get a rebate and what instructions will be given to discontinue immediately this illegal deduction from the pay of Canadians all across the country?" Friday is payday and everywhere employers large and small will be faced with this problem. Do they continue to make deductions under the authority of an act which has been defeated in the House of Commons and which has at the moment no legal effect whatever? That is my point of privilege.

Hon. Mr. Connolly (Ottawa West): Honourable senators, even though I have been demoted, I will draw this matter to the attention of the Chairman of the Internal Economy Committee. I should, with respect, say that since the honourable senator's question is rather far-reaching perhaps he should direct it to everybody on this side.

Hon. Mr. Flynn: The caretaker government?

PRIVATE BILL

THE BONAVENTURE AND GASPÉ TELEPHONE COMPANY, LIMITED—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the report of the Standing Committee on Transport and Communications on Bill S-33 respecting The Bonaventure and Gaspé Telephone Company, Limited, which was presented yesterday.

Hon. T. D'Arcy Leonard moved the adoption of the report.

He said: Honourable senators, in moving concurrence in this report I call attention to the fact that this is a private bill. It originated in the Senate and after passing the Senate it still has to go to the House of Commons. I think it is a non-controversial bill being simply to remove doubts in connection with the sale of The Bonaventure and Gaspé Telephone Company, Limited to the Quebec Telephone Company. It received careful consideration in committee where we had as witnesses counsel not only on behalf of the company but also on behalf of the Department of Transport.

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.

BROADCASTING ACT

REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the report of the Standing Committee on Transport and Communications on Bill C-163, to implement a broadcasting policy for Canada, to amend the Radio Act in consequence thereof and to enact other consequential and related provisions, which was presented yesterday.

Hon. T. D'Arcy Leonard: I move concurrence.

Hon. Jacques Flynn: Honourable senators, I move that we adjourn consideration of this report to Tuesday next.

The Hon. the Speaker: Honourable senators, it is moved in amendment by honourable Senator Flynn, seconded by honourable

Senator Choquette, that consideration of this report be adjourned until Tuesday next.

Hon. John J. Connolly: Honourable senators, I do not feel that I can concur in this proposal. I was hopeful that the debate might begin on this report in which the bill has been reported without amendment, and I had hoped that the debate could continue today. If it is not intended to complete the debate today, then following the usual practice and the courtesies that are extended, and if the honourable senator opposite is not ready to proceed today, I would have no objection to an adjournment of the matter standing in his name until tomorrow. I would hope that then the debate could continue and if possible be concluded so that the report might be adopted tomorrow. Therefore, if the honourable senator opposite would care to amend his motion to that effect I certainly would have no objection.

Hon. Mr. Flynn: I have indicated previously that I could not see how we could have royal assent to any bill until next week —probably next Tuesday—and therefore I do not see what inconvenience would be caused in leaving this question until Tuesday next. I would hope that the Senate would not mind, under those circumstances, having the item stand until Tuesday next.

Hon. Mr. Connolly (Ottawa West): If the honourable senator persists in his amendment to adjourn the matter until Tuesday next, then I must oppose his motion.

Hon. Mr. Flynn: Cabinet solidarity again?

Hon. Mr. Connolly (Ottawa West): If he concurs in amending the motion so that debate can proceed tomorrow, then I shall not oppose that motion.

Hon. Mr. Flynn: Under other circumstances the Leader would have had no objection, but I maintain my motion.

Hon. Mr. Leonard: Honourable senators, perhaps I might point out that in the normal course this bill would have been on the Order Paper today for third reading. Because it was included with the order to print the proceedings, the bill did not automatically go on the Order Paper today for third reading; and even after the report is dealt with there will still be the stage—assuming the report is concurred in—of third reading of this bill.

Hon. Mr. Croll: Honourable senators, I hope that the honourable Leader of the Opposition will see the wisdom of adjourning this debate until tomorrow. We are now getting ourselves into a position that may be an untenable one at some time in the future. There are courtesies in this place—

Hon. Mr. Flynn: I agree.

Hon. Mr. Croll: —and understanding. I ask him, in deference to other honourable senators, to adjourn the debate today. One does not know what will happen tomorrow, and we can deal with it today.

Hon. Mr. Flynn: I would tell the honourable senator that as far as courtesies are concerned, I do not think that in previous circumstances I have shown any lack of courtesy.

Hon. Mr. Croll: There is no suggestion of that.

Hon. Mr. Flynn: And I do not think that he is suggesting that, because of the attitude I am taking today, the honourable senator would have to get even with me at a later time.

Hon. Mr. Croll: No, no.

Hon. Mr. Flynn: The courtesy I am willing to extend in these circumstances is that if Mr. Speaker puts the motion and the "Nays" are as unanimous as they usually are, I will not ask for a recorded vote, and I will agree that my motion in amendment has been lost.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion in amendment?

Some Hon. Senators: No.

The Hon. the Speaker: It is my opinion that the motion in amendment is lost.

It is moved by the honourable Senator Leonard, seconded by the honourable Senator Fergusson, that this report be now adopted. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Carried.

Hon. Mr. Flynn: On division.

Report adopted, on division.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Davey moved that the bill be placed on the Orders of the Day for third reading at the next sitting.

Motion agreed to.

EXCISE TAX ACT

BILL TO AMEND—SECOND READING—ORDER STANDS

On the order:

Resuming the debate on the motion of the Honourable Senator Cook, seconded by the Honourable Senator Burchill, for second reading of Bill C-191, intituled: "An Act to amend the Excise Tax Act." —(Honourable Senator McCutcheon, P.C.).

Hon. Mr. Choquette: Stand.

Hon. Mr. Connolly (Ottawa West): Honourable senators, we certainly have no objection to standing this order because I know that for some time Senator McCutcheon has had an engagement for today outside the city, and he is unable to be here.

However I would express the hope that this matter be ready to proceed tomorrow, and that, if Senator McCutcheon is not available, someone might well take his place, in the hope that this bill will be referred to committee. It is the intention to do that. Senator McCutcheon indicated he did want to make some comments on the bill.

Hon. Mr. Sullivan: He will be here tomorrow.

Hon. Mr. Connolly (Ottawa West): If he is here tomorrow, then we have no problems. On the other hand, if he is not here tomorrow, I would ask that someone else, if it is deemed advisable, speak in his place, in the hope that the bill be sent to committee at the earliest convenient time. In any event, Senator McCutcheon would be able to speak, not only in committee but on third reading.

Hon. Mr. Flynn: In any event, the bill could be referred to committee next Wednesday.

Hon. Mr. Connolly (Ottawa West): If we sit next Wednesday.

Hon. Mr. Flynn: If we completed second reading next Tuesday evening, the bill could be referred to committee next Wednesday and probably reported on Wednesday afternoon and given third reading, with leave. We would save a great deal of honourable senators' time in that way.

Hon. Mr. Connolly (Ottawa West): This is Wednesday, and no one can say at the moment how long we shall be sitting this week. We might sit all week.

Hon. Mr. Flynn: Doing what we are doing now, we might as well adjourn.

Hon. Mr. Connolly (Ottawa West): I think we are making some progress—despite difficulties!

Hon. Mr. Flynn: You are not difficult.

Order stands.

NATO PARLIAMENTARIANS

THIRTEENTH ANNUAL CONFERENCE AT BRUSSELS, BELGIUM

The Senate resumed from Monday, February 19, the adjourned debate on the inquiry of the Honourable Senator Aird, calling the attention of the Senate to the Thirteenth Annual Conference of NATO Parliamentarians held at Brussels, Belgium, 20th November to 25th November, 1967, and in particular to the discussions and proceedings of the Conference and the participation of the delegation from Canada.

[*Tanslation*]

Hon. Leopold Langlois: Honourable senators, I feel that it is a good thing that Senator Aird called the attention of this house to the debates of the Thirteenth Annual Conference of NATO Parliamentarians held in Brussels from November 20 to November 25 last and, in particular, to the very interesting participation of the Canadian delegation during those important meetings.

In his speech, as in the presentations made later on by Senators Cook, Grosart, Thorvaldson, MacKenzie, and Connolly (Ottawa West), Senator Aird gave a fair appreciation of the very important part played by NATO since its establishment, regarding the maintenance of European stability and of world peace. I congratulate all those honourable senators for their respective presentations and I add that even if I do not share all the opinions which they have expressed, their way of thinking on the matter is very close to mine.

In September last, I had the honour and privilege to be a member of the Canadian delegation which, along with delegations from the other NATO countries, made a very detailed visit of military installations and facilities in ten NATO countries in Europe. Our Canadian delegation was composed of

Senator C. McElman, of Messrs. P. Ryan, H. Pit Lessard, B. Germa, B. Leboe, C. Legault, members of Parliament, and your humble servant.

I shall digress here in order to point out, as did some of the speakers who took part in this debate, the remarkable work accomplished by my friend, Mr. Perry Ryan, Member of Parliament, as chairman of the Canadian Association of the NATO Parliamentarians. Throughout our trip, Mr. Ryan was of invaluable assistance to us and greatly contributed to make agreeable a trip that was interesting, but very exhausting on account of the strict itinerary we had to follow. Moreover, as others did before me, I wish to congratulate Mr. Ryan on the speech he made to the annual meeting of the North Atlantic council last November. It was clear and to the point, as he said himself, and put the problem of NATO in a true perspective. I fully agree with his evaluation of the situation and particularly of the dangers that must be avoided while looking for a valid solution.

I should like to come back to our visit to the military installations and facilities of NATO's member countries in Europe. The first part of our trip from the Ottawa international airport to London's Gatwick airport was made aboard a Canadian military plane. After a day in London, our group flew from the Heathrow airport to Paris via Air France. After a day of relaxation in Paris, our delegation went to the Édifice de la Porte Dauphine, then NATO headquarters, to meet the delegations from the other countries. After having been welcomed by the Assistant Secretary-General, Mr. Roberts, the delegates were briefed on the economic aspects and the military planning of the Alliance, as well as the current political climate in Europe and the Middle East.

After lunch, presided over by the Secretary General, Mr. Manlio Brosio, the delegates, under the escort of NATO personnel, went to Le Bourget airport where they were introduced to the crews of the two aircraft, F-27 Fokker Friendship, which the Dutch air force had obligingly put at their disposal.

The delegates were divided into two groups to board the two aircraft that flew them from Paris to the Brussels international airport.

During the trip from the airport to the Métropole hotel, in Brussels, the delegates had an opportunity to see the new temporary headquarters of NATO, which were being constructed and were supposed to be ready for occupation on or about October 15.

The next day, the delegates visited the recently completed headquarters of SHAPE, in Casteau, near Mons. These new temporary headquarters bear a striking resemblance to those recently evacuated near Paris. In Casteau, the delegates attended briefing sessions which were brilliantly directed first by General Packer and General Taverna, and then by General Lemnitzer, the supreme allied commander. This function was followed by a visit to the site and buildings of SHAPE, and then the delegates went to the Chievres base, in Belgium, from which they flew to Dusseldorf instead of Wildenrath military base, because of bad weather. When they arrived in Dusseldorf, the delegates were taken by bus to Rheindahln for a briefing by NORTHAG and 2-ATAF.

The group spent the night at the hotel in Moenchen-Gladbach as guests of the government of West Germany.

The next day the group went by bus to the military base at Wildenrath. From there they went by plane to the military base at Gutersloh and then were taken by bus to Soest to visit the 4th Canadian brigade.

[*English*]

Hon. Mr. O'Leary (Antigonish-Guysborough): Would the honourable senator excuse me? We have lost our translation now for the last three minutes. I wonder if that could be remedied.

Hon. Mr. Connolly (Ottawa West): Perhaps the officials would see to the resumption of the translation. It is working again now I understand.

Hon. Mr. Grosart: Everything seems to be working against you.

Hon. Mr. Connolly (Ottawa West): Even the Government and the Opposition!

[*Translation*]

Hon. Mr. Langlois: Our stay in Soest, too brief unfortunately, started with a very interesting briefing which was greatly appreciated by the officers of the 4th Canadian brigade. That briefing dealt first with the organisation of Canadian forces stationed in Europe and with their role as member units of NATO forces. The Canadian officers—I am proud to note—had the good idea of lending a truly Canadian colour to their presentation, not only by providing historical information about the names given to the various Canadian military bases in Europe, such as, for instance, Fort Chambly, Fort Kingston, but by showing on a

screen slides of those forts and of their respective locations in Canada. We actually had the impression of having already returned to our country and the foreigners who attended that briefing really enjoyed that Canadian touch. This briefing session was followed by a tour of the base, during which Canadian officers showed us the equipment used by the brigade and gave us numerous information on the operation. The delegates were very impressed, not only by the brigade's efficiency, but by the warm and friendly reception they received from Brigadier Amy and his officers. They were also very impressed by the fact—unprecedented during the whole trip —that information, both on the briefing conference and during the tour of the base, was given in several languages, so that most delegates were able to put questions and receive answers in their own language, without needing the help of the interpreters who accompanied us.

Hon. Mr. Connolly (Ottawa-West): In how many languages?

Hon. Mr. Langlois: In at least four or five.

The members of the Canadian delegation were very proud of our forces posted in Soest which, in addition to being experienced soldiers, are excellent ambassadors of our country.

Afterwards our group went to Gutersloh by bus and from there by plane to the air force station at Schleswig-Jagel in the northern part of Western Germany, and then by bus to Kiel for the night.

Very early the next day the delegation went aboard the WESER, a unit of the West Germany navy bound for Copenhagen.

During that sea trip, the delegation was kept very busy by several briefings on BALTAP interrupted by what is commonly called coffee breaks. The delegates had the opportunity of seeing an East German naval unit, anchored in the western section of the Baltic to watch sea traffic, especially allied vessels. On our arrival at Copenhagen, we were welcomed aboard a recently armed Danish frigate and we had the privilege of making a complete visit of that magnificent vessel, which was built under the United States-Denmark cost sharing plan. That night, our delegation was entertained at an official dinner at Tivoli, by the Danish Minister of External Affairs.

The following day, our group left Kastrup airport, near Copenhagen, for the military base at Bodoe on the west coast of Norway. On our arrival at Bodoe, we attended another briefing session on the activities of AFNORTH and at the end of the day we went on a Norwegian plane to Kirkenes, a mining town—iron ore—situated at the Russian border inside the polar circle.

Next day, our delegation visited the area of Finmark and, especially, a control station on the Russian and Norwegian border. Here, honourable senators, I want to stress that, seeing the barricades, the many rows of barbed-wire, armed sentry posts on the Russian side of the border, we all had a first and clear impression that that was really the Iron Curtain. Even though we had been told, during our meetings in Paris and Brussels, of an alleged détente, at the sight of the border between Norway and Russia, we immediately recognize that the word "détente" did not have there the same meaning as it has in countries happily—happily, I repeat—farther from Russia. Moreover, that impression of tension was confirmed by the information about the difficult relations between the commander of the control post on the Norwegian side of the frontier with his colleague on the Russian side of the same frontier.

After a brief visit to, and another briefing about, the city of Kirkenes, which was completely destroyed at the time of the German retreat at the end of the second world war, we went aboard for the return trip to Bodoë, from where we flew the next day to Bergen, in Norway, and from there across the North sea to the R.A.F. base at Northolt, London.

During that second stay in London we had the good fortune first of all to attend a very interesting briefing by the officials of Hawker-Siddeley Aviation Limited and then to go to Kingston-on-Thames for a flying demonstration by the famous VTOL aircraft. It can take off from a lawn without any or barely any lateral displacement and pivot on itself by the action of its four directional reactors, and travel at twice the speed of sound. It can also stop quickly by reversing its reactors and keep itself suspended in the air at very low altitude and, in that position, accomplish the most unbelievable manoeuvres, dancing, so to speak, in the air like a ballerina.

The development of that aircraft started in 1956 and the prototype was called "Kestrel". The later version which gave us the demonstration at Kingston-on-Thames is known as the P-1127. It will probably be better known as the "Harrier" in the future.

It is a fighter plane which can operate on rough ground or from an aircraft carrier or even from a small clearing in the bush. It is primarily intended for attack and reconnaissance operations, at high speed and low altitude. It operates within a radius of 2,000 nautical miles, with a load of 5,000 pounds.

During our stay in London, we also had the privilege of being the guests of the government at Lancaster House, in the St. James Palace complex.

After our visit in London we flew to Crete and landed at the Souda base, after a stopover at the Ciampino airport in Rome. While in Crete, our delegation visited the NAMPI training centre where, after having attended a briefing session, we visited the installations now being built, the inauguration of which had been planned for the end of October 1967. Those facilities are similar to those which exist in the United States; it is hoped that these particular Alliance facilities will be completed, while avoiding the necessity of importing personnel and equipment from the United States across the Atlantic.

After this interesting visit of Crete island and of these installations, our group flew towards the air base of Cigli, near Izmir, in Turkey. During our stay in Izmir we had the pleasure of visiting the headquarters of COMLANDSOUTHEAST and to attend information meetings organized jointly by COMLANDSOUTHEAST and COMSIXATAF. From Izmir, our group headed for the Lugua air base in Malta, where we were very impressed by our visit to the 6th fleet of the United States, and more particularly by our inspection of the U.S.S. *Saratoga* aircraft carrier.

From Malta, we took off for the Capodichino airport in Naples where we were cordially received by the authorities of the southern European command. Finally, from Naples our group went to Paris, where we said goodbye to our colleagues, the delegates of the other member countries of NATO, to the organizers of the visit and the friendly and devoted crews of the two Dutch military air force planes, who had piloted us through the greater part of the tour.

Hon. Mr. Connolly (Ottawa West): Did you visit Place Pigalle?

Hon. Mr. Langlois: We had very little time for recreation. However, we were able to enter a few shops and stroll about Place Pigalle and thereabouts, but I can assure you, there were no excesses in that respect.

From Paris, Senator McElman returned to Canada on a commercial flight, and the other members of the Canadian delegation remained in that city for a few days, during which they had the occasion of attending a reception given by our ambassador to NATO, His Excellency Mr. Campbell. This function was greatly appreciated by the members of our delegation, and it presented us with an exceptional opportunity, to my mind, of exchanging views with His Excellency, who, as everyone knows, was posted for many years as Canadian representative in Turkey, and all found that exchange quite interesting. I am sure that His Excellency and the delegates were in a better position to understand and appreciate everything they had seen during their respective visits to the NATO military bases.

From Paris, I had to go to London myself where I stayed a week before returning to Canada, while other members of our group left Paris for Lahr to board a Canadian military aircraft bound for Ottawa, via Trenton.

Honourable senators, I must point out that, during our visit, our delegation covered approximately 15,000 miles by aircraft, either Canadian, Dutch or Norwegian, apart from the distance covered by sea. In the course of our trip, our delegation collected very interesting information about the material organization of NATO which, in my opinion, we could not have obtained otherwise.

Honourable senators, I am sorry to say that during our entire visit we did not witness any détente in any sector of the Alliance, even though in some places the tension seemed to us lesser than elsewhere. On the other hand, we felt in some areas, more particularly in the southeastern sector of the Alliance, a somewhat deep and in no way superficial anxiety. It was pointed out to us everywhere, on many occasions, that the survival of the Alliance was essential to the maintenance of peace.

During private conversations I have been told by representatives of member countries of NATO that they put their confidence and their faith in the future, in the maintenance at present levels of the military participation of each and every member country of the Alliance. My interlocutors told me again and again their fear to be abandoned in face of a threatening conflict in these words, and I quote:

We do not want to be liberated again.

Honourable senators, we must not be surprised at such a state of mind in view of the expansionist policy of the communist block countries, especially at a time when yesterday's Allies on our side are in the process of becoming, if not enemies, at least fierce opponents at the political and economic levels. We cannot ignore the increasingly difficult relationships between our Allies of yesterday in Europe, who, after opposing a common front to liberate it from slavery, are not even able today to unite on the economic level in their own interest. Instances of the breaking up of what used to be in the past a great alliance are too numerous and too well-known for me to have to list them here today. I shall simply emphasize the deep rooted divisions which oppose at the present time France and Great Britain and the ever increasing abyss between Europe and the United States. Such situation recently prompted a Canadian editorial writer to write, and correctly: The Atlantic is widening.

More and more in Europe, and especially in France, people are talking about the American challenge. Mr. J. J. Servan Shreiber, renowned French expert in that field, wrote recently that the federal idea was perhaps the last chance for Europe. He points out in his work that if the Americans are succeeding in extending their influence throughout the world, it is because they have more money and if they have more money, it is due to the fact that they produce more than the other people.

Having mentioned that productivity per man employed in the industry in the United States is 40 per cent above the Swedish level, 60 per cent above the German level, 70 per cent above the French level and 80 per cent above the British level, Mr. Servan Shreiber attributes that American superiority to the drive of their large firms, to their technological and administrative superiority and finally to the unmistakable priority assigned by Americans to research in their development programs.

He adds however—and, to me, this is very important—that the European Common Market experience has shown that such a formula is clearly insufficient to meet the economic challenges that the American economic penetration presents nowadays to Europe.

According to him, the European community has been based since its inception on the principle commonly called "confederal", that is to say, on the rule that as each member country remains entirely autonomous, decisions must be reached unanimously. In this respect he wrote the following, and I quote:

> The criterion of this type of organization lies in the fact that decisions cannot be reached except by unanimous consent of its members. So that the common institutions are limited to a secretariat which has power only over certain ways and means of implementation, but none over major decisions. Such institutions decide little, slowly and badly. For they can act only on a basis of compromise between diverging national interests and not on a basis of common interests. No large industrial projects can be planned and brought into being in this way... The rule of unanimity is a technique for refusal. The rule of the majority is a technique for action. To accept the common market without agreeing to a majority rule is like accepting the incredible utopia of a powerless society and, in fact, like replacing by a vacuum the powers to which the States have renounced when they accepted the freeing of trade.

May I, honourable senators, make a digression to express the hope that our fellow countrymen who advocate the separation of our country into two sovereign states which would then be united in a kind of European common market read the book of Servan Schreiber. In so doing, they will realize that they are advocating an utopic idea, because the seperate states which they want to create will not be able to preserve their sovereignty within such a structure.

Coming back to Servan Schreiber, what is paramount in my view is that Europe accept the federal act. After discussing the forms that the new system of federal government for Europe could take, he is very careful to write and point out that it must not be conceived as anti-American in design. I think he is expressing the attitude that Europe must take about the solution of its economic problems. I feel, in fact, that it is not with anti-American attitudes or with actions which will alienate Europe from its natural allies that the former will find the road to progress and economic development.

In a world such as the one we live in today, where distances are abolished, where ideas spread to the four corners of the world as soon as they are announced, there cannot be any question of isolationism at any level. On the other hand, even if today material

values, commercial preoccupations, economic realities and regional or national interests lead us towards a kind of fatalism, towards an ever stronger materialism, which tries to push aside all other considerations, then moral values, even sentimental values, must serve as valid if not essential guidelines.

Last September 19, in the French daily *Le Figaro*, Mr. André François-Poncet reviewed the position of France and Europe towards the United States and NATO by writing, in the most emphatic tone the following article. I quote:

> The fifth republic feels that its greatest victory, in foreign affairs, is to have broken the close ties which existed between us and the United States and NATO and recovered a full measure of independence from them. It is well known that personally I deplore that break. To my mind it is a serious mistake, a grave blunder.

And further, he added, not without deep bitterness:

> Anyhow, the way we invited the Americans, who were treating us as allies, to get out of a territory which they had contributed to free, is not justifiable, morally speaking. It will remain in history as a startling example of ingratitude. It is doubtful that we gained credit in the process.
>
> As for the position of the United States in the world, we know what it is. General de Gaulle has defined it more than once. America has been qualified by him as a superpower. If that is so, it would seem that logic and a concern for our well-understood interest would have led us to treat that superpower with consideration and to entertain with it the friendship which had, until now, traditionally marked our mutual relationships. We did all to the contrary.

And further, the author concluded very clearly, and I quote him again:

> Against the progress of marxism and leninism, against the expansion of communism that has not renounced world hegemony, there is only one protection, that of United States, only one shield, the one that America holds in its hands. The Western States that are not prepared to bend before the Soviets' hegemony are aware of it. They will not undertake anything, they will not enter into any system that might threaten America. For them, the Atlantic alliance should not die. Its beneficent role is not finished. It must be extended, renewed, and its links must be tightened.

This brings me to what happened in Brussels in December 1967, at the time of the NATO Council meeting that considered the Alliance's achievements up to date, and paved the way for the future.

The ministers of External Affairs of the member countries of NATO have decided to adopt partly the Harmel plan. The partial adoption of that plan entered into at a time when the Russian menace heavily taxed the Western World and the world peace means that NATO will be in a position to develop within new prospects which, let us hope, will be more pragmatic.

The proposal of Mr. Pierre Harmel, the Belgian Minister of External Affairs, suggests the renewal of NATO and its adjustment to the development of international policy since 1949. Mr. Harmel, as we all know, recommends that NATO should be directed toward an alliance for peace which would be much more suitable in the world of today. This new formula gravitates towards a détente and seeks dialogue, beyond the former concern of collective defence. Therefore, this new alliance will have to initiate political action without waiting for the U.S.S.R., while at the same time conducting intensive and thorough consultations.

Now, it has been suggested in some quarters, ironically even, that this undefined program might result in turning NATO into a "Spanish Inn" where we will not find what we have brought. I do not believe that we Canadians should endorse this viewpoint, since the new formula of the Alliance meets largely the idea incorporated in clause 2 of the original treaty, better known as the Canadian clause, which says:

> The parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well-being. They will seek to eliminate conflict in their international economic policies and will encourage economic collaboration between any or all of them.

By insisting that this clause should be included in the original treaty, our country had provided, beyond the military part of the Alliance, a vehicle for the exchange of ideas and initiatives on political, economic and social matters between the contracting parties. The Harmel formula borrows the same idea, in my opinion, while extending it to the level of relationship between member countries and non-member countries of the Alliance. I feel that this new field of action of the Alliance will allow its influence and, therefore, its role to help maintain peace throughout the world.

In spite of the scepticism of some people, the new NATO formula will enable the organization to live on after 1969 and to operate within a framework better adapted to international realities. That is important, all the more so because France, which has already left the military branch of NATO and which fears a tightening of the political ties, seems to favour the proposed renewal of the Alliance, even though this plan does not preclude the United States from participating in the solution of European problems. It must be understood in that connection that France fears that the dissolution of the Alliance would have the effect of throwing Germany into the arms of the United States. One must face current realities.

Replying to questions after the adoption of his plan, Mr. Harmel recognized that it had been a partial acceptance only and that all his hopes had not been fulfilled. However, he hastened to add that the main thing was that NATO should continue and that its objectives be widened in scope. With him, I hope the Atlantic Alliance will continue to watch over collective military security, and that it will extend its protection to the field of political security by encouraging its members to strive more vigorously, in their individual diplomatic efforts, to ensure peaceful, just and durable order in Europe, and, in so doing, to continue its work, its role towards maintaining peace in the world.

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

The Senate adjourned until tomorrow at 3 p.m.

APPENDIX

(*see p. 900.*)

HON. ARTHUR W. ROEBUCK

FELICITATIONS ON NINETIETH BIRTHDAY

[*Translation*]

ARTHUR ROEBUCK

by Jean François Pouliot, Q.C., M.P.
(Special to "La Presse")

Ottawa, March 21.—In the last few days, a good many readers of this paper have written us that they had read with interest the recently published article on T. L. Church, Q.C., one of the Conservative members for Toronto, and they asked us about the federal Liberal members for the Queen City.

In 1930, Toronto had been a Tory fortress for twenty-five years; that year, Mr. Bennett came to power. As a compensation, Sam Factor, Q.C., the Liberal candidate, was elected over H. C. Hocken, Grand master of the Orange Lodge and later a senator by the grace of Mr. Bennett. Mr. Factor is of Jewish origin and was born in Russia; he came to Canada at the age of ten. He was first a member of the school board and later alderman of the city of Toronto, before being elected as member for Spadina in 1930. He was re-elected in the same riding in 1935 and 1940. He was a lieutenant in 1918 and is still a member of the armed forces.

Fred Hoblitzell, another Liberal member for Toronto (Eglinton) since 1940, was born in New Jersey and educated there; he came to Canada with his parents at the age of twenty-one. He is in the oil business and an accomplished sportsman. His riding is that formerly held by Sir George Eulas Foster, a Minister under Tupper and Borden.

Following Mr. Hepburn's victory in 1934, the hon. W. P. Mulock, Q.C., Postmaster General, was elected member for York North, a riding formerly held by his grandfather, who was for so many years the Postmaster General and Chief Justice of Ontario, and also by the Right Hon. W. L. Mackenzie King from 1921 to 1925. He is a World War veteran and a lawyer. He is in the fruit growing business and the owner, of a 3,000-tree apple orchard in the Toronto area.

In 1940, the hon. Arthur Roebuck, Q.C., was elected Member of Parliament for Toronto (Trinity), former riding of Mr. R. Geary, Minister of Justice in the Bennett cabinet.

Mr. Roebuck is 64 years old. He was born in Hamilton and his parents were farmers. He went to Toronto at 16. He began by selling church magazines at the door of the Anglican church he attended. He then worked as an elevator operator in a store and was promoted to clerk at a salary of a dollar a week. Five years later his salary was increased to $5 a week. In spite of that he managed to save money to buy all the books for a high school course. He went back home and studied on his own; after six months of hard work he passed his examinations successfully. That course included three years of Latin, mathematics, etc., and two years of French. "What saved me, says Mr. Roebuck, was the fact that there was no oral examination; there is no doubt that my pronunciation would not have satisfied the examiners."

Then he looked for work as a clerk in a lawyer's office; such positions were scarce, but he succeeded in finding one that he held for two weeks. He felt too active to stay there. He then tried his hand at journalism.

In politics, Mr. Roebuck is a passionate Liberal. Since 1908 he has taken part in all the political campaigns in Ontario as a candidate or a speaker. He first ran in the riding of Temiscamingue which extended from Tamagami to the North pole. The provincial elections took place immediately after Laurier's defeat in 1911. He had campaigned for Sir Wilfrid Laurier and had made several speeches in favour of reciprocity. Whitney was then the Conservative Premier; his government was all powerful. The T.N. & O. railway, property of the provincial government which was very strong on patronage, went through the riding. Mr. Roebuck was advised not to run; he did anyway and lost by 164 votes only. All the French Canadians in the area voted for him.

He also ran in the 1914 provincial elections. He had two opponents and the Conservative candidate got a minority vote only. In 1917, he ran against Mr. Frank Cochrane, the Minister of Railways in the Borden government. People still remember the iniquitous elections in wartime act, introduced by Mr. Meighen. Corruption was appalling: the Conservatives were enumerated but the Liberals were left

out of the list; soldiers had the right to vote even if they were not on the voting lists. Civilians dressed as soldiers went from one poll to another to vote. Mr. Roebuck got the largest number of votes, but he was cheated out of his election as was the case in many other ridings. He had run as a Labour candidate supporting Laurier. He knew very well that with such an elections act, he could not be elected, but he wanted to prove his loyalty to the old leader.

In 1915, he sold his newspapers in northern Ontario for an amount that would allow him to study law at Osgoode Hall. He was called to the bar 17 years after having worked for the first time as a clerk in a law office. Since then, he was been practising in Toronto.

He soon became the most prominent labour lawyer of the province. He has been legal counsel for nearly all labour unions in Toronto. He has always displayed great social awareness and fought for the weak and the poor. He has a large practice.

In 1919, he was one of the delegates to the great Liberal convention in Ottawa where Mr. Mackenzie King was chosen as the leader of the party.

He was among those who promoted the candidacy of Mr. Hepburn as leader of the Liberal party in the sister province.

At the provincial elections of 1934, he ran as a Liberal in Bellwoods, in the centre of Toronto. His Conservative opponent had been elected by five thousand votes at the previous elections; Mr. Roebuck's majority was the same. He became Attorney General, Minister of Labour and Hydro commissioner.

He is the author of several reforms in the Ontario judicial system, particularly with regard to police courts. He abolished local magistrates and the fee system through which they were paid. Magistrates were paid their fees out of court costs; they were interested in condemning people in order to increase their stipend. Mr. Roebuck sent half of them packing; those who remained are now paid by the province and must travel from city to city to hear the cases. He dismissed 10,000 justices of the peace; he felt that this was not an honorary role, but that the duty of those justice officers was to administer penal law.

As attorney general, he represented the province of Ontario at the Privy Council when the Bennett social legislation was submitted to this high tribunal which declared it *ultra vires*. All the provinces were represented and a renowned jurist told us that the factum presented by Mr. Roebuck was the best of them all.

As Minister of Labour, Mr. Roebuck piloted the new "Industrial Standards Act" which proved very helpful and is still in force.

He was also the representative of the government on the Hydro Commission. The contracts signed by the province of Ontario with the power companies of Beauharnois and Gatineau gave rise to a great deal of controversy, but the reforms brought about by Mr. Roebuck saved the province more than 7 million dollars a year for two years. When Mr. Hepburn introduced legislation in this regard in 1935, Mr. Roebuck spoke for seven hours on the first day and pursued his speech during two other sittings. His was the most outstanding oratorical effort ever made to that date in the province.

Mr. Roebuck is a labour member both liberal and radical. In 1937, because he did not agree with his leader, Mr. Hepburn, on the latter's labour policy at the time of the Oshawa strike, he resigned as minister and put the case to his Bellwoods electors when provincial general elections were held the same year. He was re-elected with a majority of almost 7,000 votes, the highest ever obtained by a Liberal in Toronto. His opponent, who did not have the number of votes usually required to redeem a candidate's deposit, did not lose it because the law in Ontario does not require from candidates a deposit for provincial elections.

In 1940, Mr. Roebuck resigned as a provincial member to become a federal Liberal candidate in Toronto-Trinity, constituency which included 40 per cent of his former Bellwoods riding. He won by a majority of 3,000 votes.

Mr. Roebuck is an outstanding debater. In the House of Commons, he took an active part in the discussion of the Unemployment Insurance Act and constitutional matters. He is recognized as an authority in that field.

He contributed more than anyone else to the defeat of Mr. Arthur Meighen in York South, last February.

In his speeches and in his conversation, Mr. Roebuck appears very broad-minded. It runs in his family. His great uncle of whom he bears the name, was a British statesman and he was a great friend of Papineau and of the French Canadians.

—*La Presse, March 21, 1942.*

THE SENATE

Thursday, February 22, 1968

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

Prayers.

MOTION TO ADJOURN

Hon. Jacques Flynn: Mr. Speaker, honourable senators, I do not intend to repeat what I said yesterday and the day before. We on this side of the house are still of the opinion that the Government, having been defeated last Monday, cannot place before Parliament any business concerning the Government. For this reason we would wish the Senate to agree to adjourn until a decision has been taken in the other place on the motion which was put on the Order Paper by the Prime Minister.

On the other hand, for the sake of clarifying our position, I move, seconded by the honourable Senator Choquette, that the Senate do now adjourn, expecting the same decision as was made yesterday and the day before.

Hon. John J. Connolly: Honourable senators, the position taken by the honourable senator is consistent, and I am sure he will allow me the privilege of being equally consistent. My position remains as it was. I am sure it will not be necessary to have a recorded vote on this motion. I say this with regret in view of another event that occurred amongst the senators within the last 24 hours! There has been one intervening event where a motion for adjournment was not made. I oppose this motion.

The Hon. the Speaker: Honourable senators, it has been moved by honourable Senator Flynn, P.C., seconded by honourable Senator Choquette, that the Senate do now adjourn. Honourable senators, is it your pleasure to adopt the motion?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker: In my opinion the nays have it. I declare the motion lost.

EXCISE 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 C-192, to amend the Excise 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 reported that the Standing Committee on Banking and Commerce had considered Bill C-192, to amend the Excise 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. Langlois moved that the bill be placed on the Orders of the Day for third reading at the next sitting.

Motion agreed to.

ADJOURNMENT

Hon. John J. Connolly: Honourable senators, I move, with leave of the Senate, that when the Senate adjourns today it do stand adjourned until Monday next, February 26, at 8 o'clock in the evening.

Motion agreed to.

EXCISE TAX ACT

BILL TO AMEND—SECOND READING

Leave having been given to proceed to Order No. 5:

The Senate resumed from yesterday the adjourned debate on the motion of Hon. Mr. Cook for second reading of Bill C-191, to amend the Excise Tax Act.

Hon. Mr. Wallace McCutcheon: Honourable senators, first I should like to thank the Leader of the Government (Hon. Mr. Connolly, Ottawa West) for his courtesy in permitting this order to be called at this time

in deference to my convenience, and I will not abuse that generosity by making a long speech.

I read in the papers that in another place on Monday last all the essential and important features of the budget of November 30 were defeated, and in the circumstances it would seem to be a waste of time to quibble about the minor changes in the budget concerning revenue production which have been introduced in this bill.

Substantially, what the bill does by way of increasing taxes is to increase the excise tax on wines and on cigarettes and manufactured tobacco. However, the bill does merit our approval, honourable senators, for the relief that it provides in certain very important areas.

In the first place, it provides relief for drugs from the imposition of sales tax. This is probably the most important and effective step the Government could have taken to reduce the price of drugs. The steps that are contemplated in another bill to come before us will, I think, be much less effective.

In the second place, this bill makes provision for what are, in effect, rebates on sales tax to corporations established for the sole purpose of providing residences for students of universities or other similar institutions, and it provides for rebate of sales tax on goods purchased for the sole purpose of constructing, equipping or operating bona fide public hospitals. It repeals the sales tax on farm wagons and on artificial breathing apparatus, and on certain plans, drawings and related specifications sold to or imported by manufacturers for use by them directly in the manufacture or production of goods.

Notwithstanding the fact, honourable senators, that we are here today when in the opinion of my colleagues and myself we have a cabinet that should not be functioning, because of the extensive relief that is granted to a great number of taxpayers—the relief on drugs will affect every taxpayer in Canada for all practical purposes—we could in these circumstances pass the bill, and I trust the sponsor (Hon. Mr. Cook) will send it to committee.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

On motion of Hon. Eric Cook, bill referred to Standing Committee on Banking and Commerce.

PRIVATE BILL

THE BONAVENTURE AND GASPÉ TELEPHONE COMPANY, LIMITED—THIRD READING

Hon. Leopold Langlois moved the third reading of Bill S-33, respecting the Bonaventure and Gaspé Telephone Company, Limited.

Motion agreed to and bill read third time and passed.

BROADCASTING ACT

MOTION FOR THIRD READING—DEBATE ADJOURNED

On the Order:

Third reading of Bill C-163, intituled: "An Act to implement a broadcasting policy for Canada, to amend the Radio Act in consequence thereof and to enact other consequential and related provisions".—Hon. Senator Davey).

The Hon. the Speaker: Senator Davey.

Hon. Mr. Flynn: Honourable senators, may I suggest that this debate be adjourned to Monday next?

Hon. Mr. Connolly (Ottawa West): I understand the honourable leader requires a little time to give consideration to the bill, and I have no objection. I take it the actual proposal is that the bill stand in the name of Senator Flynn.

Hon. Mr. Flynn: Yes.

Hon. Mr. Grosart: Senator Davey.

Hon. Mr. Connolly (Ottawa West): No. Senator Flynn has the adjournment.

Hon. Mr. Flynn: Senator Davey could move third reading, and I would move adjournment of the debate to Monday next.

Hon. Mr. Grosart: The third reading has not been moved.

Hon. Mr. Connolly (Ottawa West): Very well. In the absence of Senator Davey, I move third reading of the bill, and Senator Flynn can move the adjournment of the debate.

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

The Senate adjourned until Monday, February 26, at 8 p.m.

THE SENATE

Monday, February 26, 1968

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

Prayers.

DOCUMENTS TABLED

Hon. John J. Connolly tabled:

Copies of Ordinances, chapters 1 to 10 inclusive, passed by the Council of the Northwest Territories at its 1967 Second Session, held in Yellowknife, Northwest Territories, from November 13 to 25, 1967, 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. 1966-107, dated January 17, 1968, approving same. (English text).

Copies of Ordinances, chapters 1 to 3 inclusive, passed by the Council of the Yukon Territory at its 1968 First Session, which was concluded on January 23, 1968, 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. 1968-323, dated February 15, 1968, approving same. (English text).

Lists of shareholders in the Chartered Banks of Canada, as at the end of the financial years ended in 1967, pursuant to section 119(1) of the Bank Act, chapter 87, Statutes of Canada, 1966-67. (English text).

Lists of shareholders in the Banks incorporated under the Quebec Savings Banks Act, as at the end of the financial years ended in 1967, pursuant to section 101(1) of the said Act, chapter 93, Statutes of Canada, 1966-67. (French text).

BROADCASTING ACT

THIRD READING

The Senate resumed from Thursday, February 22, the adjourned debate on the motion of Hon. Mr. Connolly (Ottawa West), for the third reading of Bill C-163, to implement a broadcasting policy for Canada, to amend the Radio Act in consequence thereof and to enact other consequential and related provisions.

Hon. Jacques Flynn: Honourable senators, may I at this time yield to Senator O'Leary (Carleton)?

Hon. Senators: Agreed.

Hon. M. Grattan O'Leary: Honourable senators, I have only a few observations to make about this bill and about matters which arise out of it.

I am sure all of us realize that this bill will not be the last word on broadcasting in Canada. Broadcasting being what it is, the development of the communications media being what it is, and public opinion and public tastes being what they are, broadcasting will always be in a process of trial and error, of education and experiment. That, I think, we must all accept.

I must say at the outset that I think this act on the whole is perhaps the best Broadcasting Act we have been able to get over these years. It is certainly better than the draft bill which I remember seeing as first introduced in the other place.

I would like to add that I do not think we shall ever in this country get unanimity, or even a consensus or agreement about the character of programs, and I do not intend to question the C.B.C. tonight on this or that program. Personally, I do not believe in the dead hand of conformity, or in censorship. The only censorship of programs I would be prepared to support is the censorship of an educated public opinion, and I am afraid that improvement in programs will have to await a pattern of public thought and public taste in such matters.

I do propose, however, to say a few words about the C.B.C.'s public affairs presentations. I criticize them not on the ground of morality, but upon what such programs seem to me to be doing in confusing public opinion and in creating false dimensions of reality.

This act will hardly be better than the people who are going to administer it. I must say that I am heartened by the fact that the new president of the C.B.C. is Dr. George Davidson, one of the greatest of our public servants, and a man who has had vast experience in public administration, especially in financial affairs. I feel that he can be depended upon to give able and responsible attention to the C.B.C.'s greatest weakness—its irresponsible and dangerous extravagance.

Honourable senators, I feel that Parliament in the past has been too much concerned with the C.B.C.'s programs and too little concerned with its extravagance and costs. This I blame largely on my own profession of the press, for on every occasion when a debate arose in Parliament about the C.B.C. the press cried out, almost with one voice, "Let the politicians keep their hands off the C.B.C."

This is nonsense. When a crown corporation, a creature of Parliament, asks for sums of over $100 million a year, surely it is the business of Parliament, the business of politicians, to try to see whether that money is being expended honestly. I think it was perhaps expended honestly—I am sure it was.

Some hon. Senators: Hear, hear.

Hon. Mr. O'Leary (Carleton): But we should try to see whether it was expended within reason. Yet every time the C.B.C. people came before Parliament the committee seemed to be concerned with the character of the programs, when their real concern should have been the C.B.C.'s shocking extravagance.

I have before me the Auditor General's Report published only a few days ago. A great deal of what is in this report appeared in the public press, but I think some of it should be placed on the *Hansard* of this house. The first thing that strikes you is on page 148 where you find that this organization—which has no money of its own and which in fact is losing money and last year lost $28 million on its programs alone—goes to Montreal and makes contracts with three hotels in that city to ensure accommodation for its personnel, 24 per cent, 46 per cent and 66 per cent of which respectively was paid for, but was never occupied.

The Auditor General says:

> The cost of the unoccupied accommodation for the period January 1 to June 20, 1967, has amounted to $104,000 of which approximately $37,500 pertains to the period January 1 to March 31.

Here is an organization which, as I said, has no money of its own, which exists by what are called government loans—but are in fact government grants—which mount year after year, and last year reached more than $55 million.

I ask honourable senators on the other side of the house, especially those who are business people, is there a chartered bank in Canada that would loan the C.B.C. at this time $55 million and call it a loan? These are grants, grants which are public expenditures. They are additions to the public debt, and they are nothing more than that. I wonder how many honourable senators really believe that this money will ever be recovered.

But it is not only C.B.C.'s irresponsibility. There is also the arrogance of this organization, built into a little principality, a sort of state within the state, sacrosanct, standing aloof from public criticism and with very little regard for the Parliament of Canada. I have what I am about to say on unimpeachable authority; anyone can question it and challenge it but you will find I am right. Do you realize that last summer the C.B.C. spent over $1 million on covering the Pan-American Games in Winnipeg? They had there 422 C.B.C. employees—more C.B.C. employees than there were athletes.

Hon. Mr. Connolly (Ottawa West): Is that literally so?

Hon. Mr. O'Leary (Carleton): That is literally so, sir. You can ask a very distinguished member of your cabinet, the most distinguished of them all, and I think he will confirm what I am saying.

Hon. Mr. Connolly (Ottawa West): I have heard this.

Hon. Mr. O'Leary (Carleton): It was $1 million—

Hon. Mr. Connolly (Ottawa West): I was talking about the number of athletes.

Hon. Mr. O'Leary (Carleton): I am not sure about the athletes.

Hon. Mr. Connolly (Ottawa West): I have heard this comparison as to numbers.

Hon. Mr. O'Leary (Carleton): I was told that there were more C.B.C. people there than athletes. In any event, at this time, when by common consent, by common knowledge shared by all our leading public men irrespective of party and shared by every financial expert, this country is going through a dangerous period when the future is clouded financially, as the president of any chartered bank in Canada will tell you—during this kind of inflationary period, you have an organization which has practically no responsibility to Parliament, going around expending sums of money of that kind. This is why I say that Parliament has been too lenient with the C.B.C.

An. Hon. Senator: Hear, hear.

Hon. Mr. O'Leary (Carleton): I myself heard the President of the C.B.C., testify in a committee of this house about the cost of a certain program, which amounted to $50,000 a week. We asked him how many weeks he proposed running this program, and when he told us the number of weeks, it added up to $1,200,000. When some shock was expressed at this, what do you think was his answer? It was that he was not concerned with expenditure: he was concerned with programs.

Now, honourable senators, at a time when Parliament is being by-passed and challenged, at a time when this country has a veritable sprawling empire of Crown corporations, do you suggest that the Parliament of Canada, including this Senate, should not take a more active part in the financing of the C.B.C.?

An Hon. Senator : Hear, hear.

Hon. Mr. O'Leary (Carleton): We were told that the C.B.C. was being investigated too much and too often; we were told that the President of the C.B.C. did not have time to come before the people who were voting him this money and explain what he was doing with it.

Honourable senators, if the President of the Canadian National Railways can be brought before a parliamentary committee and made to explain what is happening to the Canadian National finances, I suggest that the President of the C.B.C. is in a position to do the same thing and should be compelled to do the same thing. And I suggest, too, that Dr. Davidson and his executive vice-president, Mr. Picard, will agree with what I am saying.

There are other things in this report, and perhaps I should mention one of them. Last year the C.B.C. amended a by-law in order to increase pensions. They increased the pensions for the following executive officers:

Vice-president, Engineering
Vice-president, Finance
Vice-president, Administration
Vice-president, Planning
Vice-president, Programming
Vice-president and General Manager Network Broadcasting (English)
Vice-president and General Manager Network Broadcasting (French)
Vice-president and General Manager Regional Broadcasting
General Manager, Caribbean Project—whatever that is.
Assistant to the President.

The report also says:

> Prior to 1964-65 the Corporation derived funds for both its capital and operating requirements in excess of advertising revenue, from grants ... for the past three years, however, funds for capital requirements have been provided by means of loans from Canada. Loan indebtedness at March 31, 1966, amounted to $26,705,000... Additional loans in 1966-67 amounted to $30,381,000 so that $55,715,000 was outstanding at March 31, 1967.

Honourable senators, how is this money being spent? Let us look at this report. The Auditor General says that loans by Canada to finance the acquisition of capital assets amounted to $30 million last year.

> The sum of $30,641,000 was expended, leaving a balance at March 31, 1967 of $142,000. Major categories of capital expenditure included: color television equipment and facilities at various locations, $10,500,000; broadcast pavilion at the 1967 World Exhibition, $6,000,000; Centennial technical facilities, $3,350,000; Place Radio Canada, Montreal, $1,900,000; television studios and offices, Quebec City, $750,000; television studios, Ottawa, $500,000; land for television studios, Vancouver, $450,000; and radio studios and offices, Fredericton, $450,000.

Honourable senators, is there no means of checking these capital expenditures? Is Parliament saying that these men, responsible to no one, can go ahead and spend scores of millions of dollars for whatever pleases them at the time without the Parliament of Canada or the Government, or somebody in authority, somebody with responsibility being in a position to say, "No, you cannot spend this money at this time."

Honourable senators, I said a moment ago that I would not deal with public programs which are supposed to offend against morality or public taste. Public taste and morality are things that change from year to year, and so I shall not deal with them. I do, however, want to deal with the public affairs presentations, which in my judgment—and I have had some small experience with communications—are shallow, uninformed and often politically illiterate. I am thinking now, and I may as well

be frank, of a program called "Viewpoint." Here you have, night after night, people appearing on "Viewpoint" for five or eight minutes, telling us all that is wrong with the world and how the thing should be remedied. This is utter nonsense. These people are not qualified to speak in that way, and yet they are being paid out of public funds.

Now, I am the first to admit—and as a journalist I am sometimes sorry to admit it —that television can do valuable work in public reporting. Television did a great job in reporting the Conservative Convention last summer in Toronto. Television did a wonderful job—that is television itself—in reporting the recent Constitutional Conference, because our people, and especially our young people who are forever attacking politicians, saw there men of all parties sit down and, with good sense and with good humour and with deep concern for Canada, dedicate themselves to bringing about constitutional settlement in this nation. I think this was a wonderful thing that the printed word could not do.

But what happens? As soon as the TV live coverage is turned off, some incompetent commentator comes on and misinterprets and misrepresents the whole thing by a veritable cascade of clichés and platitudes. This is one trouble with TV, which brings me to a matter on which I want to say a few words, namely, Parliament and broadcasting.

Last week all of us witnessed a spectacle which I think was degrading for Parliament. We witnessed the spectacle of parliamentary debate being transferred to the corridors, with scenes enacted in those corridors that were reminiscent of a Dallas courtroom or the sort of thing one would see in Madison Square Garden after a prize fight. The pitiful thing was that the Prime Minister of Canada subjected himself to that sort of nonsense, and so did the leader of my party.

If these men cared for Parliament, there was only one thing for them to say: "I have spoken my words in the Parliament of Canada, and I have no further comment." And yet they have permitted themselves to be waylaid, to be bulldozed, to be subjected to irrelevancies, to all sorts of banalities and clichés, and by doing so I think they helped to bring the Parliament of Canada into contempt.

I will close, honourable senators, by saying that whatever we do in this country, let us not fall for this gimmick that the Parliament of Canada should be broadcast on TV.

Some Hon. Senators: Hear, hear.

Hon. Mr. O'Leary (Carleton): If we are going to turn the Parliament of Canada into a TV studio, if we are going to degrade it into competing with the "Smothers Brothers" and "Bonanza" for TV ratings, then God help Parliament.

Honourable senators, that is all I have to say to you this evening.

Hon. Keith Davey: Honourable senators, I have only one or two comments to make. The first, which may seem presumptuous, is to thank all honourable senators on both sides of the house who have participated in this debate. In my view the debate has been full and useful.

I am particularly grateful to have had the observations of honourable Senator O'Leary (Carleton), to which I listened with interest. I share his concern about the matters he discussed, which concern I feel is understandable. I was struck by two references he made to particular programs, the first being the coverage of the Pan-American Games from Winnipeg. It so happened that I, in common with all honourable senators I am sure, watched virtually all the coverage of the Pan-American Games from Winnipeg, and in my opinion, and I hope honourable Senator O'Leary (Carleton) will agree with me, the C.B.C. did an outstanding job on that occasion. I would point out that while I am not sure whether the cost mentioned was the gross or the net cost, nevertheless the television coverage was commercially sponsored. Senator O'Leary also said that there were more C.B.C. employees at the games than there were athletes. I would suggest that the reference was to Canadian athletes participating in the games rather than to the total number of athletes from all countries.

Then, coming to Senator O'Leary's other reference, I am sure many honourable senators, like myself, watch "Viewpoint" night after night. I have been impressed by the fact that the participants are almost invariably newspapermen. Some nights I enjoy the program, some nights it is most disagreeable.

Throughout the debate one or two themes recurred regularly and perhaps they are worth repeating now. First, in a country like Canada I am sure most of us agree on the desirability of a system of broadcasting with both a public and private dimension. I think it is not only desirable but essential in this country. Perhaps the key to this legislation and its objectives, namely, to improve broadcasting in Canada, will be inextricably linked up with the calibre of the appointments the Government can make to these various broadcasting boards and agencies, and I share the view of honourable Senator O'Leary and other honourable senators about the calibre of the first appointments, namely, Dr. Davidson and Dr. Picard. This certainly has been an encouraging beginning.

[*Translation*]

Hon. Jacques Flynn: Honourable senators, when this bill was studied in committee, I took particular interest in clause 2(i), which contains a definition of a broadcasting policy for Canada and stipulates that facilities should be provided within the Canadian broadcasting system for educational broadcasting.

I asked, and I remember very well saying this to Dr. Davidson—but my memory may be at fault—if the provision did not exist in the bill, in his opinion could the C.B.C. or the private system legally obtain facilities for educational broadcasting, and the answer was no.

I do not know if that could be done without that provision and I asked another question: with that provision, if our Canadian broadcasting system does not have the right to get into the field of educational television, will that provision give it the authority to do so? Once again the reply was negative.

I then suggested without success—I am beginning to get used to that, like Senator Roebuck, and in committee I accept defeat very philosophically—I suggested first of all that that provision be removed from the legislation and I then suggested another amendment which would have provided that the Canadian broadcasting system be equipped with educational broadcasting facilities, but that such facilities could be not used without the co-operation of the provinces. There also I was unsuccessful.

Next day, or the same day, I read in the *Ottawa Journal* an article entitled:

Quebec cannot accept the broadcast bill.

According to that despatch, the Quebec premier sent a telegram to the Prime Minister of Canada protesting against Bill C-163. If that protest concerns this bill in particular, I presume that it refers to section 2 (i). It is also possible—I have been unable to ascertain this—that the Quebec premier's protest concerns the project or the preliminary plan which Miss LaMarsh, the Secretary of State, disclosed to the house committee considering this bill, and which concerns a system of educational broadcasting which would be, in other terms, organized by the federal Government, but with the co-operation of the provinces.

In any event, at this time, I should like to point out a marked tendency of the present Government and of Parliament—and perhaps of all previous governments—to completely make sport of the points of view of the provinces in constitutional matters. I fail to see why, in an act of this kind such an insignificant provision although couched in provocative language should be inserted.

Once again, I feel that I was right in indicating that this provision is useless because if we want to obtain educational broadcasting facilities, it surely is not necessary to specifically authorize our system, or the C.B.C., to do so; if perchance, under the constitution, the C.B.C. does not have the right to obtain and use this material without the co-operation of the provinces, then we are interfering in something which does not concern us.

I find that this mentality is bad, especially in those circumstances when we have had a federal-provincial convention to study the question of reviewing that Constitution, or of writing a new one. I beg also that here, in Parliament and in the federal Government, there be a little more respect for the powers presently assigned to the provinces. Let us not willingly create problems where there should not be any, especially in the educational field.

On the whole, this provision does not change anything. Again, it is a provocation. I regret that the committee did not simply repeal it. I regret that the committee did not add the words "with the co-operation of the provinces". But, at least I hope that if the

bill is adopted, as I am certain it will be, together with this provision, that all future action from the Government, from the C.B.C. or from private stations will at least respect the powers of the provinces in the field of education.

[*English*]

Hon. John J. Connolly: Honourable senators, I have listened with the deepest interest to the remarks of the Leader of the Opposition, Senator Flynn.

I have with me the French version of the message that was sent by the Premier of Quebec to the Prime Minister of Canada, which is dated February 16.

Hon. Mr. Benidickson: Is that this year?

Hon. Mr. Connolly (Ottawa West): This year, yes. Substantially what the Leader of the Opposition has said is contained in this document which I shall read, if honourable senators care to have me do so and if they will put up with my mistakes in French.

Hon. Mr. Flynn: You are very good.

Hon. Mr. Phillips (Prince): We tolerate your mistakes in English.

Hon. Mr. Connolly (Ottawa West): My honourable friend is a very charitable man.

[*Translation*]

Mr. Prime Minister,

Two days after the closing of the constitutional conference in Ottawa, the government of Quebec was extremely surprised to learn from the newspapers that the Secretary of State of Canada, the hon. Judy LaMarsh, had put a draft bill on educational broadcasting before a standing committee of the House of Commons.

[*English*]

I point out here that we are talking now about a proposed bill with respect to educational television, ETV.

Hon. Mr. Flynn: I suspected that.

[*Translation*]

Hon. Mr. Connolly (Ottawa West):

When Bill No. C-163 was introduced, I protested publicly against an abusive interpretation of certain words and against certain alleged powers. However, this bill was passed quickly during the constitutional conference.

[*English*]

I do not think that this is quite true because, as I recall it, this bill was seven or eight days in the house as well as being many days in committee.

[*Translation*]

I shall not refer here to our preliminary statement at the "Confederation for Tomorrow Conference" in Toronto, even though a copy was handed to your representatives and it clearly shows the interest and concern of our government with regard to education and even to broadcasting.

The brief which we distributed right at the start of the constitutional conference on February 5 dealt specifically and in detail with that subject on page 17, in the following terms:

"Another field to which the Quebec government attaches the highest importance concerns educational and cultural instruments, namely radio and television. At the present time, the provinces are far from playing in that regard the role which should normally belong to them. Thus, since Hertzian waves are controlled from Ottawa, radio and television stations have been set up over the Quebec territory, without our government being able to intervene in any way.

That situation we owe to the interpretation given our constitution by the courts, and it cannot be accepted in Quebec. "Changes to be made in that sector shall apply to the various elements which compose what might be called radio and television broadcasting, and more specifically to agencies such as the Bureau of Broadcasting Governors and the Canadian Broadcasting Corporation. The membership of those two organizations must more closely reflect the bicultural reality of our country. To this end, it is essential that Quebec designate itself a number, to be determined, of members on the board of administration of those organizations. If air waves are, and rightly so, public property, they cannot and must not be the prerogative of the federal government. The allotment of the air waves can have serious consequences on the cultural level, just as the contents of the programs can. Quebec can no longer tolerate

being kept in the background in a field where its vital interest is as obvious, all the more so if one takes into consideration the promising future of audio-visual means of mass media, in particular for the education not only of the young, but also of adults.

[*English*]

Hon. Mr. Choquette: What do you make of all that?

Hon. Mr. Connolly (Ottawa West): Could I come to this in a moment?

[*Translation*]

With reference to three passages of your opening statement entitled "Federalism for the Future", we had seen there an agreement on the need for frank and open discussions. I quote your own words. At page 40 you said:

"The range of powers we would expect the provinces to have would extend, as they do now, into the areas which are vital to the preservation of Canada's several cultural and regional identities."

Need I stress that education comes under the exclusive jurisdiction of the provinces according to the constitution under which we live at the present time?

At page 42 you stated:

"Both federal and provincial governments will recognize, too, the unresolved question as to whether there should be a federal government role when there is a "national interest" in provincial programs (or the lack of them), or whether there should be a provincial government role when there is a "provincial interest" in national programs (or the lack of them)".

Is it really possible to believe that the federal government misunderstood our position with regard to broadcasting to such an extent that it failed to see the exact connection between what we took to be a recognition of principles on its part and what we had particularly stressed as a practical application of vital importance?

Finally, at page 44 after, indicating that "if it is the decision of the Conference that Canada should embark upon a comprehensive re-assessment of the Constitution..." you agreed that "any arrangements must be adequate to the gravity of the task being undertaken".

I take the liberty of referring you here to the resolution approved unanimously by the constitutional conference which set up a permanent conference and a committee of officials to study among other things:

1. A remodeling of the federal institutions inherent to the federative system;

2. A distribution of jurisdictions between the two levels of government.

I am therefore obliged today to protest emphatically with your government against the bill on educational broadcasting, for the following reasons:

Do you think he is referring here to the educational broadcasting act?

(a) We are dealing with education, hence with exclusive provincial jurisdiction.

(b) We are dealing with television, hence with something where French culture and interests in Québec are concerned to a maximum degree.

(c) We are dealing with a matter where federal jurisdiction is based solely upon an advice from the Privy Council in 1932, in the absence therefore of any constitutional text.

In the present circumstances, this protest concerns the substance of this bill as much as the procedure adopted in order to try to influence public opinion on this matter, without taking into any account whatsoever the very frank and open statements and positions we made or took in Ottawa and to which we expected an answer. No bona fide constitutional discussions could be conducted in such conditions.

Yours truly,

Daniel Johnson.

[*English*]

Honourable senators, I put the letter of the distinguished Premier of the Province of Quebec on the record because I think it does set out the position somewhat more clearly than does the brief press report to which the honourable Leader of the Opposition (Hon. Mr. Flynn) has referred. It is only fair to the Premier that it be on the record. I apologize for my bad reading of the French.

Hon. Mr. Choquette: It was good.

Hon. Mr. Connolly (Ottawa West): Let me say, first of all—and this is a subject which should be considered seriously—that we must keep in mind at all times the difference between the production of a program and its transmission.

I refer honourable senators to the fact that in 1931 the Supreme Court of Canada held that the matter of the transmission of radio and television programs fell within the jurisdiction of the Parliament of Canada, or within the jurisdiction of the federal authority. The citation for that decision is (1931) Supreme Court Reports, 541.

In 1932 the judicial Committee of the Privy Council upheld the decision of the Supreme Court of Canada. The decision or the opinion of the Privy Counil was written by Lord Dunedin, and the citation is (1932) Appeal Cases, 304.

I summarize the position by pointing out that the two questions in the reference were as follows:

> 1. Has the Parliament of Canada jurisdiction to regulate and control radio communication, including the transmission and reception of signs, signals, pictures and sounds of all kinds by means of Hertzian waves, and including the right to determine the character, use and location of apparatus employed?
>
> 2. If not, in what particular or particulars or to what extent is the jurisdiction of Parliament limited?

As I have said, the Supreme Court of Canada answered the first question in the affirmative, and the Privy Council confirmed the decision of the Supreme Court. I have the volume of the Appeal Cases with me, but perhaps I could summarize this decision by saying that the reasons given by the Privy Council for supporting the opinion expressed by the Supreme Court of Canada were these:

1. The International Convention on Radio Communication, to which Canada was then a signatory, was equivalent to a treaty, and the implementation of Canada's obligations under the convention could best be enforced by federal legislation. The authority for such legislation falls within the general words at the opening of section 91 of the British North America Act, which assign to the Parliament of Canada authority to make laws for the peace, order and good government of Canada in relation to all matters not coming within the classes of subjects assigned exclusively to the legislatures of the provinces.

2. Broadcasting falls within the description of "Telegraphs", and is an undertaking "connecting the Province with any other or others of the Provinces, or extending beyond the Limits of the Province." It falls, therefore, within the exception to provincial jurisdiction that is enunciated in paragraph (a) of item 10 in section 92 of the British North America Act.

I think I should put that section on the record for the convenience of honourable senators who may wish to refer to it. Section 92 deals with subjects that are within the exclusive jurisdiction of the provinces. Section 92(10)(a) reads:

> Local Works and Undertakings other than such as are of the following Classes:—

I draw attention to the words "other than such as are of the following Classes".

> (a) Lines of Steam or other Ships, Railways, Canals, Telegraphs, and other Works and Undertakings connecting the Province with any other or others of the Provinces, or extending beyond the Limits of the Province.

Honourable senators, educational broadcasting is essentially the broadcasting of a particular class of program material. From the nature of the material it does not follow that radio communication itself is involved. Within the terms of the decision of the Privy Council and of the Supreme Court of Canada, the Parliament of Canada has jurisdiction to regulate and control radio communication.

Hon. Mr. Flynn: Would the honourable Leader of the Government permit a question?

Hon. Mr. Connolly (Ottawa West): Yes.

Hon. Mr. Flynn: Is he enunciating the policy of the Government in this matter?

Hon. Mr. Connolly (Ottawa West): No. I am simply referring to the position that has been laid down by the court. If the honourable leader will allow me, perhaps I could make my position clear as I come to the end of my remarks.

Hon. Mr. Flynn: I hope so.

Hon. Mr. Connolly (Ottawa West): The Government's White Paper which dealt with

broadcasting referred to these problems and said, among other things:

> . . the operation of educational broadcasting stations or systems involves both federal and provincial responsibilities.

It says later:

> Federal policies in the field of communications must not work to impede but must facilitate the proper discharge of provincial responsibilities for education. For this purpose, it will be necessary to work directly with the provinces to study the technical facilities required, and to plan and carry out the installation of educational broadcasting facilities throughout Canada.

This then is the position in which we find ourselves. Education is a power reserved exclusively to the provinces. In broadcasting, the authority rests with the Parliament of Canada, the federal Government.

Hon. Mr. Flynn: As a residuary power.

Hon. Mr. Connolly (Ottawa West): Well, it is power that has been found by the Privy Council, by the Supreme Court, the highest courts in the land, to belong to the federal jurisdiction.

Hon. Mr. Flynn: I know.

Hon. Mr. Connolly (Ottawa West): What I think we must do at this time is use the instrument we have at our disposal to fulfill the urgent need now existing for arranging for the facilities to provide educational television in the overcrowded conditions of schools and universities in a situation in which there is a demand for the facilities that ETV will provide.

Hon. Mr. Flynn: When you say "we" do you mean the federal Government or the provincial governments?

Hon. Mr. Connolly (Ottawa West): When I say "we" I mean Canada, the entire country. I say that the federal Government, rather than interfering with the jurisdiction of the provinces in the field of education through educational television, is attempting to facilitate the discharge by the provinces of their responsibilities in this new and challenging area by making the physical facilities, the transmission facilities which belong to the federal authority, available to the provinces. The provinces in their turn, in pursuit of their education policies, will be able to deal with the matter as they see fit, and will provide the programs they desire.

There have been practical steps taken. Already, Alberta has been at it for a number of years and has done a great deal of work in this field. Originally Alberta thought it would provide the physical facilities for transmission. This will not now be necessary for them to do. They can concentrate their work on the field of education. They can concentrate their work in the area in which they have constitutional responsibility.

Hon. Mr. Smith (Queens-Shelburne): Nova Scotia has been doing the same thing for some years.

Hon. Mr. Connolly (Ottawa West): Thank you. I did not know about the situation in Nova Scotia. The provinces are getting ready. Tonight's newscast carried a message to the effect that the Honourable William Davis, Minister of Education in Ontario, is doing the same thing. The provinces are working on the production end, and in light of the constitutional position that obtains and the legal position that it is required to respect, the federal Government is attempting to provide the facilities which would enable the provinces to carry out this educational work more completely and fully than they otherwise would.

Honourable senators, that is perhaps not a short but at least a frank explanation of the position we find ourselves in as we face the remarks made by the Leader of the Opposition (Hon. Mr. Flynn)—and very well made—when he discussed paragraph (i) of section 2 of this bill.

I respect the viewpoint of the Premier of Quebec. It is different from the viewpoint of other premiers, I would gather—at least those that I know about. Some provinces are prepared to do the production work and rely on the general policy provided in section 2(i) of this bill and on such other facilities as other legislation, notably the proposed legislation before the committee of the other house, will provide. Working together the federal and provincial authorities will, in the way the law now requires, be able to provide whatever is needed in the field of educational television.

Premier Johnson, however, takes the position that so far as his province is concerned, not only must he have the power, as he does have, to produce these programs, but he

should also have the power to set up broadcast facilities. His letter I think indicates that this is something which will be, and I am sure must be, considered by the committee set up at the Constitutional Conference of a week or more ago. It is still before the committee, as are a good many other matters such as the division of powers and the method of amending the Constitution. All these things are to be the subject of negotiation but at the moment they have not been negotiated. If the federal Government is to move, it must move from a solid legal base, and that solid legal base is that which has been indicated to it by the highest courts available for it to seek opinion from. I am told not to end a sentence with a preposition. That is something up with which I will not put!

Hon. Mr. Hayden: You have ended with a proposition.

Hon. Mr. Connolly (Ottawa West): Whether I have ended with a preposition or not, I have, as Senator Hayden has said, ended with a proposition.

What we are enacting here in section 2(i), is authority—

Hon. Mr. Flynn: Unnecessary authority.

Hon. Mr. Connolly (Ottawa West): No, I do not say that.

Hon. Mr. Flynn: Oh, yes.

Hon. Mr. Connolly (Ottawa West): It is part of broadcasting policy for Canada—

Hon. Mr. Flynn: It is superfluous.

Hon. Mr. Connolly (Ottawa West): —that facilities should be provided within the Canadian broadcasting system for educational broadcasting, and that is not taking anything away from the provinces. It is not changing the law because the law has been clearly defined by the courts.

Hon. Mr. Flynn: May I ask a question? I hesitate to interrupt the honourable leader here, but I can only ask a question at this time.

Since the Leader of the Government is so sure that it is important, if not necessary, to provide this power for the Canadian broadcasting system to have facilities for educational broadcasting, why would he oppose the amendment which I suggested, that this should be used with the concurrence of the province—which would not be against the decision which he quoted from the Supreme Court of Canada or the Privy Council?

Hon. Mr. Connolly (Ottawa West): Perhaps I can answer that question by saying first, that if the federal Government has the authority, it should not detract from its own authority and its own position.

Hon. Mr. Flynn: No, no.

Hon. Mr. Connolly (Ottawa West): I think the federal Government must assert its right to occupy the field. That is No. 1.

Hon. Mr. Flynn: That is equivocation.

Hon. Mr. Connolly (Ottawa West): No. 2 is that there flows, from what I have said, the necessary implication that you cannot have effective educational television if you have only transmission. You must have production.

Hon. Mr. Flynn: Oh, well—

Hon. Mr. Connolly (Ottawa West): In order to have production you must have co-operation with the provinces in this field, in the provision of the facilities for production. That is the answer I would give to the honourable leader.

Hon. Mr. Flynn: It shows that there is a lack of consensus and understanding.

Hon. Mr. Connolly (Ottawa West): I would hope not. For that reason, I put the message of the Premier of Quebec on the record. I know him well and have great respect for him.

Hon. Mr. Flynn: I am not critical of the leader: I am critical of the mentality of the Government on this matter of education and radiodiffusion.

Hon. Thomas Vien: Honourable senators, I should like to say a few words on this matter which is of great importance with respect to the rights of the provinces. Since I have been a member of the Senate—and I am celebrating my silver jubilee here—I have always understood the Senate to be constituted for the protection of minorities and the protection of provincial rights. With a few exceptions, the Senate has been faithful to this constitutional duty.

Furthermore, I agree with the statement which has been made by the Leader of the Government about the bill now before us. I would emphasize the fact that there is no contradiction between the position taken by

the Premier of Quebec and the statement of policy of the federal Government, as given to us by the Leader of the Government. The fact is that the Privy Council has stated that radiodiffusion is a matter of federal jurisdiction. That, I think, is elementary. It is a function which goes beyond the provincial boundaries. Therefore, as such, it is within the jurisdiction of the federal Government. The Privy Council was right in expressing the opinion that radiodiffusion was within the authority of the federal Government. But in doing so, it did not mean that the federal Government would invade the jurisdiction of the provincial government. Radiodiffusion can be carried on without invading the territory of public education.

Under section 92 of the Constitution it is clear and undisputed that education is within the province of the provincial government. Therefore, in exercising the power of radiodiffusion throughout Canada from St. John's to Victoria—

Hon. Mr. Paterson: Could I ask the senator to define the word "education"? Where does it begin and end?

Hon. Mr. Roebuck: Hear, hear.

Hon. Mr. Vien: I am not yet at that point. I may come to it, if the senator will permit me.

Hon. Mr. Flynn: Could the senator define "radio," too?

Hon. Mr. Vien: The word "education" is very wide and covers many sins, if I may say so. For instance, last evening as I listened to a radiodiffusion program in my parlour at home I was scandalized by the nature of the program. It was neither educative nor moral. It was immoral from beginning to end. Therefore, I would say to my honourable friends that it was not education in the sense that I give to the word.

When we consider education in the sense of preparing a young man or young girl for the transition from boyhood or girlhood to maturity, it is the function of the family, of the school, and of the university. This is strictly what I understand as being education and the educational field, and I hope I have answered my honourable friend's question.

I would say that when you come to broadcast a program on education, the provincial authority and jurisdiction is uppermost. I agree with my leader that the federal Government and the broadcasting system should get in touch with the provinces and co-ordinate their organizations in the domain of education, so as to serve the public interest in Canada from St. John's to Victoria.

First, you have the Canadian Broadcasting Corporation with all its system, that can spend $150 million in this service. This should serve the public interest of Canada. It should not be used to pervert public education or morality. In that particular respect there should be co-operation with the provinces and a co-ordination of efforts. But I think that the provinces have the right to develop the educational system in their particular territory with all the powers that are at their service, including broadcasting.

Hon. Mr. Flynn: Hear, hear.

Hon. Mr. Vien: I agree with the judgment of the Privy Council that the work of the Canadian Broadcasting Corporation extends over the boundaries of the provinces and, as such, does remain within the ambit of the Government of Canada. But that does not mean that it can invade the domain reserved to the provincial jurisdiction under section 92 of the British North America Act. Therefore, if it comes to education in the sense that I have given to that word, I believe that, if we want to serve the public interest in Canada from St. John's to Victoria our duty is to see to it that the federal institution co-operates with the provincial institutions to promote education in the best possible way.

Now, I must apologize to the Senate, because I did not expect to speak on this subject tonight and so I speak extemporaneously. But, in respect of broadcasting, I say that to me it is absolutely abominable that an institution such as the Canadian Broadcasting Corporation should come to the Parliament of Canada asking for $150 million to support it and at the same time suggest that Parliament should have nothing to say in the direction of the corporation's operations.

Some Hon. Senators: Hear, hear.

Hon. Mr. Vien: I believe that any Canadian institution created by the Parliament of Canada should be subject to the directions of Parliament. Nevertheless, I have always, though with a great deal of diffidence and sometimes with difficulty, supported the policy of both Liberal and Conservative governments in their attitude that they should not interfere with

the directions of the Canadian Broadcasting Corporation. I do not believe that that is a wise or a sound policy any more than I believe that the Bank of Canada or any other state institution or Government corporation should seek to be or call itself independent of the Government.

I was reading today the Report of the Auditor General, and I noted the title of the report: "The Report of the Auditor General to the House of Commons." I was revolted. Why? The Auditor General does not report to the House of Commons! He reports to the Parliament of Canada, and the Senate is the upper house of the Parliament of Canada. Therefore, I take exception to that report.

Some Hon. Senators: Hear, hear.

Hon. Mr. Vien: And I take exception also to the contention that has been so many times impressed upon us, that the Canadian Broadcasting Corporation is not accountable to Parliament with respect to programming or management. Nevertheless, they come to Parliament asking for a subscription of $150 million. I say they should be accountable to Parliament, for Parliament reflects the will of the electorate from St. John's, Newfoundland, to Victoria, British Columbia.

Now, honourable senators, when Parliament exercises the power granted to it by the British North America Act under section 91, it should be particular not to invade the territory confided exceptionally and exclusively to the provincial governments. There is no contradiction between the submission of the Leader of the Government, the judgment of the Privy Council and the theory which I have just explained. We can exercise our powers without infringing on the responsibilities of the provincial governments when dealing with the interest of the Canadian people at large. But it seems to me only reasonable that the federal Government should get together with the provincial governments in an effort to co-ordinate their actions to better serve the public interest. Therefore, I would suggest that in this particular point we should in the first place take care that under section 92 of the British North America Act the field of education is reserved to the provinces, and in the second place that we should co-operate with the provinces in that particular area.

I would make the further suggestion that when dealing with these matters we should stop being afraid of our shadows. The governments of Canada, both Liberal and Conservative, have since the creation of the Canadian Broadcasting Corporation been afraid of their shadows, when, in fact, they should have assumed their responsibility to dictate the policies which such a crown corporation should follow. That is my view.

I am sorry, honourable senators, to have spoken with such feeling, but at least I have spoken my mind on the question of federal-provincial relations. Is is my fervent hope that the federal and provincial governments can work together for Canadian unity, which is the uppermost thought in my mind, as I am sure it is in the minds of most Canadians at this time.

Hon. Rheal Belisle: Honourable senators, may I ask a question of the honourable Leader of the Government? I understand that the Supreme Court of Canada gave a judgment in 1931 which was confirmed in 1932 by the Privy Council. Has any other judgment been rendered since that time?

Hon. Mr. Connolly (Ottawa West): No.

Hon. Mr. Croll: That was the final judgment.

Hon. Mr. Connolly (Ottawa West): That settled it.

Hon. Mr. Belisle: If my understanding is right, basically the judgment was given because it served the same purpose as the telegraph. Surely, if this case were brought before the Supreme Court of Canada today, 36 years later, bearing in mind the concept and effect that television has on education and on the public generally, the decision would be different. If the provinces can think that they have mineral rights outside their jurisdictions or boundaries, and knowing that education was given to the provinces as their exclusive right, I am convinced that education and television would remain within the concept of section 92 of the B.N.A. Act.

Hon. Mr. Connolly (Ottawa West): I wonder whether the honourable senator has fully appreciated the distinction which I have very carefully drawn between production of educational television programs, which is a provincial responsibility if they seek to use it, and transmission, which is and has been held by the courts to be a federal responsibility. What the federal Government is seeking to do with the laws as it is now interpreted definitively is to try to proceed as quickly as possible so

that the provinces will be able to use in their educational systems the facilities that ETV will provide.

Now to say that the decision which was rendered in 1932 was rendered on the basis that the honourable senator refers to, does not affect the meaning or the import of that judgment. I am sure that all honourable members of this house who are lawyers will agree with me. The fact that television consists of the transmission of sound as well as pictures was covered in the decision of the Privy Council.

Hon. Mr. Lamontagne: If I may I would like to ask a question of the Leader of the Opposition, on the basis of the letters from Mr. Johnson which were read by the Leader of the Government and which, of course, are of great interest to me.

[*Translation*]

I should like to know whether the Leader of the Opposition agrees with Mr. Johnson when the latter asks, in his letter, that the Quebec government appoint representatives to the board of directors of the C.B.C. as well as to the Board of Broadcast Governors?

Hon. Mr. Flynn: Technically, I do not know how we could achieve that, but what I suggested—and what I still suggest—is that in the field involving respective jurisdictions of the federal Government and the provinces, the federal Government and Parliament should always see to it that they have consultations first of all and do not act as if they were supreme and could not care less about opinions expressed by provinces.

In this respect it seems to me, for example, that a means could perhaps be found of consulting the provinces either through the Canadian Radio-Television Commission, or even through the C.B.C.; there is nothing wrong with that.

It seems to me that the greater the co-operation, the better the results will be.

Here again I regret that my amendment was not accepted, for it was compatible with the point of view expressed by the Leader of the Government and Senator Vien. The amendment to clause 2(i) said:

with the co-operation of the provinces

since it has been recognized that the provinces have priority in the field of education.

The transmission of programs would represent only a technical problem. It simply concerns the technical aspect of transmitting educational programs, and, therefore, it is a secondary matter. Senator Vien was right in saying that we must first consider public education before dealing with the problem of transmission. I think that is what he said. I perfectly agree with him on this matter.

[*English*]

Hon. David A. Croll: Honourable senators, it appears to me that we are discussing and making a point of a matter which does not really exist. The federal Government has consulted with the Province of Alberta, and as a result that province is in the process of carrying on the educational facilities. The federal authorities have consulted with the Province of Nova Scotia in the ordinary course, and they are consulting now with the Province of Ontario. Therefore, is there any reason to believe that they will not consult with the Province of Quebec in the ordinary course of events?

Hon. Mr. Flynn: Why does not the legislation say so?

Hon. Mr. Croll: Because they are doing it in the normal way, and we can take it for granted that it will follow in the ordinary course of events.

Hon. Mr. Flynn: You are speaking of the decision of the Privy Council.

[*Translation*]

Hon. Mr. Langlois: The honourable Leader of the Opposition will certainly admit that even without his amendment, there is an opportunity for co-operation and consultation between both governments.

Hon. Mr. Flynn: Yes, but the amendment has been disallowed.

In such a case, is it not a refusal of co-operation?

Hon. Mr. Langlois: No, because the bill does not preclude all opportunities, and then your amendment is useless.

[*English*]

Motion agreed to and bill read third time and passed.

EXCISE ACT

BILL TO AMEND—THIRD READING

Hon. Leopold Langlois moved the third reading of Bill C-192, to amend the Excise Act.

Motion agreed to and bill read third time and passed.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Tuesday, February 27, 1968

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

Prayers.

HON. ARTHUR W. ROEBUCK

FELICITATIONS ON NINETIETH BIRTHDAY TOMORROW

Hon. John J. Connolly: Honourable senators, tomorrow, Wednesday, February 28, one of our distinguished colleagues, the honourable Senator Arthur W. Roebuck, will mark his ninetieth birthday.

Hon. Senators: Hear, hear.

Hon. Mr. Connolly (Ottawa West): He has long since passed the three score years and ten of the Biblical standard; in fact, he did that 20 years ago. His capacities, his enthusiasm, his mental alertness remain undiminished. He is a remarkable man; he is an outstanding Canadian. For us all, it is a privilege to sit in this house as his colleagues, especially on this auspicious occasion.

Thinking about these things reminded me of some of my classical studies. I thought particularly of Cicero, one of the great senators of Rome, a noted orator and a man who swayed the Roman Senate and, indeed, from the rostrum at the back of the Capitoline, the Roman people. When Cicero was in his sixty-third year he qualified, according to Roman custom, to be known as Senex, which meant not just an old man but a wise man. At that time he composed a treatise entitled *de Senectute*—on old age.

The thoughts in this treatise are Cicero's, but the words are those of a dialogue in about 150 B.C. between Cato, then 83 years of age, and two young men, Scipio Africanus the younger, 35, and Caius Laelius the younger, who was 34. Representing the younger generation, they spoke to Cato, the old man, who was even then seven years younger than our distinguished colleague. I should like to quote a few passages from that treatise because they seem to be apt on this occasion.

Scipio said to Cato:

> I have often admired the light way in which you carry years, Cato.

Cato replied:

> Old age, like every other ordinance of nature, ought not to be looked upon as an evil. If people fancied that it would never come upon them and consequently complain of being taken by surprise, they have only themselves to thank for the delusion...
>
> Why old age is the very time for great achievements!
>
> Remember Quintus Fabius Maximus, an old man when he recovered Tarentum and when he took a lead in politics and augural business; Plato dying at 81 at his desk; Isocrates composing the *Panathenaicus* at 94; Gorgias working at rhetoric at 104, Ennius at 70, poor yet cheerful and active.

Later Scipio said:

> Old age removes us from public business.

Cato replied:

> For some, not all. Some belongs especially to old men. If you say that such men as Fabius, Paulus and others in their old age do no service to the state—

He was obviously talking about some of his contemporaries in the senate.

> —you might as well say that the steersman does no good because he does not row. Bodily vigour is not everything, experience and wisdom count too.

I could not help but think here in this Senate of ours we have incarnate the philosophy that these short extracts from Cicero enunciate.

Senator Roebuck, for your remarkably long career, for your record of service at the Bar, in the Ontario Legislature, in the House of Commons, in the Senate for some 23 years, for your assiduity, for your initiatives, of which the recent Divorce Bill is but one example, for your devotion to the common weal, we congratulate you and we thank you.

On Saturday night last, a testimonial dinner was given in the great City of Toronto to honour Senator Roebuck, and this document was presented to that meeting:

> TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING: Be it remembered that on Saturday, the Twenty-fourth day of February, Nineteen Hundred and Sixty-eight, Arthur Wentworth Roebuck, law-

yer, statesman, raconteur, Canadian extraordinary, completed the ninth decade of his life on earth and to celebrate this most worth-while accomplishment and to ensure that it will be remembered, we whose names are here recorded have contributed to the establishment of The Arthur Wentworth Roebuck Award for Excellence in Domestic Relations Law to be won in each year hereafter by the student in the Bar Admission Course at Osgoode Hall who attains the highest mark in Domestic Relations, a subject in which the said Arthur Wentworth Roebuck has proved to be so well versed not only in terms of a full share of domestic bliss but in numerous relations and the legal skills that contribute so much thereto.

I am happy to say also that the bulk of that not inconsiderable sum was provided by Senator Roebuck's colleagues in the Senate.

Honourable senators, I conclude by congratulating our colleague and wishing him many more happy and fruitful years with us here.

Hon. Senators: Hear, hear.

Hon. Jacques Flynn: Honourable senators, attaining the age of 90 years is in itself quite an achievement. To do so while still enjoying perfect health is even more extraordinary. But it is without parallel when you do it after such an interesting public career as that of our colleague whom we honour today.

Confederation was still in its early childhood when Arthur Roebuck started to follow its political evolution. Most of us were not even born, or at least could not care less about political problems, when he started to fight in the political arena.

Yet Canada and the Senate still have the advantage of profiting from the great experience and wisdom of Arthur Roebuck on the eve of his ninetieth birthday.

Senator Roebuck's life is a great example of tenacity. It is difficult to imagine that he has been at all times over the last 60 years faithful to a party which has had such ups and downs as his—and I am not referring to the electoral standpoint. Of course, liberalism, doctrinal and political, has always been a line of conduct for Senator Roebuck! So one can imagine how many times he had to make a hard choice between the principle of liberalism and the pragmatism of his party line.

Despite this very agitated career, the weight of years does not seem to affect our colleague. He is still an eager and untiring worker and shows a vitality that most of us must envy.

It was nearly 60 years ago, namely, in 1911, that Senator Roebuck made his first political attempt when he was a candidate for a seat in the Ontario Legislature. He also tried for a seat in the House of Commons in 1917—not a very propitious year for a Liberal in Ontario, I understand. That might be a little example of the tenacity I spoke about earlier. Finally, he was elected to the Ontario Legislature in 1934. He had an active career in the provincial legislature before being elected to the House of Commons in 1940.

Senator Roebuck was summoned to the Senate in 1945, and since then has not ceased to show a special interest in the social field. Thousands of citizens owe him much for the work he did as Chairman of the Senate Standing Committee on Divorce. He has also had this cause high in his heart, and the law that we recently adopted is the direct result of his leadership in that respect. It is not surprising, therefore, that his friends thought to underline the occasion of his ninetieth birthday by creating the scholarship bearing his name for the student showing excellence in the Law of Domestic Relations.

In the name of my colleagues, and in my own name, I assure you, Senator Roebuck, of our admiration and affection, and I offer our congratulations and very best wishes for many more years of public service, good health and happiness.

Hon. David Walker: Honourable senators, on an occasion such as this it would be inappropriate that the senator's strongest critic should not have a word to say in his honour. In passing may I add that I see in the gallery another distinguished Patrician, the Honourable James M. Macdonnell, Privy Councillor, winner of the Military Cross and Queen's Counsel, a man well known in my day as the great Patrician of the House of Commons and a renowned gentleman.

Some Hon. Senators: Hear, hear.

Hon. Mr. Walker: I must point out on this occasion that in my mind and heart I bear no ill will toward anyone once we are outside the Senate, and, if I appear to in the Senate,

it is not really personal ill will, because we are discussing principles, policies and bills. But I say to Senator Roebuck that if he acted like an old man I would never criticize him. That is the greatest compliment I can make. To do otherwise would be ungallant. It is because he has all his faculties and is in fighting trim at all times that I look on him as a young man—like myself. May I say, however, that he will go down in the history of the Senate as the father of this very modern, up-to-date divorce act, which is an achievement of no small significance.

As he goes on into the next decade, may he remember the words of Browning:

Grow old along with me!
The best is yet to be,
The last of life, for which the first was made.

Hon. Mr. Connolly (Ottawa West): Hear, hear.

Hon. Mr. Walker: I do not know who is the author of some other words which come to my mind, and I am not going to flatter the senator because he would not like that. He would not feel at home if I were to flatter him. These are the words:

Minds truly great are conscious of their greatness,
And deem it small to borrow ought from flattery.

Congratulations, senator.

Hon. Jean-François Pouliot: Honourable senators, Senator Roebuck is known throughout the country as a pillar of Parliament. He is also an asset to the Senate. That is so for two reasons: because of his wisdom, which is a virtue, and because he has had the gift to keep his heart young. Old age does not apply to him. He hears well. He sees so well that he can read between the lines. His step is brisk and he misses nothing.

In that regard I must tell honourable colleagues that, knowing you as I do, there are many of you who will follow the very good example set by Senator Roebuck. You have youth of heart, you have wisdom and you work hard. You have these three secrets for becoming centenarians.

And when I mention you, I make no exception of anyone, but I do speak from a knowledge I have of my office neighbour, Senator Grosart, who never wastes a minute. He works all the time, and I admire him very much for it.

Long life, happiness, success to Senator Roebuck. We are all proud of him because his presence brings more prestige to the Senate.

Hon. Arthur W. Roebuck: Honourable senators—

(Honourable senators stood and applauded)

—how could one respond to such an expression of friendship and good will as I have received here in the eloquent speeches of both the Leader of the Government (Hon. Mr. Connolly, Ottawa West) and the Leader of the Opposition (Hon. Mr. Flynn), and from the two honourable senators who have also spoken on behalf of all the rest of my colleagues in this chamber?

I suppose I might say this in extenuation of the most flattering and complimentary statements that have been made, that it is the rule, it is what you might expect, in a way, from this chamber. We do not pull our punches in this chamber when we debate. I can remember recently when we were in a highly emotional debate and my friends across the way were standing up yelling at me. But what has that to do with friendship? What has that to do with the recognition of the good points of one another—and that is what you have heard today so far as I was concerned. This is the Senate; this is maturity; this is kindness; this is good will; this is the understanding that I have enjoyed for these past 23 years.

When I had the choice between going on the Bench and coming to the Senate, I fortunately took the wiser course and came here. I have never regretted it. We have all been active. Mention has been made of the Divorce Report and the bill which followed. But those were only the last of many activities in which we have all engaged in the past 20 years. I am very pleased with the results of the work of the Divorce Committee because it has reflected much credit upon the Senate. Indeed it has reflected much more credit upon the Senate than upon the chairman of the committee because it was the Senate that did this job. We have handled divorce since Confederation.

Honourable senators, I am sure you will pardon me in the circumstances for referring to a particularly gratifying tribute to me from the Commons members of the Special Joint Committee on Divorce. It is a copy of the

committee report signed by all the Commons members of that committee—not the Senate members but the Commons members. The inscription reads:

> To the man who more than anyone else brought about the Divorce reform in Canada, from his grateful colleagues.

If there has been credit with regard to this achievement by reason of the Divorce Report and the bill which followed, I am pleased because it belongs to this chamber. We are not always so appreciated.

Of course I am astonished to hear—because it was a well-kept secret—that all my colleagues in the Senate, notwithstanding our differences in political thought and sometimes almost violent disagreements have joined in this wonderful gift to me, the scholarship in the profession to which I belong.

Not very long since, I received a certificate from the Secretary and Treasurer of the Law Society of Upper Canada that I had served for 50 years in good standing and had become a life member without the necessity of paying any more fees. I am also a Life Bencher of the society, as well as a life member of this magnificent chamber.

I cannot imagine myself an old man, and I am not. The meeting in Toronto to which my friend Senator Connolly (Ottawa West) has referred, was the third such meeting. I had a party on my seventieth birthday; another on my eightieth birthday and now this one in celebration of my ninetieth birthday—and I invited all the guests back to my one-hundredth birthday celebration.

Hon. Senators: Hear, hear.

Hon. Mr. Roebuck: May I express the same wish as I did then. I said, "All you young people, you boys and girls, you ought to be able to survive easily the next decade." And may I express the same good will to each one of you here. I hope we can have another assembly such as this—it could not be superior to this one, I know, but something like this—on February 28, 1978. I wish you all good health, vigour and happiness, and a bubbling, enthusiastic mental condition to celebrate my one-hundredth birthday.

Hon. Senators: Hear, hear.

Hon. Mr. Roebuck: I wish to thank Senator Connolly (Ottawa West) especially for that wonderful telegram he sent us in Toronto when we were celebrating on Saturday evening. Like his speeches are so often, it was eloquently and beautifully phrased. I wish to thank the Leader of the Opposition (Hon. Mr. Flynn) for what he has just said. It is illustrative of our friendship, which can endure even though we differ at times, as we should differ, and express our differing views, as we should express them, in the interests of the nation to which we belong and which we head as the senior legislative assembly in the Dominion of Canada.

I certainly could not respond properly to all you have said and all your kindness. I can only say "Thank you", and I say it with all the fervour of which I am capable. Thank you!

Hon. Senators: Hear, hear.

EXCISE TAX 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 C-191, to amend the Excise Tax 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 reported that the Standing Committee on Banking and Commerce had considered Bill C-191, to amend the Excise Tax 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. Cook: 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.

ADJOURNMENT

Hon. John J. Connolly: Honourable senators, I move, with leave of the Senate, that when the Senate adjourns today it do stand adjourned until Monday, March 11, 1968, at 8 o'clock in the evening.

Honourable senators will understand that this motion is made subject to recall when business demands our presence here. I will consult with His Honour the Speaker, if the Senate is required to deal with any business prior to March 11.

Motion agreed to.

CANADIAN DAIRY COMMISSION ACT

BILL TO AMEND—SECOND READING

Hon. Hazen Argue moved the second reading of Bill S-34, to amend the Canadian Dairy Commission Act.

He said: Honourable senators, I am pleased to introduce this bill which is designed to remove an injustice that I feel the Dairy Commission is about to bring about.

I was pleased to hear Senator Croll give notice of a motion to set up an ombudsman committee of the Senate to hear grievances on any question that might affect the fundamental rights of Canadian citizens, or which might consider whether some injustice has been done. Whether the kind of thing envisaged in the bill I am presenting at this time would properly be referred to that committee, I do not know. What I am attempting to do at this time is to bring to the attention of the Senate an injustice that in my opinion the Dairy Commission will cause if it implements the policy it has recently announced, and which in effect will remove many thousands of small producers of manufacturing milk and cream from the support provisions of the Canadian Dairy Commission Act.

Honourable senators, before I get into the body of my remarks I should like to say that I am pleased to acknowledge the very forward steps that have been taken by the present Minister of Agriculture, the Honourable J. J. Greene, and by his predecessors. In this connection I would mention especially Senator Harry Hays who occupied in a most distinguished way the office of Minister of Agriculture of this country for some time.

A few years ago an increase was made in the support price for manufacturing milk. It was increased to $3.50 per hundredweight, and later it was increased to $4 per hundredweight. In the present dairy year, which will end on March 31 next, it has been at the level of $4.75 per hundredweight for manufacturing milk, with 11 cents being set aside as an export subsidy for cheese, and with a comparable support of some 34 cents a pound for butterfat going into the production of butter. The gross subsidy provided by the people of Canada has been in the amount of some $1.21 per hundredweight of milk testing at 3.5 per cent butterfat. From this it can be seen that a very important advance has been made in providing more reasonable prices to the dairy producers, and this has been brought about by a subsidy which will total for this year some $121 million. That is a very large amount, but I think it has been put to a useful purpose.

As one who has had a connection mainly with the grain industry and not with the milk industry, I should like, as a Canadian and a senator, to congratulate all those who played any part in bringing forward policies that have improved the economic position of the milk and cream producers of Canada, whether they are in the eastern part of the country, the western part, or in the central part.

However, regardless of those facts on the accomplishments, I think we should raise our voices when it appears to us that there is a danger that the Dairy Commission may take a very backward step in removing some of these important policies from application to certain very important sections of the dairy production industry by arbitrary rules and decisions.

I must say that I had not a clue that this policy was being inaugurated until well into January when I was in the West to attend a meeting of one major political party—major in Canada, but not so major on the Prairies, but a great gathering all the same. At that meeting a number of very disturbed and upset dairy producers came to me and told me that it had been announced a few days previously that beginning on April 1 they would not be entitled to receive the subsidy paid on butterfat.

The Dairy Commission had announced that beginning on April 1 anybody who in the present dairy year had shipped less than 420 pounds of butterfat as cream, or who had produced less than 12,000 pounds of milk as manufacturing milk, could be removed entirely from any subsidy payment. In other

words, the small dairy producer will get nothing by way of subsidy.

Whether anybody who produced between 420 pounds and 1,750 pounds of butterfat by way of cream shipments, or anyone who produced between 1,200 pounds and 5,000 pounds of milk as manufactured milk, will receive a subsidy in the coming dairy year will depend upon a decision of the Dairy Commission and if the individual who wishes to be eligible for this subsidy makes an application.

In other words, a very substantial segment of the dairy industry will be completely removed from subsidy, and another very substantial section will be subject to the Dairy Commission's looking over the applications that have been sent in and deciding itself whether these Canadians will be entitled to the subsidy.

As a farmer, I can understand how ten farmers out in the country, talking things over with one another after this decision has been made and after they have all made application, may find that four of them have been cut off and six will still be paid. I can tell you, honourable senators, that the four that are cut out will be quite furious and upset, but where do they go in the law books of this country to find out what the policy is?

I have been trying to learn what the regulations are in order to understand the basis on which the Dairy Commission is doing this, and I have not been able to discover anything. I have obtained statements of their policy, but I have found no regulations and no orders in council. In any event, the statement has been made that beginning on April 1 this kind of arbitrary action will be taken.

This is the kind of thing the Senate should be considering. It is my opinion that if the Dairy Commission is on the wrong track, and if enough public opinion can be expressed between now and April 1, they may decide not to go forward with what I, at any rate, consider to be a very substantial error.

Before proceeding further I should like to remind honourable senators of something they already know, namely, that since February 15 I have had an inquiry on the Order Paper of this house as to how many dairy producers by provinces it is estimated produce (a) less than 420 pounds of butterfat per year and (b) less than 1,750 pounds of butterfat per year, and the equivalent numbers of producers of manufacturing milk, all of which will be removed from the subsidy. The question has been asked, but there has been no answer. I realize that the honourable Leader of the Government (Hon. Mr. Connolly, Ottawa West) has done everything he can to get an answer, and I realize that his office has been endeavouring to get an answer, but still none is forthcoming. Yet, it is these statistics that have to be the very basis upon which the Dairy Commission is making its policies, and I cannot obtain the figures.

However, I do have some figures which are quite reliable, I am sure, and it is only by good fortune that I have them. They are contained in a survey by Dr. William Mackenzie of the Department of Economics of McMaster University. His report is entitled, "The Canadian Dairy Industry." He was commissioned by ARDA—not by the Dairy Commission, but by ARDA—to look into dairy policy. His researchers provide a great many interesting statistics which demonstrate just how serious this new policy is. The figures are not for the cream production of a milk equivalent of 12,000 pounds, but rather of 25,000 pounds. Nevertheless, they are important. I read from page 5 of the report:

> In 1966 there were 56,081 cream producers in Canada producing between the limits of 0 and 23,999 lbs. of milk equivalent. They represented 54.2 per cent of all cream shippers.

The policy of the Dairy Commission will affect, of course, a larger percentage.

> The average shipment of the group was only 377 lbs. of butterfat (equal to 10,771 lbs. of milk or the product of two low yielding milk cows). This group produced only 18.8 per cent of the cream produced which means that they contributed 7.5 per cent of the total butter supply.

In other words, they produced a very small proportion, 7.5 per cent of the butter supply, yet in this category are some 54 per cent of the cream shippers. This policy will therefore affect a very large percentage of the cream shippers; it will affect many tens of thousands, and I think will bring about an adverse result in all parts of Canada, because all parts of Canada are engaged in dairy production.

I have some approximate figures here on which I have done a rough calculation based on the commission's report. I do not put this forward as being accurate because I have done it very quickly, but I think it will give

honourable senators a rough idea of the number of people who may be adversely affected by this policy. I find a total of some 6,000 in the Maritimes who will be either completely cut out or subject to review, 26,000 producers in Quebec, 15,000 in Ontario, 45,000 in the Prairies, and certainly fewer than 1,000 producers in British Columbia. That will give honourable senators some idea of the very large and wide impact of this declared policy of the Dairy Commission.

I have endeavoured to find out how it would affect individuals. I used the telephone service available to senators. I phoned a total of four creameries on the Prairies and the story I got from each one was about the same. Some 50 per cent of the cream shippers to those creameries will be entirely removed from subsidy because they are small, because somebody says they are inefficient. I would argue that. I say that if somebody has a few acres of waste land, a bit of grass, and puts two or three cows on the pasture, milks them and sends a few gallons of cream to creameries, on the basis of cost that is a very efficient operation. But such operations are to be removed.

I can tell you that the creamery industry as such is very disturbed. If you were operating a creamery business and had 400 cream producing suppliers, and suddenly somebody decided to reduce by one-third the revenue of half of your cream producers, you would wonder what future you had in the business. Obviously, the creameries from one end of Canada to the other are rightly wondering what future they have.

What is the purpose of what is being done? It seems that the thinkers, the bureaucrats, the highly paid officials, have come to the conclusion that they must do everything possible to put the production of manufacturing milk and butterfat into the hands of a number of large efficient producers who are in the business of producing manufacturing milk or butter in the main. This is the argument. It may or may not be a laudable objective, but I suggest that the way to bring about this objective is not by lowering the living standards of that segment of producers who can least afford this kind of drastic cut.

I would point out that the statistics demonstrate most vividly that the small producer is already on the way out. Over the 15 years from 1951 to 1966, 50 per cent of all farms keeping dairy cows went out of business. How much faster do you want progress, if it is progress? Why should a government body say, "We want to get rid of the small producers so fast that we are not satisfied with the removal of 10 per cent or 15 per cent a year," which is the case now. "We want to take these arbitrary measures of removing the subsidy from the small producer so that we can kill him quickly and get him out of the business." When they are asked what is the point behind it they say, "Oh, ARDA should look after these people, or they should go on social welfare." I did not get into an argument with the officials on the telephone because I would have said things which afterwards I would be sorry about.

I like to think we are living in a free society. I think the best way to produce butter and milk is by the free choice of many producers, and I would like to think that in a free enterprise society we encourage initiative, not discourage it. Why should the Government or the Parliament of Canada say to the ordinary small producers of this country. "You should be on social welfare"? I do not think we really mean to say that, but if we do we should change our minds and change them quickly.

There should be a better alternative for these small producers. They should be able to make more than they are making by producing cream or small quantities of milk. Perhaps they should leave the farms, and go into another industry. But before the Dairy Commission decides to cut off the subsidy, let them have the right to make their own voluntary choice on whether they elect to milk cows or take a job in a factory. They should not be forced into a decision by this kind of treatment from the Dairy Commission, by taking away their subsidy.

Then the officials say, "Well, it is a little thing. It is only $120 or so for a person producing 420 lbs. of butterfat." To that person producing 420 lbs. of butterfat the $120 may be most important. As an official of one of the farm organizations said to me, it may be the difference between the farmer's wife being able to buy some new clothes this year or having to wear last year's clothes. This may be a very important sum of money to people who have low incomes. Our incomes are relatively high. The incomes of those operating the Dairy Commission are much higher than

ours, but I wager that if we took steps to reduce their salaries by $120 a year you would hear from them because they would not like it.

When we as a Parliament take steps, or when the commission takes steps, to reduce the incomes of people who can ill afford to have their incomes reduced, I do not blame those people for being disturbed and coming to somebody to voice their objections.

I have in my hand a photostatic copy of the Canadian Dairy Commission circular letter going out to all producers in this country who received the subsidy last year, and who produced between 420 lbs. and 1,750 lbs. of butterfat, or 12,000 lbs. and 50,000 lbs. of milk, and they have to fill in a form. When the Dairy Commission receives the completed forms, the commission is going to decide what farmers are eligible for subsidy and what farmers are not eligible for subsidy. So they ask some questions:

> How many months a year do you have full time work off the farm? (Full time means a normal working day for at least 20 days a month.) Write into box the number of months. If you do not have full time work off the farm, write the figure "0".

The next question is:

> Approximately what percentage of your total farm cash receipts do you receive from the sale of milk and cream, including federal dairy subsidy? Less than 5 per cent? 6-10 per cent? 11-15 per cent? etc.

So each one must say what percentage of income he got from subsidy. Another question is:

> How many cultivated acres do you farm?

That is a rather queer question, because one cultivated acre of land might be worth as much as ten other cultivated acres, by way of production. One acre is not the same as another acre. If it is producing potatoes in Senator J. J. MacDonald's Prince Edward Island, it is producing, I would hope, a very large revenue. If it is producing wheat around Medicine Hat, Alberta, in dry farming conditions, it is producing a very small revenue. So I do not really know what that means. Another question is:

> What is your age? Years?

Then the form says:

> I certify that the above information is correct to the best of my knowledge, and I hereby apply for subsidy quota.

I do not really know what they intend to do, but I have been told over the telephone: "We are going to say that unless a person has 20 to 25 per cent of their income from dairy subsidy, we cut them off." I think that is far too arbitrary. I would think that if people have tumbled to what the Commission is doing, you might find a little bit of padding, and in any case you would find a great many inaccurate answers—because many farmers do not keep accurate records. They probably do not really know accurately what percentage of income they have received from subsidy. They will know the subsidy but not the percentage in the over-all income.

We know that when we have to pay our income tax we can go some place and find out what is the law. We may not like it and may complain, but there are appeals and recourses. But what about the dairy producer, where there is no stated law, where a few bureaucrats—and I call them that, because that is exactly what they are, and I am not being derogatory—a few paid officials are going to decide which one of these producers will receive the subsidy and which producer does not.

I think the policy that has been followed recently is a good one, and I have said so. I hope they continue with the same policy. I hope they do not clutter it up by making this kind of gross error.

I look back a few years ago when the producers were paid an extra subsidy. I will not burden honourable senators with the exact formula, but I can say this, that they paid a larger relative amount to the smallest producer, and as the producers got bigger they reduced the rate of pay. I think that makes some sense. But here is a complete reversal of that policy. If you are small, you get nothing; if you are a little bigger than small, you may or may not get something; and if you are a moderate sized producer, at least you will get the full rate of payment.

I think the farm organizations have made some protest. The information I got from them is this, that when they were negotiating with the Ontario Dairy Commission, they were faced by a statement of the Canadian

Dairy Commission: "We do not want in the coming years to pay any subsidies; if you produce less than 50,000 pounds of milk, none at all; and no subsidy to anyone who produced less than 1,750 pounds of butterfat." The organizations put up their arms in holy horror lest they be unable to get the Canadian Dairy Commission to reduce the quantities which would be removed from subsidy. So they have said that they have obtained some concessions. But I do not think they are very happy. I do not think that the producer wants this kind of policy.

As a politician and a parliamentarian, I can see no advantage in building up a very good and acceptable policy and, all of a sudden by some arbitrary decision, removing much of this advantage.

I read all the debates in the House of Commons when the Canadian Dairy Commission Act was passed in 1966. I read the debates in this house. I wanted to find out if I could whether the Minister of Agriculture or some official on behalf of the Government had informed the members of Parliament, or the senators, that this was the kind of thing the Dairy Commission Act was designed to do—that is, within a year or two they would be removing the small producers from the subsidy. I find absolutely no indication whatever by anybody that this was going to be done. I did not find even a suspicion in the minds of either a member of the House of Commons or a senator that this might be done.

The Senate did a fairly comprehensive job of discussing the legislation. It went to a committee, the Minister was there, there were questions and answers. However, I noticed in the House of Commons debate, that when the bill was passed on June 23, 1967, there is one item which says: "Clauses 2 to 23, inclusive, agreed to." The next item was "Clause 1", the short title. About fifty words were spoken, and that was it.

In other words, in the Committee of the Whole of the House of Commons, there was no detailed discussions whatsoever of the bill. I think the members of Parliament and of the Senate, in their own minds, thought they knew what this was all about and they had no suspicion that this was going to be done or even might be done. So the questions were not asked.

I would hope that the Leader of the Government in the Senate has listened to the various discussions and that he would take our feeling, if one develops, to the Government. I said most sincerely that I feel that the Honourable J. J. Greene, and honourable Senator Harry Hays, and all of those who in the past have had anything to do with developing this kind of policy up to this time, have done a very useful job for the dairy industry. Sometimes I get a little envious when, as a grain producer, I am wondering why we could not get some of the things that many others are getting. But they have said: "In the past, the grain producers got much more." So there is this kind of substantial improvement, and I hope that this substantial improvement will not be eroded. Percentage-wise, there is a relatively small sum of money involved but very many thousands of producers are involved. These are not the people who receive, even under the present policy, the bulk of this subsidy. I think the announced policy will hurt a lot of people whom we should not hurt.

The Minister of Agriculture in the Province of Saskatchewan gave an address on February 15 to the Saskatchewan Dairy Association Convention at the Bessborough Hotel, Saskatoon, and I quote two brief sentences:

> We are disappointed that the Canadian Dairy Commission has considered it necessary to establish a minimum of any kind since we are not overproducing butter at the present time.
>
> In fact, the number of cream producers, particularly in western Canada, is declining rapidly without the provision of measures such as the minimum quota for subsidy payment to speed the process.

He goes on to say that Saskatchewan butter production in 1967 dropped 13 per cent and this accounted for the removal or elimination from the industry of some 16 per cent of the producers. So the removal on a voluntary basis of the small producer is taking place now, and taking place very rapidly, and it would seem to me that this additional policy is not necessary.

Honourable senators, I would like to sum up what I have been saying by listing a number of objections I have to the policy as it is now being put forward:

First, the policy of the Dairy Commission will bring great hardship to the lowest income earners. Older people, small farmers and others who have been endeavouring to

supplement their low incomes by dairy production will be forced to a still lower poverty level.

Second, this policy condemns a whole industry, the cream shipper and the butter producing creamery, to hardship and to the possibility of early extinction.

Third, it is against the whole course of Government economic and welfare policy, which has been to increase the incomes of low income earners.

Fourth, it denies what should be a fundamental right of citizenship, namely, to share in the benefit of Government policies on a fair and equitable basis.

Fifth, it places the level of income of thousands of low-income Canadians at the arbitrary discretion of Government bureaucratic officials.

Honourable senators, knowing that the Senate is going to adjourn for a few days, I hope that other senators will take part in the debate this afternoon.

I would hope that in the fairly near future this bill can be sent to a committee of the Senate. I would like to see called before that committee the Canadian Dairy Commission to outline in detail their proposed policy. I would like to see called before the committee the representatives of farm organizations and of the dairy producers organizations, and some individual producers, to see what they feel should be done about this policy.

If I come to the conclusion that I have been mistaken in the stand I have taken, I will be glad to change my mind, but I do feel that this kind of announced policy should be given a good airing. The whole question of a committee dealing as an ombudsman committee with complaints of Canadian citizens, where they feel an injustice is being done, might, if it could be constituted quickly, be the kind of committee that could consider this policy in the hope that good Canadian citizens from one end of this country to the other, when they show some initiative and when they engage in the production of butterfat and of manufacturing milk, might be treated by the Parliament of Canada on a fair and equitable basis.

Hon. Clement A. O'Leary: Honourable senators, I want to say a few words about this bill, but before I do so I would like to direct a question to the honourable sponsor in order to clarify something in my mind. He was seriously trying to produce arguments for the Canadian Dairy Commission as to why they should have made this statement on January 15. My question is, what in his view would be the net saving to the Canadian taxpayer—or would there necessarily be any—if the Canadian Dairy Commission's proposals are put into effect?

Hon. Mr. Argue: I have no figure on that. I have not run across it. If my honourable friend has the figure, I will be pleased to have it. I have not been able to get an answer to this question, but it is a very small figure. Perhaps the honourable senator himself has done the arithmetic. It is less than 10 per cent, I am sure.

Hon. Mr. O'Leary (Antigonish-Guysborough): I just wondered, for example, when you quoted from William Mackenzie's report, whether that 7.5 per cent of the total butter supply came from this 54.2 per cent of all cream shippers. You used a gross figure of 121 million over-all subsidy. You included everything in that. Would this 7.5 per cent be fairly close? Or, mathematically, would you say that six and a quarter million would not necessarily be a saving but it could go to producers of over 50,000 pounds. Am I right?

Hon. Mr. Argue: Below 420 pounds there is complete removal. From 420 to 1,750 pounds there may or may not be removal, depending on the decision of the Dairy Commission. The figures given to Mackenzie are for categories up to 24,000 pounds of milk, which is some place in between 12,000 and 50,000. If I were making a wild guess, I would guess that for the people producing less than 420 pounds of butterfat there is bound to be substantially less than 4 per cent of the money involved by way of butter subsidy.

Hon. Mr. O'Leary (Antigonish-Guysborough): Thank you.

Now, immediately in the text of January 15 by the Canadian Dairy Commission I find myself quite confused, because, going back to the purpose of removing this subsidy for the small producer, no mention is made anywhere of any intention to remove it now or in the future for those producing 50,000 pounds and over. This seems inconsistent. I see an inconsistency, for example, in the fifth paragraph on page 1, where, in explaining why they will continue the subsidy for those

between 1,750 pounds and 420 pounds, they say:

> The purpose of this was to assist those in the lower volume group to develop larger production units. Present indications are that some 6,000 who shipped less than 50,000 pounds in the last dairy year will exceed that volume in the present year.

In other words, honourable senators, this appears to be an encouragement for those who are shipping less than 50,000 pounds of milk or 1,750 pounds of butterfat. However, on page 3, in the third last paragraph, we find this statement when they refer to the cut-off for subsidy quotas at 420 pounds of butterfat—

> ... that those with production below this level cannot be considered as serious dairymen or significantly dependent on income from milk or cream.

Well, the fact that they are not to be considered as serious dairymen does not convince me that they should be denied the opportunity of perhaps becoming serious dairymen by receiving the same encouragement as those who are producing more than 420 pounds but less than 1,750.

I would just like to give you a brief example of what, for instance, will happen in my particular area with regard to these matters. Take one dairy in the Town of Antigonish. At the moment there are 350 shipping cream to that particular dairy. In the past year, according to the figures for 1967 which I secured today, the total subsidy to all of the 350 is somewhere in the vicinity of $12,000 to $15,000. Perhaps this is not a very significant figure. It is certainly not a very significant portion of the $121 million to which Senator Argue referred, but individually it is certainly a significant figure for the livelihood of these small cream shippers in that area.

What will happen on March 31 if this Canadian Dairy Commission's pronouncement is allowed to become operative? And I certainly hope that these particular negotiations will not be allowed to come into effect without at least very serious debate or very serious consideration in committee first.

Of the 350 cream shippers to whom I have referred, two only are shipping over 1,750 pounds of butterfat; that is, .07 per cent, the status of which will not be disturbed. Sixty-two of the 350, or 18 per cent, may re-apply. They are in the 420 to 1,750 pound category. Now they may re-apply, but, as Senator Argue pointed out, after being examined in various ways and particularly to determine whether or not they are actually, in fact, dairy producers, they may or may not qualify.

Finally, and this is the alarming figure, 286 shippers, or 80 per cent—and Senator Argue quoted an average figure from some statistics of approximately 55 to 60 per cent—80 per cent of our cream shippers in this instance are out. And I mean out!

Now, I must readily admit that the industry is slowly dying. But this is not even a mercy killing; this is just an abrupt death. No substitute has been offered; nothing has been offered to take its place. This the sponsor pointed out. We were hopeful, and I know these cream shippers were hopeful, that the ARDA program would have offered something. But as yet we have no tangible results in the six counties to which I am referring so far as ARDA is concerned. No alternative has been offered to this small but significant income for these people.

Honourable senators, we read in the text of the Canadian Dairy Commission statement on January 15 that they did "consult," and you will find the words at the bottom of page 1 of the statement. This is what it says—

> The principle of excluding a lower level of production from subsidy is being maintained—

In other words the intent is there, that those with a lower level of production are going to be cut out eventually. As I said before, they have not indicated in any way that it is going to be cut out for the larger producer. But this is what they say:

> The principle is being maintained but is being modified following consultations with farm organizations who pointed out the difficult economic situation which rigid adherence to the 50,000 pound minimum would create for many valid full-time mixed farmers for whom dairying represented an important part of their farming operations.

Now the word "consultations" I question. In our particular case the federal officials met with the Nova Scotia Dairy Commission and it was vigorously pointed out to the federal

officials at this meeting that the consequences that I have described here were actually going to result. Now, if their consultations with other groups across the country representing the cream industry were similar to this, I cannot consider it to be "consultation." This was a prejudgment, something already made or predefined and no consultation of any kind was going to produce any other result.

Honourable senators, that is all I have to say, and I do hope that others interested in the industry will support this bill as I do.

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

The Senate adjourned until March 11, at 8 p.m.

THE SENATE

Tuesday, March 5, 1968

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

Prayers.

UNEMPLOYMENT INSURANCE 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-197, to amend the Unemployment Insurance 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. Chesley W. Carter, with leave of the Senate, moved the second reading of the bill.

He said: Honourable senators, Bill C-197 is entitled "An Act to amend the Unemployment Insurance Act." The idea of unemployment insurance dates back to 1789 when it was pioneered by some trade unions and mutual benefit societies in Basle, Switzerland. Shortly after that similar plans were introduced by a trade union in England and a printers' union in Belgium. However, these early schemes had many weaknesses and failed to survive.

The first government initiatives were taken at the municipal level when Berne, in Switzerland, organized the first public insurance scheme in 1893. This example was soon followed by a number of European cities, but all these schemes shared a common weakness in that they were voluntary and their membership was made up of those who were engaged in the least regular forms of employment.

The first compulsory scheme was launched by Switzerland in 1894, and France introduced the first compulsory national scheme in 1905. The United Kingdom followed in 1911, and the first government plan in the New World was set up by the Legislature of the State of Wisconsin in the United States of America in 1931.

Canada's unemployment insurance plan grew out of the recommendations of a royal commission in 1919. An Employment and Social Insurance Act was passed in 1935 but a ruling was made that this act infringed the fields of the provinces under the British North America Act and it therefore did not come into effect. Subsequently, the consent of the provinces was obtained and our present act came into being in 1940, became operational in July 1941, and had its last major revision in 1955.

Honourable senators, the amendments envisaged by Bill C-197 are very simple. The best way to show how simple they are is to state what the bill does not do. Bill C-197 does not change the fundamental structure of our Unemployment Insurance Act, nor any of the principles on which it is based. Our present act is long and complicated, with 122 sections.

The first two sections set forth the title and the definitions, and the remaining 120 sections are divided into five parts.

Part I deals with the administrative machinery, the Unemployment Insurance Commission, the board of referees, the umpire, etc. It should be noted that the Unemployment Insurance Commission is an autonomous body, not a department of Government, and it is not responsible to any minister but to Parliament as a whole.

Part II deals with the National Employment Service, which is administered now by the Department of Manpower and Immigration.

Part III, sections 25 to 90 inclusive, deal with various aspects of unemployment insurance: coverage, insurable employment, contributions, benefit, benefit period, rates of benefit, seasonal benefit, disqualifications, claim procedures, appeal procedures, unemployment insurance fund, and the report of the advisory committee.

Part IV is miscellaneous and deals with the investigation and audit, and various types of legal procedures.

Part V deals with the repeal of parts of the former act and makes provision for the transitional period in 1955, when the act was revised.

Honourable senators, the measure before us, Bill C-197, affects only Part III of the Unemployment Insurance Act and only five of its 66 sections. Those five sections are sections 27, 37, 45, 47 and 56. The only changes which this bill makes in those five sections have to do with figures—perhaps, more accurately, with sets of figures. These new figures relate to increased coverage, in clause 1 of the bill before us; the rates of contribution, in clauses 2 and 3; the rates of benefit, in clause 4; and allowable earnings, in clause 5.

These changes are necessary in order to update the 1959 figures and bring them in line with present-day realities. Prior to 1959 it was the practice to update those figures approximately every two years. The present figures are now at least seven years out of date.

For example, in 1959 the average weekly wage was $73. Today it is $103. As wages and salaries increased, many salaried workers ceased to be covered under the Unemployment Insurance Act because their incomes exceeded the maximum figure written into the act. It is estimated that some 400,000 salaried workers lost their coverage in this way. Bill C-197 would merely bring these workers back again within the ambit of the Unemployment Insurance Act, and at the same time increase both their contributions and their benefits proportionately. It does this not by introducing any new principle but simply by restoring the ratios and balances contained within the original act.

With these preliminary remarks, honourable senators, perhaps I may now turn to the bill and go through it clause by clause. Clause 1 sets forth the maximum salary at which salaried workers are insured. The principle involved here is that coverage ceases when the insured's yearly earnings exceed one and one-half times the average wage.

For example, I said a few minutes ago that in 1959 the average weekly wage was $73. In round figures that would be $70. If we increase that by one and one-half, we get the figure $105. If we multiply that figure by 52, we get $5,460, which is the ceiling in the present act. Clause 1 will increase that ceiling from $5,460 to $7,800.

If we look back over the years, we see that in 1941 the maximum salary was $2,000. This was based on a weekly average of $25.64, which when increased by one and one-half gave a multiplier of $38.46, which when multiplied by 52 gave the figure $2,000.

In 1943 this figure was increased to $2,400, which was based on a weekly average of $30.77. Again, when this was increased one and one-half times, it gave a multiplier of $46.15. In 1948 it was increased to $3,120. This was based on a weekly average of $40, which increased one and a half times gave a multiplier of $60.

In 1950 it was increased up to $4,800, based this time on a weekly average of $61.54, which increased one and a half times gave a multiplier of $92.31.

After 1950 we gave up the practice of using odd cents and used round figures for calculations. I have already described how we got our present figure of $5,460. The figure of $7,800 which is written into clause 1 is determined by taking the weekly average of $103 and using the round figure of $100, increasing that one and a half times to get a weekly average of $150 and then multiplying that by 52 to get $7,800.

The important thing to remember here is that there is no change in principle. The same ratio of one and one-half times the weekly average earnings is maintained in this bill as it has been down through the years. The changes are due solely to the rise in wage and salary levels.

Clause 2 substitutes a new schedule for the present schedule in section 37. This schedule sets forth the weekly contributions and the average weekly earnings on which these contributions are based. From 1941 to 1948 the contributions ranged from nine cents to 36 cents per week; from 1948 to 1950 they ranged from 29 cents to 42 cents per week; from 1950 to 1955, from 18 cents to 54 cents per week; from 1955 to 1959, from eight cents to 60 cents per week; and if you look at column No. 2 in the schedule to clause 2 you will see the new schedule of weekly contributions which ranges from 10 cents to $1.40 per week.

Honourable senators will note that this new range of weekly earnings has 10 groupings which are increased by increments of $10, whereas the present schedule, as shown on the opposite page, has 12 groupings with $6 increments. Had the old groups been maintained or had they been extended with the $6 increment, it would have resulted in 15 groupings instead of 10, and since there are three types of stamps for each grouping, regular, semi-annual and fishermen's stamps, this would have meant 45 additional different types of stamps would have to be printed. The new increment of $10 instead of $6 is more convenient and when combined with the reduced number of groupings makes for easier and better administration.

The purpose of clause 3 is to define a full contribution week, and a half contribution week. Minimum earnings of $20 per week are required to constitute a full contribution week, and a week in which the earnings are less then $20 shall be counted as a half week. A subclause of clause 3 provides that the $9 earnings which are at present in effect shall still constitute the full contribution week, and

less than $9 the half contribution week during the transition period between the time when these amendments become law and actually come into force. That date is given in clause 7 as June 30, 1968.

Clause 4 amends the schedule to section 47 of the act by substituting a completely new schedule of weekly benefits for single persons and for persons with dependants, and as well a new range of average values of weekly contributions on which the rates of benefit are based. There are two main types of unemployment insurance benefits, regular benefits and seasonal benefits. To qualify for regular benefits a claimant must have a minimum of 30 contributions in a period of 104 weeks preceding his claim, and eight of these must have been earned in the 52 weeks preceding the claim. Seasonal benefits are payable during a period which falls approximately between December 1 and the following May 15. To qualify for seasonal benefits a claimant must have a minimum of 15 contributions and all of them must have been based on earnings after the 31st day of March preceding the date of his claim.

As I understand it, when benefits are calculated the procedure is as follows. In the case of regular benefits, the most recent 30 stamps in the claimant's book are totalled up and divided by two, because half of the total has been contributed by the employer and half by the employee. The employee's half is then divided by 30. That gives the average weekly contribution. In the case of seasonal benefits the employee's share of the total is divided by 15, or more as the case may be, and when the average weekly value of the stamps is less than 28 cents a person without a dependant is entitled to $13 per week benefit, and a person with a dependant is entitled to $17 a week benefit, as shown in columns 2 and 3 of the schedule.

Hon. Mr. Choquette: May I ask a question of the honourable senator? The schedule mentions "Person with dependant"—singular. What if he has five children? Does it mean that the one without any dependants at all gets $13, and the one with four dependants gets only $17?

Hon. Mr. Carter: That is right.

Hon. Mr. Choquette: Do you think that is fair?

Hon. Mr. Carter: Yes, that is fair, if you approach it from the standpoint on which the bill is founded. It is an insurance scheme, and you draw out in proportion to what you pay in, not in proportion to the number of dependants you may have. It is based on the insurance principle.

When the average weekly value of the stamps works out to between 28 cents and 43 cents inclusive, a person without a dependant gets $16 and a person with a dependant gets $21.

The principle governing the rate of benefits has always been this, that for a person with a dependant the benefits are roughly 50 per cent of the normal earnings at the current level, and in the case of a single person, 37 per cent; but under this new schedule it goes up to 40 per cent, again in accordance with the insurance principle.

If we look back over the years, we find that from 1941 to 1948 the maximum benefits—and I stress the word "maximum" —were $14.40 per week for a person with a dependant, and $12.24 for a person without a dependant. From 1948 to 1950 the benefits were raised to $18.30 for a person with a dependant and $14.40 for a person without a dependant. From 1950 to 1952 they were raised to $21 per week for a person with a dependant and $16.20 for a person without a dependant. From 1952 to 1955 they were raised once more, to $24 for a person with a dependant, and $17 for a person without a dependant. From October 1955 to 1959 the maximum benefit was $30 per week for a person with a dependant and $23 for a person without a dependant.

From September 1959 until the present time the maximum benefit has been $36 per week for a person with a dependant and $27 a week for a person without a dependant. This new schedule will raise those figures from $36 to $53 for a person with a dependant, and from $27 to $42 for a person without a dependant.

If honourable senators look at the new schedules they will discover that the benefits for a person with a dependant ranges from $17 to $53 per week, as shown in column 3. The corresponding range for a person without a dependant is from $13 to $42 per week. This compares with the range of from $8 up to $36 for a person with a dependant, and from $6 up to $27 for a person without a dependant, which is the situation under the present act.

Section 5 establishes a new schedule of allowable earnings for persons who are still in receipt of benefits. The governing principle is that allowable earnings are, in round figures, one-half of the weekly benefits. If

honourable senators will compare columns 2 and 4 with columns 1 and 2 respectively they will find that the figures in column 2 are roughly one-half the benefits in column 1, and the figures in column 4 are roughly one-half the benefits in column 3.

The purpose of allowable earnings is two-fold. First, it is to encourage a person to take some casual work while in receipt of benefits. The second reason is to lessen the temptation on the part of claimants to withhold information about weekly earnings, this being the greatest source of fraudulent claims.

From the first line in the first two columns it can be seen that a person getting a weekly benefit of $13 can earn up to $7 per week in addition without having his benefits reduced. However, should he earn, say, $12 instead of $7, then the benefit of $13 will be reduced by $5, and he will get the $12 that he earned plus a benefit of $8.

Honourable senators may wonder what effect these changes may have on the Unemployment Insurance Fund. The fund is made up of contributions from the worker, plus an equal contribution from the employer, plus an additional 20 per cent of that total from the federal Government. The federal Government also finances the cost of administration. I have been assured that these new rates of contribution and of benefit are designed to maintain the fund at its present rate of average growth.

Hon. Mr. Deschatelets: Would the honourable senator permit a question?

Hon. Mr. Carter: Yes.

Hon. Mr. Deschatelets: Can the honourable senator tell the Senate the amount in the Unemployment Insurance Fund at this date?

Hon. Mr. Carter: Yes, but if honourable senators do not mind, I should like to give that information later.

Hon. Mr. Deschatelets: Very well.

Hon. Mr. Carter: After the first year of operation of the fund—that is, the year beginning on April 1, 1941—the amount distributed in benefits was $743,810. At the same time the fund built up reserves of $113,764,167. The fund's balances reached a peak of $921 million in 1957, after which time unemployment increased sharply, with a consequent increase in the benefits paid out.

Hon. Mr. Croll: Would the honourable senator note the year when the amount of the benefits paid out increased sharply?

Hon. Mr. Choquette: Oh, come on!

Hon. Mr. Flynn: Some people are not so sharp.

Hon. Mr. Croll: I withdraw the question.

Hon. Mr. Carter: In 1956-57 the fund paid out $364 million to 925,000 claimants. In 1960-61 it paid out $616 million to 1,136,000 claimants. After that the assets of the fund became exhausted and the Government made special advances to meet the situation.

Since 1963 the fund has reflected new buoyancy in that the level of contributions in a single year once more rose above the benefits paid out. In 1965 the fund carried a balance of $40 million, while in 1966 the reserves stood at $141 million, and at March 31, 1967, at $258 million. In the financial year 1966-67 the contributions amounted to $412 million, while the benefits paid out totalled $307 million. The present balance, which is the information my honourable friend asked for, is approximately $300 million.

Hon. Mr. Flynn: He knew the answer. That is why he put the question.

Hon. Mr. Prowse: You should never ask a question if you do not know the answer.

Hon Mr. Bourget: That is practical politics.

Hon. Mr. Connolly (Ottawa West): I can vouch for the fact that the honourable senator did not know the answer, because he asked me for that information.

Hon. Mr. Flynn: He had an idea.

Hon. Mr. Carter: The growth of the fund's coverage has increased steadily. In the first year of its operation 2,129,000 workers were insured. Ten years later, in 1951, the coverage had grown to 3,008,000 workers. In 1957 the total of insured workers reached 4,035,000.

The total labour force in 1966 was estimated to total 7,162,000, of which 5,159,570 were covered by the Unemployment Insurance Act. The number of employers registered under the Unemployment Insurance Act has grown also. In 1941, the first year of operation, 159,441 employers were registered with the Unemployment Insurance Commission. In 1951 this figure had grown to 227,000, and in 1966 to 345,063. There was an increase of 4,175 employers, in the single year 1965-66.

The incidence of claims paid out was heaviest between 1958 and 1962; in the peak year of 1958, 2,780,500 claims were paid and a

slightly lower figure of 2,700,400 in 1960. Since then the trend has been downward. Claims dropped to a total of 1,859,900 in 1964, to 1,628,200 in 1965, and to 1,348,425 in 1966. Since its inception the Unemployment Insurance Fund has paid out a total of 34,448,600 initial claims and has injected $5\frac{1}{2}$ billion into the Canadian economy.

Honourable senators, this bill received unanimous approval in the other place. The debate that took place on second reading there consisted mainly of complaints about administration, application forms, interpretation of terms such as "availability for work", procedures of investigating officers and the closing of regional offices, all of which are outside the scope of Bill C-197. A similar debate took place on Clause 1 in committee of the whole, and then the remaining clauses, 2 to 7 inclusive, were carried unanimously in a single motion.

Honourable senators, Bill C-197 contains amendments that are extremely important and very urgently needed. I therefore very strongly recommend them for your approval.

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

PRIVATE BILLS

THE BELL TELEPHONE COMPANY OF CANADA—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-104, respecting The Bell Telephone Company of Canada.

Bill read first time.

SECOND READING

Hon. Leopold Langlois, with leave of the Senate, moved the second reading of the bill.

He said: Honourable senators, at the outset of my remarks I think it might be useful to mention briefly the various stages through which this bill passed in the other place. First I would say that The Bell Telephone Company of Canada was incorporated in 1880 by a special act of the Parliament of Canada. This original act was amended from time to time to meet changing conditions and requirements, the last amendment having been made in March 1965 for the purpose of increasing the number of members of the board of directors from 15 to 20.

The bill in its original form was introduced in the other place on October 14, 1966, received first reading on October 26, was given second reading and referred to the Standing Committee on Transport and Communications on February 16, 1967, and was then studied in committee until March 14 of the same year. However, that session was prorogued and the bill had to be introduced again during the second session of the 27th Parliament, namely, on April 27, 1967. It received first reading on May 12 of that year, second reading and reference again to the Standing Committee on Transport and Communications on May 13. From October 19, 1967, to February 1, 1968, the bill was before the Standing Committee on Transport and Communications, and a report from that committee was made to the other place on February 1, 1968. Finally, it was considered by the committee of the whole on February 15 last, and received third reading on February 29. As honourable senators will undoubtedly have noted, this bill received detailed consideration in the other place, where it was gone through over and over again and a number of amendments were made to it.

I come now to the purposes of the bill. The aim of the first amendment to the original act, which is proposed by this bill, is to alter the designations of the company. The company is at present known in English under the name of The Bell Telephone Company of Canada and in French as La Compagnie de Téléphone Bell du Canada. It is proposed to add to these designations the trade name of "Bell Canada". The trade name "Bell Canada" was registered on February 18, 1966, and has been used ever since by the company for commercial purposes. There are evident advantages to using a business name which is the same as the corporate name, and this is the reason why this change is sought.

The company also seeks authorization by this bill to increase its capital, which presently is $1 billion, to $1,750,000,000. This increase in capital is necessary in order to meet the needs of the company in expanding and modernizing its system. The proposed increase in capital is quite reasonable and compares favourably with the increases in capital granted by Parliament in the past, particularly having regard to the rise in the cost of improvements to the system today compared with the past.

[*Translation*]

The bill also seeks, on behalf of the Company, the power to issue preferred shares. At present, the Company is only authorized to issue common shares. Such issues of preferred shares will have to be approved by the

shareholders and by the Board of Transport Commissioners for Canada, in compliance with Act 6, Elizabeth II, chapter 39.

In addition, the bill proposes an amendment relating to the subscription to the capital stock of the Company. Under the existing act, the special statute setting up the Company, shares are subscribed as follows: 10 per cent down, and the remainder in subsequent instalments, each representing 10 per cent or less of the price of the shares. The amendment sought by the present bill clearly stipulates that the shares can be sold for cash and, moreover—the present act concerning the Company is not clear on this point—that the shareholders are duly authorized to buy new stock.

Clause 5 of the bill proposes an amendment designed to restrict the requirements of the existing act incorporating the company with regard to the authorization to issue bonds. At the present time, the consent of the holders of two-thirds of the issued shares is required to authorize one or more bond issues. If one considers that approximately 35 million shares are held by 255,000 shareholders, it is soon realized that this requirement is cumbersome and impractical. The proposed amendment suggests that the holders of two thirds of the shares represented at a meeting called specially for that purpose be sufficient to authorize such issues.

Then there is a provision which is in accordance with the legislation now in force in Canada about telecommunications.

In 1948 technological developments made necessary an amendment to the act which set forth the powers of the Company and gave it the following right:

> to operate and furnish wireless telephone and radio-telephone systems and to provide services and facilities for the transmission of intelligence, sound, television, pictures, writing or signals.

Since that date the Canadian Parliament has legislated in the field of telecommunications and has used another definition of the same word "telecommunications" which is found in the Criminal Code, the Canadian Overseas Telecommunications Act, the Radio Act, etc.

These statutes define the word "telecommunication", as it is defined in clause 6 of this bill.

As I said earlier, the only purpose of this housekeeping amendment is to use terms recognized by the legislator to describe the operations of the Company.

The same clause provides guarantees to ensure that the Company has no intention and especially no power to become a broadcaster or to operate a community antenna television service. In short, this amendment stipulates that the Bell Telephone Company of Canada acts solely as a common carrier for the purpose of telecommunications and that it has no control whatever on the contents of the message transmitted.

May I stress further this point by quoting subsection 3 of section 5 contained in section 6 of this bill which reads as follows and I quote:

> the Company shall, in the exercise of its power under subsection (1), act solely as a common carrier and shall neither control the contents nor influence the meaning or purpose of the message emitted, transmitted or received as aforesaid.

Now, the company is seeking through that bill an additional power to invest, referred to in section 7. The purpose of that amendment is to extend the powers of the Company and enable it to invest in other companies the objects of which, in whole or in part, are similar to those of the Company and liable to serve its purposes. In addition, it enables the Company to invest in organizations carrying out research and development work related to the objects of the Company.

Next come clauses which are known in English as "housekeeping clauses". I am referring you to clauses 8, 9 and 10 of the bill. The first one authorizes the Company to appoint an executive committee, which it could not have until now.

Clause 9 provides for the indemnification or protection of directors in the same terms as those used concerning the directors of other Canadian corporations when these directors act in the name of the Company and are not responsible for or do not commit acts of wilful neglect.

Finally, the third housekeeping clause is designed to reduce the height of cables installed by the Company in keeping with the height established by the Canadian Transport Commission instead of that now fixed by the act creating the Company, that is, to 22 feet.

Next come clauses which I might call of social consequence or scope. These are clauses 11 and 12, concerning loans to employees or retired employees and housing assistance to employees.

The Company now has a stock purchase plan in which 85 per cent of its employees

participate. It has also an emergency fund to help employees in need by granting them loans. It cannot be used to help those employees who are shareholders because, as honourable senators know, section 190 of the Companies Act prohibits such loans to shareholders. It is wise first of all to abolish that prohibition and allow such loans because of the social implications which can result for the Company's employees in certain circumstances.

As far as housing is concerned—this is a provision to help the Company's employees when they are transferred from one place to another—the Company will thus be able to set up a housing assistance plan to help those employees.

Finally we come to the last provision of the bill: an amendment which provides for a new record date with regard to shareholders' meetings. At the present time, the Company's shareholders, even those who would become so a few days before or on the eve of a general meeting, are entitled to attend and vote at such a meeting. It is easy to understand, as I said earlier, that with some 255,000 shareholders, making up the lists at the last minute becomes a gigantic if not an impossible task. Following the example of other Canadian companies, the Company concerned would like to set a limit record date for the determination of shareholders entitled to attend meetings, that is a delay of 15 days, which seems reasonable in the circumstances.

This review although short should be enough to give you a good idea of the bill submitted to you. I recommend it to your consideration and I wish to inform you immediately that I intend to move that it be referred to the standing committee on transport and communications.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Langlois, bill referred to the Standing Committee on Transport and Communications.

COMMERCIAL SOLIDS PIPE LINE COMPANY—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 incorporate Commercial Solids Pipe Line Company.

Bill read first time.

SECOND READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. A. Hamilton McDonald, with leave of the Senate, moved the second reading of the bill.

He said: Honourable senators, I am sure that the title of Bill C-113, an act to incorporate Commercial Solids Pipe Line Company, will ring a bell in the minds of all honourable senators, in that it is almost identical to a bill that was before this house on a previous occasion. As a matter of fact, on June 16, 1966, this chamber gave third reading to a similar bill, being Bill S-36 of that session. Honourable senators will recall that shortly after that date Parliament prorogued and the other place never had an opportunity to deal with that bill. The principals involved decided that rather than bring the bill back to the Senate on this occasion they would begin its parliamentary process in the House of Commons.

Over the past several weeks this legislation, Bill C-113, has had lengthy debate both in the house and in committee and, as I mentioned a moment ago, it is almost identical to Bill S-36 which was before us in June 1966.

There are a few changes in the present bill, and I will deal only with those changes. Clause 4(3) has been amended in the first line. Rather than referring to the Secretary of State, this clause refers to the Registrar General of Canada. This has been necessitated by the change in the responsibility of the Department of the Secretary of State. Clause 5 has been amended in that half a dozen words have been deleted. Perhaps I should read the former clause:

> 5. The Company shall have all the powers, privileges and immunities conferred by, and be subject to all the limitations, liabilities and provisions of the National Energy Board and any other general legislation...

The words "the National Energy Board and any other" have been deleted and replaced by the word "all". So, the new clause reads:

> 5. The Company shall have all the powers, privileges and immunities conferred by, and be subject to all the limitations, liabilities and provisions of all general legislation relating to pipe lines enacted by Parliament.

Then clause 6 has been changed in that the word "and" in the thirty-third line has been

deleted and a semicolon has been placed after the word "lines". Then the new paragraph (b) begins after that semicolon and the words "for the purpose of, and related only to, its operations," have been inserted at this point, and deleted at a point later in paragraph (b).

The following paragraphs, formerly lettered (b) and (c), have been relettered (c) and (d).

These are the only respects in which Bill C-113 differs from Bill S-36 which was before us over a year ago. Therefore, as these changes are in form only, having no substance to them, I suggest to honourable senators that there is no reason to refer the bill to a committee.

Motion agreed to and bill read second time.

SUSPENSION OF RULE 117

Hon. Mr. McDonald: Honourable senators, with leave of the Senate, I move that Rule 117 be suspended with respect to Bill C-113, an act to incorporate Commercial Solids Pipe Line Company.

Motion agreed to.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. McDonald moved that the bill be placed on the Orders of the Day for third reading at the next sitting.

Motion agreed to.

DOCUMENTS TABLED

Hon. John J. Connolly tabled:

Statutory Orders and Regulations published in the *Canada Gazette*, Part II, of Wednesday, February 28, 1968, pursuant to section 7 of the Regulations Act, chapter 235, R.S.C., 1952. (English and French texts).

Progress report of the Task Force on Labour Relations, dated December 1967. (English and French texts).

Copy of a letter, dated February 6, 1968, addressed by the Premier of the Province of Nova Scotia to the Prime Minister of Canada, concerning the Sydney steel works. (English text).

Report of Operations under the Export and Import Permits Act for the year ended December 31, 1967, pursuant to section 26 of the said Act, chapter 27, Statutes of Canada, 1953-54. (English and French texts).

Copies of Statement made by the Prime Minister of Canada, dated March 4, 1968, with respect to the Libreville, Gabon, Conference, together with the text of a Note by the Secretary of State for External Affairs concerning the same subject. (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. 628 to 667, inclusive, and moved that the said reports be taken into consideration at the next sitting.

Motion agreed to.

BUSINESS OF THE SENATE

Hon. John J. Connolly: Honourable senators, I understand the intention is to stand the remaining items on the Order Paper. I think I speak for all honourable senators who have adjournments standing in their names.

Some Hon. Senators: Agreed.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Wednesday, March 6, 1968

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

Prayers.

RESTAURANT OF PARLIAMENT

REPORT OF AUDITOR GENERAL TABLED

The Hon. the Speaker tabled:

Report of the Auditor General of Canada to the Honourable the Speaker of the Senate and the Honourable the Speaker of the House of Commons on the examination of the accounts and financial transactions of the Parliamentary Restaurant for the year ended October 31, 1967.

PRIVATE BILL

THE BELL TELEPHONE COMPANY OF CANADA—AUTHORITY TO PRINT

Hon. T. D'Arcy Leonard, Chairman of the Standing Committee on Transport and Communications, presented the following report of the committee on Bill C-104, respecting The Bell Telephone 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 bill.

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

Hon. Mr. Leonard: I move, with leave of the Senate, that the report be adopted now.

Report adopted.

REPORT OF COMMITTEE

Hon. Mr. Leonard reported that the Standing Committee on Transport and Communications had considered Bill C-104, respecting The Bell Telephone Company of Canada, 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. Leopold Langlois: 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.

PRIVILEGE

DISTRIBUTION TO MEMBERS OF PARLIAMENT OF PUBLICATIONS BY QUEEN'S PRINTER

On the Orders of the Day:

Hon. Jean-François Pouliot: Honourable senators, before the Orders of the Day are called I rise on a question of privilege.

From time immemorial until recently the members of both Houses of Parliament were entitled to receive free copies of all publications coming from the Printing Bureau. By the way, the Canadian Government Printing Bureau was established to serve Parliament and to serve the people of Canada before anything else is done. But at the present time I have noticed a change in the policies concerning the issuance of Government publications to members of Parliament, that is, senators and members of the House of Commons. There is a distinction between publications that we are entitled to have free of charge and those for which we have to pay. It is not so much a question of payment as a question of principle. I want to know in the first place whether or not the Printing Bureau is a parliamentary institution.

I remember that when I was first elected there was an order in council governing the issuance of official Government publications to the members of both houses. It was amended in 1935 at the instigation of the new King's Printer, Mr. Edmond Cloutier, who made it possible for the members of both houses to have every publication in both languages. By that I mean that the members were entitled to have one French copy and one English copy of each publication that came out of the Printing Bureau. Then it was changed not too long ago by an order of the Treasury Board, which I want to see abolished in due course, although I may not succeed. I find it is an abstraction and a smokescreen to hide the actions of the Government. That is the purpose of the Treasury Board, even though a minister is now in charge of it.

I want to know who decides what books should be given free and what books shall not be given free to the members of both houses —to you and to me and every other member of either house. There is a mystery about this which I would like to clear up for your sake and for mine. Let me give you an example.

At times I wander through the corridors of the East Block. About a month or two ago I

passed through the main corridor from Wellington Street to our building and I saw showcases there with an open book called—imagine what it is—guess!

Hon. Mr. Flynn: I could not.

Hon. Mr. Pouliot: It was called *East Block*. There were several copies of that book open in the show cases. I saw some orders in council with the signature of a Minister of Justice and some old papers. I asked about this book and the first answer I got was, "We will get some information about it." That is the usual answer. I received no reply, so I wrote again and they were still seeking an answer. Finally I was told, "If you want it, buy it; send $5 to the Printing Bureau and you will get it."

I do not want to pay $5—I want to receive the book as a matter of principle and to see what is in it. I may throw it in the wastepaper basket after I have seen it or I may give it as a prize at the end of the next school year, but I want to know what it is and clear up the mystery.

The Secretary of State, the Honourable Miss LaMarsh, has helped us all to get some books which were on the mystery list. We have got a beautifully illustrated book about the Centre Block, but my collection is not complete. I want the book entitled *East Block*.

Moreover, I want to know who is above Parliament and who decides what official publications members of Parliament can get free. Is it possible to know that? I ask the Leader of the Government to tell me, and if he is not ready to tell me today, I will wait until tomorrow or next week, but I want to know who is the nigger in the woodpile who decides. Who is the supreme authority who decides what publications members should be allowed to have, as they once did, or what they shall not have?

Hon. Mr. Fournier (De Lanaudière): Honourable senators, may I rise on a point of order? I am very sorry to interrupt the honourable gentleman, but as he is raising quite important points I think he should refer to Rule 41 of the *Rules of the Senate of Canada*. In my opinion, instead of making a speech now he should put forward a motion.

Hon. Mr. Pouliot: I thank the honourable gentleman for his friendly interruption, but I will pay no attention to it.

Hon. Mr. Fournier (De Lanaudière): As long as the honourable gentleman does not want to stop talking, I think he is right not to pay any attention to my point of order.

Hon. Mr. Pouliot: I have an unquestionable right, and I believe I have been molested, in that my privilege as a member of Parliament has been infringed upon by those who decide what I should get and what I should not get. If it is the Government that does it, I will know who it is; but if it is the Treasury Board, I will not know. It may be a silly bureaucrat who does it; it may be a member of the Government. I do not know who it is, but I would like to know who it is. I thank you all for your kind attention.

Hon. Muriel McQ. Fergusson: Honourable senators, at the risk of contravening Rule 41 of the Senate rules, I would like to support what Senator Pouliot has said. I too have had some experience in this respect, and I would like to know who makes decisions as to what books issued by the Queen's Printer the senators are entitled to receive.

I have at times marked the daily checklist requesting a publication and have been told that the book marked is not available. I came across the book *East Block*, to which Senator Pouliot referred, and I thought it very interesting. Thinking I must have missed it in the check sheets, I wrote to the Queen's Printer and asked if I could have a copy. I presume I could buy one for $5. They did not advise me of this, but said there was no free distribution of the publication. I think that is a book we should be entitled to receive free. There are others I sometimes see in the shop of the Queen's Printer on Sussex Street which I would like to have very much, but had not known they were in print.

Another reason why I would like to know who makes these decisions is because of an experience I had in the City of Fredericton. Quite often when I go down there and my copies of the current session of Senate *Hansard* have not been sent down, I go to the Legislative Library to check on what has happened in the Senate. I find they have copies of Senate *Hansard* which are sent them by the Queen's Printer, but they never have the current index.

As all honourable senators will appreciate, it is quite time consuming to go through the contents of each issue to find a certain subject, particularly late in the session. I have had this experience on a number of occasions.

I find that libraries receive copies of the *Hansard* of the House of Commons and that they also receive the index. Upon inquiring about this, I was told that there are no orders for the index to the Senate *Hansard* to be sent

to libraries. However, I have been able to arrange through the kindness of Mr. Hagen for the library in which I am interested to receive a copy of the index to the Senate *Hansard*. The librarian wrote to me saying he was delighted to have this. He felt it would be very useful, and that other libraries would find it useful too.

It does not seem sensible to me that a decision should be made by somebody that the Senate *Hansard* should be sent to a library but that the index should not be sent.

Hon. W. M. Benidickson: Honourable senators, I should like to thank Senator Pouliot and Senator Fergusson for their remarks.

It has been my experience that I cannot decide by looking at the daily checklists as to my selections from Public Printing. I think there should be enough respect for parliamentarians that if on afterthought one decided he wanted one or other of these publications, they should be made available without question. It is not a matter of price, because very often we are donating them to a worthy organization that is interested in the subject matter of the particular publication.

I thank Senator Fergusson for her remarks, and I endorse them. I know that sometimes I do not order these publications promptly, and sometimes I regret this because when I order them later I am charged for them. As I am usually sending them out to a worthy cause, I think they should be given to me free on request, within reason.

Hon. Allister Grosart: Honourable senators, I presume I am in order in speaking to the question of privilege raised by Senator Pouliot. If I am, I would like to make a few comments.

Senator Pouliot has raised an important point, because there is not only in Parliament but throughout the country considerable confusion and some criticism about the distribution of Canadian Government publications. The old rule was a good one, and workable in its day. It was that every publication of the Government of Canada was made available in French and in English to all members of Parliament.

I have in my hand the daily checklist of Government publications of February 29, because I am ordering something from it, and it indicates the nature of the problem. Perhaps I should read off some of the prices. I admit that some of them are annual subscription rates. On this one list there are prices of $10, $55, $15, $15, $5, $15 and $23—over a hundred dollars worth of publications on just one day.

This points up the problem that Senator Pouliot has raised. I agree entirely with him that any member of Parliament should be entitled to obtain a copy of any Government publication. I say that because members of Parliament have at least two interests. Their first interest is in the total cost of these publications, and the necessity of publishing them. I think some of us would have grave doubts as to whether some of the publications that are being put out should be a charge on the Canadian taxpayer, but I shall not argue that point at the moment. The other interest of members of Parliament is in the content of these publications. We had an example the other day, when I quoted from the *Canada Year Book*. I am sure there are some senators on the other side of this house who wished they had shown more interest in the authoritative statement on a certain subject made there.

But this matter goes far beyond that. There is the question as to our tourist publications. I would think there are 50 or more publications put out by the Canadian Travel Bureau. Do we see them? Do we think that they contain the kind of thing that should be said about Canada? I sometimes have my doubts, as I am sure other honourable senators have doubts. To my knowledge, these do not appear on the checklists.

There is, of course, the daily checklist, the monthly catalogue, and an annual catalogue, and from these it is possible to know exactly what is being published under the authority of the Government and people of Canada.

This question also arises in connection with libraries and universities, the matter raised by Senator Fergusson. What libraries get these publications? What publications do they get? In one committee Senator Leonard made another interesting point in this connection about the libraries of countries abroad. He gave us an atrocious example of the paucity of Canadian information in the library of a great university. Is it or should it be Canadian policy to distribute certain documents to libraries abroad? I have the personal experience of being asked in smaller countries, "Can we get publications about Canada?"

I believe the question raised by Senator Pouliot is one that at least calls for a clear statement of policy, and for some thorough investigation, perhaps by a committee of the Senate. I think it would be a useful exercise if we were to inquire into this question. I am

not saying there is anything wrong. I know the problems of the Queen's Printer. I know the problems of providing $100 worth of material to every member of Parliament, but I am not satisfied that the distribution policy is being constantly looked at by anybody. Senator Pouliot is quite right; somebody somewhere makes certain decisions, but I do not think there is any overall policy.

The order to which I think Senator Pouliot referred is Treasury Board Order 667239. This is quoted every day on the daily checklist, which identifies publications in certain categories, namely, those that are sold by the Queen's Printer, those that are distributed by the issuing office, that is, not by the Queen's Printer, those printed for official use and one free copy to authorized persons and institutions when requested within the time specified —a point raised, I think, by Senator Benidickson—and according to the terms prescribed by Treasury Board Order 667239.

This could be a starting point for a very useful inquiry. As I recall, this Treasury Board order arises out of the Public Printing and Stationery Act and the Financial Administration Act. They were brought together in a Treasury Board order about ten years ago, and I do not think that order has since been updated. I suggest to the Leader of the Government (Hon. Mr. Connolly, Ottawa West) that a very useful area of inquiry has been pointed out by Senator Pouliot, to whom we should be thankful for raising the point because it merits serious consideration on someone's part.

Hon. John J. Connolly: Honourable senators, I am glad to have had these views expressed and placed on the record. I will of course undertake to get from the appropriate authorities a statement of policy. Perhaps when that is produced it could be debated here, if necessary. I would think it could be a very useful topic for discussion in the Standing Committee on Finance because the estimates of the Printing Bureau are included in the Estimates book, and it might well be a subject of inquiry by the Standing Committee on Finance. Perhaps I should try to get some statement first, or at least make some inquiries.

Hon. Mr. Flynn: Before referring it to committee?

Hon. Mr. Connolly (Ottawa West): Yes, before referring the matter to committee; before the committee even on its own motion asks that this evidence be produced.

Hon. Mr. Benidickson: Would the Leader of the Government report back to this chamber on the basis of a question?

Hon. Mr. Connolly (Ottawa West): Yes, I think I could do that, unless the statement is lengthy. In that event it will be dealt with in some appropriate way, so that all honourable senators will have the information.

Hon. Mr. Flynn: That would meet the point made by Senator Fournier (De Lanaudière), which would have to be reconciled with that of Senator Pouliot.

Hon. Mr. Connolly (Ottawa West): I think we would leave it to the two honourable senators to decide.

Hon. Mr. Grosart: Be a peacemaker!

Hon. Mr. Connolly (Ottawa West): If they have difficulty I will send for the Leader of the Opposition (Hon. Mr. Flynn).

PRIVATE BILL

COMMERCIAL SOLIDS PIPE LINE COMPANY—THIRD READING

Hon. A. Hamilton McDonald moved the third reading of Bill C-113, to incorporate Commercial Solids Pipe Line Company.

Motion agreed to and bill read third time and passed.

UNEMPLOYMENT INSURANCE ACT

BILL TO AMEND—SECOND READING

The Senate resumed from yesterday the adjourned debate on the motion of Hon. Mr. Carter for the second reading of Bill C-197, to amend the Unemployment Insurance Act.

Hon. Lionel Choquette: Honourable senators, I do not intend to resist the second reading of this bill but I should like to make a few observations on the assumption that the bill will be referred to a committee where detailed questions may be answered.

Since the present bill does not purport to overhaul, consolidate or re-enact the Unemployment Insurance Act as recommended in the Gill Report, it must be regarded as essentially an updating bill pending wholesale revision. The primary intention is, I suppose, to adjust upwards both the rates of benefit and of contribution to bring them into line with the increased cost of living—a confession of inflation for which the Government must bear its full share of responsibility.

We will also like to be assured of the actuarial soundness of the new proposals, particularly having regard to the recent increases in unemployment.

We would also be interested to learn what is being done or what is contemplated to reduce frauds upon the fund. I was actually shocked to hear the figures with regard to discovered or detected frauds. In the last fiscal year the enforcement division of the commission discovered no fewer than 24,486 detected cases of fraud and illegal withdrawal from the fund, representing total discovered overpayments of $1,114,816. These figures are very alarming, even when the undiscovered or undetected abuses are not counted, and I daresay they might be as numerous as those that have been detected.

Hon. Mr. Roebuck: Where do the figures come from?

Hon. Mr. Choquette: These figures were given to me from the other place.

Hon. Mr. Leonard: The minister.

Hon. Mr. Choquette: The minister. They were given in the debates.

Hon. Mr. O'Leary (Carleton): They were in the Gill Report.

Hon. Mr. Flynn: They are surprising.

Hon. Mr. Benidickson: Perhaps not.

Hon. Mr. Flynn: Do you suggest they are not?

Hon. Mr. Choquette: They were given during second reading in the other place.

Hon. Mr. Roebuck: Thank you.

Hon. Mr. Choquette: As I say, these figures are very alarming even when the undiscovered or undetected abuses are not counted. We have a responsibility to ensure that such abuses are controlled, if not eliminated, and we will pursue our inquiries further in committee.

Honourable senators, as I have just pointed out, the figures showing overpayments as well as a number of fraudulent withdrawals are truly appalling. I would be curious to learn how much of that $1,114,816 has been recovered and at what cost to the country. And when I say "at what cost to the country," let me cite this experience. Over a period of years I have travelled throughout the counties of Stormont, Prescott and Russell, pleading cases, and on many occasions I met several of the inspectors employed in the department. These men have to travel very often as many as 60 miles to lay a complaint or a charge. Then they go back again, sometimes to find that the solicitor for the accused is asking for an adjournment. Then the inspector returns another day and sits there and listens to the case and reports back. All this is done just for the purpose of obtaining a conviction against the culprit. Then the culprit, having been found guilty or having pleaded guilty, makes some kind of tentative arrangement with the Government to reimburse the money which he was not entitled to receive.

As I say, I would like to know how much of that $1,114,816 has been recovered and at what cost. I am not asking for figures: I am curious to know how much of that money is recovered each year.

Honourable senators, in 1961 the Gill Commission was instituted as a Commission of Inquiry into the Unemployment Insurance Act for the purpose of studying this legislation and to suggest ways and means to prevent fraud. The report was presented in 1962, but thus far no recommendations have been implemented.

We all know that when commissions are appointed and a report is handed down by the commission, the Government may do one of three things—it may implement the report almost *in toto,* it may implement certain recommendations, or it may shelve or pigeonhole the report for an indefinite time. Apparently this report, important as it is, has been shelved indefinitely, since nothing has been done on it for a period of at least six years.

I have studied the report and have picked out the pertinent parts of it. I wish to quote rather extensively from the report and I hope I may be forgiven for doing so, but I do want this on the record. At page 103, the report reads:

> A plan of unemployment insurance should therefore confine itself to payment of indemnity for wages lost by reason of the failure to obtain employment where the person concerned could, in the light of his previous employment record, reasonably expect to have obtained it.
>
> It is another general insurance principle that the event insured against must be outside of the control of the insured person or, if it is within his control, it must be undesired so that there is no inducement for him to bring about the event of

his own volition. Unemployment insurance suffers particular difficulties in this regard because the event insured against —unemployment—is not always undesired by the insured person. He may bring it about personally (voluntary quitting) or, once unemployed, he may prefer that state to employment. Thus it is important to see to it that the amount of indemnity is not so large in relation to wages as to encourage insured persons to prefer unemployment to employment. On the other hand, from the viewpoint of the social effectiveness of the plan, it is desirable to have the indemnity as nearly as possible equal to the lost wages.

I continue reading, from page 105:

> The present unemployment insurance plan, although satisfactory enough in its basic structure, has by reason of amendments over the years departed unduly from insurance principles appropriate to such a plan. Undoubtedly each such amendment appeared justifiable at the time in terms of the social problem that the amendment was designed to meet, but as such amendments have accumulated, the insurance concept has been pushed more and more into the background. The existing situation is one where, in attempting to assess the validity of any proposed amendment, it is impossible to determine any consistent set of principles by which the amendment can be judged. The plan is neither a valid insurance plan in its present form nor is it a socially desirable type of income supplement, since in many cases the income supplement goes where it is not needed and fails to go where such supplement should go.

Honourable senators, let us see now what the Gill Commission report has to say about seasonal unemployment and seasonal benefits. I read from page 129:

> The benefits are "seasonal" in that they are confined to a certain season of the year and no doubt they are availed of to a very considerable extent by persons who are in seasonal occupations and who find themselves unemployed in a regular pattern during the winter months of each year.

Honourable senators, we can all recall the days when the fishermen and the carpenters used to say, "Let us make hay while the sun shines. We have the work during the good season and we have to make as much money as we can to provide for the winter months". Today, these people just say: "We will work as long as we accumulate enough unemployment stamps, and when we want to stop working we will just start to collect unemployment insurance." That was never the intention of those who formulated this unemployment insurance scheme. We all know this.

The report continues, at page 130:

> The payment of Seasonal Benefit is not, however, confined to persons who are occupied in seasonal employments in the normal sense in which that term is used. It might be more appropriate, therefore, if this program were referred to as a program of "Winter Benefit" rather than "Seasonal Benefit".
>
> Under the program that we recommend, Seasonal Benefit in its present form would disappear. It would be replaced to a substantial extent by the plan of extended benefits to be described subsequently, and the existing unemployment assistance plan.
>
> We may say that the existing Seasonal Benefit was the subject of more criticism in briefs that we received than perhaps any other single feature of the existing plan. It appeared to us that the criticism rested on two points. The first was that to a substantial extent the recipients of Seasonal Benefit are persons who are engaged in seasonal employment and expect to become unemployed during the winter months of each year as a regular pattern. Thus the critics complained that the benefit is not an "insurance" benefit at all but is, instead, a subsidy to persons who are engaged in insured employment for only part of the year as a regular pattern. The objection was not so much that persons who work in insured employment only part of the year receive a subsidy during the off season, but rather that the subsidy is drawn from the insurance plan and is financed by insurance contributions.

Honourable senators, I am sure that you all realize that people have no scruples whatever in collecting unemployment insurance.

Hon. Mr. Roebuck: Oh, some of them do.

Hon. Mr. Choquette: Let us not count them; let us say that generally it is regarded as unscrupulous.

Hon. Mr. Flynn: Those who do not collect would be scrupulous.

Hon. Mr. Choquette: People feel that they have made some contribution to the fund and when they are about to abandon their employment, perhaps permanently, they try to qualify in order to collect every cent that they have paid into that fund, forgetting that the Government and the employer have contributed also. Many persons seem to feel that the payment of seasonal benefit may not be objectionable in itself, if it were financed by the general taxpayer rather than by those contributing to an insurance plan.

Dealing with abuses, the report has this to say at page 133:

> The principal classes of alleged abuse that were drawn to our attention in representations made to us, apart from the question of payment of benefit to seasonal workers during their off season as just discussed, related to (a) the drawing of benefit by married women who are not in fact seeking employment; (b) the drawing of benefit by persons who have retired on pension and who are not in fact seeking employment; (c) the taking of too narrow a view by claimants and possibly by the administration as to the types of employment that constitute "suitable employment" in any individual case; (d) the failure by some claimants to disclose earnings during weeks of partial unemployment; (e) the failure by some claimants to disclose the true facts concerning their availability for employment; and (f) collusion between employers and employees in failing to give adequate information respecting the reasons for termination.

I have already said perhaps more than I had anticipated on this very simple bill, but, we all know that it qualifies only those whose earning capacity is $7,800 or lower, whereas in the former act it qualified those from $5,460 and below.

Finally, and these are my concluding remarks, we would like some indication as to when the Gill Report, which was carefully considered, is to be more fully implemented. I believe the public interest requires that the Unemployment Insurance Act be wholly re-enacted as soon as possible.

Hon. Chesley W. Carter: Honourable senators—

The Hon. the Speaker: Honourable senators will realize that if the honourable senator speaks now it will have the effect of closing the debate.

Hon. Mr. Macdonald (Cape Breton): Honourable senators, may I ask a question before the honourable senator closes the debate? Will he say if it is possible to obtain from the Unemployment Insurance Commission the number of claimants from each of the provinces during the calendar year 1967 under the different classifications as set out in the table, "Range of Earnings"? Perhaps I could have that information when this bill goes before the committee, or, if not, at the honourable senator's convenience.

Hon. Mr. Flynn: Would the honourable Senator Carter permit me to ask a question of honourable Senator Choquette? Since Senator Choquette made such a great contribution and since today is his sixty-second birthday—

Hon. Senators: Hear, hear.

Hon. Mr. Flynn: —and since many of his colleagues have sent him good wishes, and because all the others would like to join in extending those wishes, would he kindly acknowledge receipt?

Hon. Mr. Connolly (Ottawa West): You have one year to go, senator, and you shall be *senex*.

Hon. Mr. Carter: Honourable senators, in view of the statement just made by Senator Flynn, I should like to associate myself with all the good wishes that are being tendered to Senator Choquette and wish him many more happy birthdays.

With regard to the question raised by Senator Macdonald (Cape Breton), I shall endeavour to see if that information can be supplied to the committee. It is my intention, after second reading, to move that this bill be sent to the Standing Committee on Banking and Commerce.

Senator Choquette has rightly said that this is merely an updating bill pending a general revision. Both the minister who introduced the bill in the other place, the Minister of National Health and Welfare, and the Minister of Labour gave assurances that the Unemployment Insurance Act would be brought forward for a general revision as soon as possible, hopefully in the next session but in any case as soon as it can possibly be worked into the agenda of the house.

With regard to the actuarial soundness, this information can be obtained when the bill is before the committee and we have the officials there for questioning.

With regard to the Gill Report, the minister has made it plain that both a committee of the Unemployment Insurance Commission and a committee of the Government are still studying these recommendations, which I understand are quite numerous. Presumably, these studies are not complete and that is one of the reasons why the bill has not been brought forward for general revision. These studies will have to be completed first.

Hon. Mr. Flynn: The question is how long will these studies continue?

Hon. Mr. Carter: It depends on what time is available, I presume.

With respect to the question Senator Choquette raised regarding abuses, he rightly said that the minister informed the other place that there were 24,486 cases that involved illegal withdrawal of money from the fund, amounting to $1,114,816. The minister went on to make the point that the greatest source of these illegal withdrawals resulted from a failure to declare accurate earnings.

I know from my personal experience that sometimes this results from inadvertence on the part of the claimants because the forms that have to be filled in are quite complicated. That was complained of in the other place when the bill was up for second reading. Secondly, the administration of the unemployment insurance Fund also tends to make for that type of abuse. I can give honourable senators an example. When I was in the other place, one of my constituents was a fisherman—and I want to assure Senator Choquette that before I sit down I am going to say a word in defence of the fishermen.

Hon. Mr. Choquette: I did not attack them.

Hon. Mr. Flynn: Not only one fisherman. How many?

Hon. Mr. Carter: Well, this is one. This is a typical case. This fisherman lived within a small isolated community. At the time in question the fishing season had just ended and he applied and secured his benefits. Then, as unexpectedly happens sometimes, the weather for that part of the season became quite moderate and he was able to go out and fish again. He did so and was quite successful for a week, making very good earnings during that period. Being an honest man, he reported his earnings to the Unemployment Insurance Commission.

In small isolated communities where there are no offices readily available, this takes some considerable time. But having reported his earnings that week he had his benefits cut off. However, the fishing season only lasted that one extra week and he never had his benefits restored afterwards.

That is a failure on the part of the administration. The poor man said, "Well, I was a fool to report it because all I did was get gypped out of benefits to which I was entitled." That sort of administration lends itself to that sort of abuse.

The other types of abuses were made in the case of married women who were not going to work, or persons who had paid in for 20 or 30 years and then retired on pensions. These abuses have, I think, come about because of an attitude that has been built up or that seems to build up in people who contribute to a fund for a long period of time. Such persons somehow lose sight of the fact that the fund is merely an insurance policy. They look upon it as a kind of endowment policy from which they are entitled to receive some return. That is a change of attitude which perhaps could be remedied to some extent by education.

Hon. Mr. Flynn: Not only that, I suggest. If everybody felt they were on the same level, I do not think this kind of mentality would be created.

Hon. Mr. Carter: When you build up a fund for a long period of time I think it is inherent to feel you have a sort of vested interest in it and that you should get some return from it.

Honourable senators, I have a word or two to say about the fishermen. When I was in the other place I was one of those who advocated that fishermen should be brought under the unemployment insurance scheme. I actually presented a scheme under which this could be done, but my proposal was not followed. I readily agree that the present scheme for seasonal workers is not actuarially sound, but that does not of itself invalidate the principle that seasonal workers should be covered by this type of plan.

At that time I learned that people who work on the Great Lakes steamships were insured as seasonal workers; stevedores who worked loading and unloading these ships

were covered. Is that not seasonal? Everybody knows that the Great Lakes will freeze over during the wintertime. This has been the case since time immemorial and it will continue to be so. Loggers working in the woods are covered. So why not fishermen? I remember when the fishermen had to get up at two o'clock in the morning and then go out and risk their lives on the sea and bring on premature old age in doing so, but once they had brought that wealth out of the sea to the landing place everybody else who touched that fish from then on was covered by unemployment insurance. The person who took it to the wharf, the one who conveyed it to the plant, the man who filleted the fish, who processed it, and who forwarded it from there—they were all covered by unemployment insurance. But the poor fisherman who brought it in in the first place got nothing.

Hon. Mr. Choquette: He was a fish.

Hon. Mr. Carter: Yes, he was a fish, but he didn't intend to remain a fish. That is why he is now covered and that is why I think he should remain covered.

Honourable senators, I think that takes care of all the questions that were raised, except the one as to when the Gill Report will be implemented. That, of course, is a matter of policy which has to be decided in due course.

Hon. Mr. Deschatelets: Coming back to the question of fishermen, would the honourable senator tell me if in Newfoundland the fishermen are considered as having seasonal employment or year-round employment?

Hon. Mr. Carter: That is not an easy question to answer because there are different types of fishermen. In the area which I had the honour to represent, our fishermen fished all the year round and many of them were unable to take advantage of the seasonal benefit because these were available only between the first of December and the middle of the following May, which in my area was the very best time of the year for fishing. When the slack time came in June, they could not get it because the act did not provide for it. On the northeast coast of Newfoundland where the ice comes in and blocks off the coast it is a different situation. The fishermen I am talking about are the inshore fishermen, but the fishermen who fish on draggers work all the year round.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Carter, 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. 628 to 667, inclusive, which were presented yesterday.

Hon. Arthur W. Roebuck: Honourable senators, may I first congratulate Senator Choquette on achieving his No. 62. My congratulations are not extended so much because of the achievement of that age but rather on the very many years that still remain to him as a leading and valuable member of our chamber.

Hon. Senators: Hear, hear.

Hon. Mr. Roebuck: I move, seconded by Senator Irvine, that these reports be now adopted.

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 607, for the relief of Joseph Jean Paul Roland Bellemare.

Resolution 608, for the relief of Micheline Page Laplante.

Resolution 609, for the relief of Camilla Myrtle Cutler Fray.

Resolution 610, for the relief of Douglas Stuart Rollings.

Resolution 611, for the relief of Marie Denise Alice Papineau Cloutier.

Resolution 612, for the relief of Joyce Southwood Joslin Strew.

Resolution 613, for the relief of Ernst Walter Hulsch.

Resolution 614, for the relief of Regina Landau Brauner Kamin.

Resolution 615, for the relief of Dorothy Marilyn Joan Ritchie Woodfine.

Resolution 616, for the relief of Iris Tara Auerback Shuchat.

Resolution 617, for the relief of Bernard Masson.

Resolution 618, for the relief of Maurice Joseph Bissonnette.

Resolution 619, for the relief of Audrey Madge Grimsdale Hiller.

Resolution 620, for the relief of Heather Margaret Brown Bresee.

Resolution 621, for the relief of Molly Petigorsky Wisniewski.

Resolution 622, for the relief of Joseph Elphege Jean Gareau.

Resolution 623, for the relief of Marcel Quesnel.

Resolution 624, for the relief of Marguerite Morrill Gilbert Jost.

Resolution 625, for the relief of Michel Delaney.

Resolution 626, for the relief of Louise Cecili Fransblow Sokoloff.

Resolution 627, for the relief of Louis Philippe Olivier Laferriere.

Resolution 628, for the relief of Raymond Benoit.

Resolution 629, for the relief of Betty Sloan Raphalovitch, otherwise known as Betty Sloan Ralph.

Resolution 630, for the relief of Jean Claude Florent Clement Chabot.

Resolution 631, for the relief of Esther Brenda Yablon Seltzer.

Resolution 632, for the relief of Sonia Natalka Stachiw Desjardins.

Resolution 633, for the relief of Marie Gilberte Therese Martin Major.

Resolution 634, for the relief of Betty Gwen Bertrand Doyle.

Resolution 635, for the relief of Elizabeth Ann Campbell Benoit.

Resolution 636, for the relief of Therese Dusablon Robidoux.

Resolution 637, for the relief of Hans Maassen.

Resolution 638, for the relief of Kenneth Earl Barry.

Resolution 639, for the relief of Rita Viau Cooke.

Resolution 640, for the relief of Patricia Catherine Guerin Stoddart.

Resolution 641, for the relief of Cora May Weldrick Argue.

Resolution 642, for the relief of Joan Alexandra Dickson Baylis.

Resolution 643, for the relief of Marie Micheline Noella Dube Du Perron.

Resolution 644, for the relief of Wilfred Garth Drake.

Resolution 645, for the relief of Grace Eunice Coward Chase.

Resolution 646, for the relief of Robin Seymour Clifford Chubb.

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

Hon. Mr. Roebuck: Honourable senators, I move, with leave of the Senate, that these resolutions be considered at the next sitting.

Motion agreed to.

CANADIAN DAIRY COMMISSION ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

The Senate resumed from Tuesday, February 27, the adjourned debate on the motion of Hon. Mr. Argue for the second reading of Bill S-34, to amend the Canadian Dairy Commission Act.

Hon. J. Harper Prowse: Honourable senators, this bill provides a rather simple amendment to an act which gives to the dairy commissioners the right to make payments of benefits to producers of milk and cream for the purpose of stabilizing prices. It means too that they can limit the payment on the basis of volume or quality or other things as they see fit. The bill provides that such payments "may be made on the basis of volume but not so to provide a minimal level of production that excludes or discriminates against any such producers. . ."

I think it is a matter of principle more than anything else that we are concerned with here. I do not purport to be an expert on dairy affairs, but I do profess to be a Canadian and as a Canadian I say this: There are a number of wealthy men who hold positions of importance in this country, some of whom sit in this chamber today who, if they had started off with the kind of thing that is being provided for by the application of the act as it now stands, would never have been given an opportunity to develop or to use their talents to acquire their wealth.

It seems to me that when we pass legislation, no matter how well intentioned we may be, we have a responsibility to see that that legislation continues to serve the Canadian tradition, which I perceive to be this, that in this country we give people one superbly

valuable thing, namely, the right to dream and, if they have guts and are willing to work, the ability and opportunity of making that dream come true. We must be on our guard to see that no legislation, no matter how well intentioned, shall be subverted by a well-meaning Civil Service so that it prevents us from achieving the principle on which this country is based, and that is the right to dream, the right to work, and an equal opportunity, when you are working, to achieve something.

Let me read to you from a publication of the Canada Department of Agriculture, *This Month With CDA*. On page 13 they explain what the Dairy Commission purported to do or intended to do in applying the section of the act with which we are concerned. From Ottawa on January 15, 1968 came this release:

> Farmers shipping manufacturing milk and cream who deliver less than the equivalent of 12,000 pounds of milk testing 3.5 per cent, or 420 pounds of butterfat, between April 1, 1967 and March 31, 1968, will not be eligible for federal dairy subsidy quotas in the year starting April 1, 1968, the Canadian Dairy Commission announced today.
>
> Those who deliver between 12,000 and 50,000 pounds of milk, or the equivalent in cream, in the present dairy year will be eligible for subsidy quotas next year if they are full-time farmers and milk and cream represents an appreciable part of their farming operations. Those in this group will receive application forms from the commission to reapply for registration and a subsidy quota. If granted, the quota will be the amount of their reported deliveries in 1967-68.
>
> The decision to modify an earlier proposal to exclude those shipping less than 50,000 pounds followed talks with farm organizations who underscored the difficulties that would have confronted many engaged in full-time mixed farming for whom dairying plays an important role.

Just how important was it going to be? Here was a commission set up to do a job, operating undoubtedly with the best intentions in the world, and if they had followed their original intention—over which Parliament had no knowledge or control, but fortunately somebody found out in time—they would have excluded all those producing less than 50,000 pounds of milk or the butterfat equivalent. That would be, roughly, anyone who had less than eight dairy cows in production, as a rough rule of thumb, and that would have meant the exclusion of 103,000 farmers in Canada from receiving the subsidy which had been provided.

As we were told the other day, in the Province of Saskatchewan it would amount to 93.3 per cent, in Alberta to 74.7 per cent, in British Columbia to 74 per cent, in New Brunswick to 75.4 per cent, in Nova Scotia to 87.3 per cent, in Prince Edward Island to 70.6 per cent, in Quebec to 44.2 per cent and in Ontario to 38.9 per cent. We do not know what the present figures are going to exclude, because we cannot get those figures from the Canadian Dairy Commission. They have had three weeks in which to furnish them since the question was put on the Order Paper. How in the world can people know what they are doing if the commission cannot tell us how many people their policy is excluding? We know that originally they were going to cut three-quarters off. Now we do not know what they are cutting off and, presumably, they do not know, because there is no reason why they would hide it from us if they did know.

Let me read to you what this means and what I am basically thinking about. This is a letter written by a young farm couple in Saskatchewan. He says:

> ... First I will attempt to explain our circumstances. We are a very young couple in our twenties trying to establish ourselves farming. With the current loan situation it is next to impossible to buy unless you have a sponsor or a large amount of cash which few young couples have. This year we were fortunate enough to be able to rent a farm. However, with a large money outlay to put in the crop and various other expenditures we felt that by investing in milk cows and by shipping cream we could straddle the cost of groceries, fuel and etc. for the summer. With this in mind we invested heavily into milk cows last fall and early winter. We now have eight good milkers —four fresh and four to freshen by the end of March. In addition, there is the cream separator, cream cans, milk pails and grain expense. Our investment has now reached over $2,300. We had already purchased six cows when the Dairy Commission announced their new plan. I wrote the Dairy Commissioner and tried to explain what they were doing to we

smaller cream shippers, but have heard nothing from him.

I imagine you are fully aware of what a loss of subsidy means money-wise. We are paid 61 cents a pound of butterfat by the creamery and the subsidy is 34 cents —over half what we are paid—so instead of getting $16 for a five-gallon can we will only get $10. On three cans a week that is a loss of $12 on $30 worth of cream. Over the period of a year with summer production—a loss of close to $800.

It is too late to sell now as we have invested—and, I might point out, paid for in cash—our small enterprise and are denying ourselves and our year old son things because we made this decision last fall.

It's not fair...

I think I know what the Dairy Commission is trying to do. The generally accepted principle, at some level by someone, is that we have to have big farms in order for people to make the kind of living on the farm we want Canadians to have. This is fair and good, but surely to goodness we do not have to club people over the head and mislead them. If you are going to change the rules of the game as substantially as this, there ought to be fair warning. You go to buy a good milk cow and it will cost you $500. But you will have to deliver it to the abattoir because you no longer have a market for the milk, and you will be lucky if you get $125 for it.

Let me read on from the Dairy Commission release as to what they proposed to do.

> When the dairy year ends March 31, the Commission will determine the amount of remaining quota available for distribution.

Let me read from the questionnaire:

> 1. How many months a year do you have full-time work off the farm? (Full-time means: a normal working day for at least 20 days a month.) Write into box the number of months. If you do not have full-time work off the farm, write the figure 0.
>
> 2. Approximately what percentage of your total farm cash receipts do you receive from the sale of milk and cream including Federal dairy subsidy? (Check the Correct Box)

And the boxes run from "Less than 5%", "6% to 10%", "11% to 15%" and so on up to "91% to 100%".

> 3. How many cultivated acres do you farm? (Write in Number of Acres)

Then they have "Acres" over to the side with a box so that you can follow it.

> 4. What is your age?

They do not ask how many children you have.

The applicants are told that if they send the completed application in by April 8 they will be told by July 1 whether they have a quota for next year.

Who is doing to decide it? The minister? Of course not. The Dairy Commissioner or the Dairy Commission? Of course not. Some clerk is going to sit there with criteria and make marks on a piece of paper, and nobody tells anybody what the criteria are.

When I came down here I had conceived the notion that I was supposed to help to see to it that this nation was run for the people of Canada. Knowing these facts, I would be doing something less than my duty to my own conscience if I did not bring this to the attention of the Senate at this time. We are the body of sober, second thought. Our job—and we have the time in which to do it—is to look at legislation in order to see how it is being applied. I am suggesting to honourable senators that we do this.

The program goes on:

> Some of the remainder—

Here they are talking about what is left over when they get the quota set up.

> —will also go to those who entered dairying during the current dairy year. But the Commission warns that "this is the last year newcomers may receive subsidy quotas except by reallocation."

That means that you cannot get into the dairy business before you get a quota. You must get a quota before you start. How do you get that? This document continues:

> Such reallocation quotas must be for not less than 100,000 pounds of milk, or 3,500 pounds of butterfat.

That is the production of 15 or 16 cows.

What a thing for a country which got to where it is today because it said to people: "If you have the courage we will give you a chance." Okay, so they can buy the cows and

they can operate the farm, but at a disadvantage. From the way this quota system is to be applied it would appear that its object is to help the big get bigger; to help a big dairy farmer to obtain a big enough spread so that he may sell it to an American company that is looking for an opportunity for diversification. Is that what we want? My 19-year old son said to me last night, "Dad, they have got this backwards. Shouldn't they be helping the little guy get started instead of telling him he cannot start except by competing at a disadvantage with the big fellow they are going to help?"

I do not know who has gone haywire here, but something is basically wrong. If we are going to change the whole idea of this country, if we have become so mature that we have to help the big fellow get bigger so that everybody becomes everybody else's hired man, if we are going to talk not only of an industrial feudalism with an absentee ownership but an agricultural feudalism with an absentee ownership because of the amount of capital involved, then surely it is up to the Parliament of Canada to make that decision.

What I am asking of this house at this time is merely this, that we give this bill second reading and approve it in principle so that it may be sent to a committee before which we can call in the people responsible for this policy to tell us what they are trying to do and before which we can call the farm organizations and other people who are interested to tell us whether they think it will work. I ask the house to do this so that when we as senators are asked what we are doing, we can say as intelligent people, "We know what this is, and this is what we are doing and this is why we are doing it," and we will be able to justify it. But, at the present time, so help me God, I could not justify to anybody what is being done here by the commission.

Hon. Arthur M. Pearson: Honourable senators, I am pleased that Senator Argue has brought this bill before this house. A serious situation is developing in one of the primary industries of this country, and I think it deserves the attention of every one of the members of this house.

At the present time I am not ready to make a contribution to this debate, so I will move that it be adjourned until the next sitting.

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

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Thursday, March 7, 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, 7 March 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 to His Excellency the Governor General, will proceed to the Senate Chamber today, the 7th March, 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.

DOCUMENTS TABLED

Hon. John J. Connolly tabled:

Copies of a booklet entitled "National Historic Sites Policy". (English and French texts).

Copies of Authentic Texts of Conventions and Recommendations adopted by the Fifty-first Session of the International Labour Conference, held in Geneva, Switzerland, in June 1967 (English and French texts), together with a copy of a letter expressing the opinion of the Minister of Justice on the legislative jurisdiction of these international instruments, as follows:—

Convention 127 concerning the maximum permissible weight to be carried by one worker;

Recommendation 128 concerning the above maximum weight;

Recommendation 129 concerning communications between management and workers;

Recommendation 130 concerning the examination of grievances;

Convention 128 concerning invalidity, old-age and survivors' benefits;

Recommendation 131 concerning invalidity, old-age and survivors' benefits.

UNEMPLOYMENT INSURANCE ACT

BILL TO AMEND—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 C-197, to amend the Unemployment Insurance 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. Leonard: I move, with leave of the Senate, that the report be adopted now.

Report adopted.

REPORT OF COMMITTEE

Hon. Mr. Leonard, for Hon. Mr. Hayden, reported that the Standing Committee on Banking and Commerce had considered Bill C-197, to amend the Unemployment Insurance 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. Chesley W. Carter: Honourable senators, with leave of the Senate, I move that the bill be read the third time now.

Hon. David A. Croll: Honourable senators, I do not rise at this moment to ask for a vote on third reading of this bill, but I have taken the precaution of counting the house in any event!

Hon. Mr. Flynn: You should be in the other place.

Hon. Mr. Croll: However, I rise to say briefly what I intended to say yesterday, but I happened to be over in the other place when this bill was under discussion.

Senator Carter spoke on this bill with knowledge and concern. I thought the Senate should know that when he was in the other place he was a one-man lobby for the fishermen, and it was he who was responsible for bringing the fishermen under the Unemployment Insurance Act. It was the first breakthrough for the seasonals, and it came about through his efforts. He was very convincing. He convinced the chairman, the chairman convinced the subcommittee, and the subcommittee convinced the committee—but, in the end, the responsibility was his, and I was delighted that he had an opportunity yesterday to speak on this bill.

Hon. Senators: Hear, hear.

Motion agreed to and bill read third time and passed.

ADJOURNMENT

Hon. John J. Connolly: Honourable senators, I move, with leave of the Senate, that when the Senate adjourns today it do stand adjourned until Tuesday, March 19, 1968, at 8 o'clock in the evening.

Honourable senators will all realize that the Senate will be subject to recall during this adjournment. I think it would be rash for anyone to attempt to predict when the next piece of legislation will come to us from the other place. We would hope that we might have some very quickly.

In any event, if there is need for the Senate to be reassembled before March 19, the usual telegrams will be despatched, after consultation with His Honour the Speaker. I simply want this explanation to be on the record in connection with the adjournment at this time.

Hon. Mr. Flynn: Based on previous experience, would the Leader of the Government indicate what are the odds that we will be recalled before March 19?

Hon. Mr. Connolly (Ottawa West): Unfortunately, I am not a betting man.

Motion agreed to.

DAIRY PRODUCTS

PRODUCTION BY PROVINCES—INQUIRY ANSWERED

Hon. Hazen Argue inquired of the Government, pursuant to notice:

1. How many dairy producers by provinces is it estimated produce (a) less than 420 pounds of butterfat per year and (b) less than 1,750 pounds of butterfat per year when shipped to market in the form of cream?

2. How many dairy producers by provinces is it estimated produce (a) less than 12,000 pounds of milk and (b) less than 50,000 pounds of milk when shipped to market as manufacturing milk?

Hon. John J. Connolly: The answer to the honourable senator's inquiry is as follows:

The number of producers who will have delivered given quantities of butterfat in the dairy support year from April 1, 1967 to March 31, 1968 will not be known until all delivery reports are received, approximately two months after the end of the year.

For 1967-68 subsidy quotas were allotted to 165,000 shippers, of whom 97,000 shipped less than 1,750 pounds of butterfat in 1966-67. Of the latter number, 20,000 had made no shipments between April and November, 1967. Deliveries during the eight months indicate that 6,000 of this group will deliver more than 1,750 pounds during the year.

The number of the remaining 71,000 who will fall in the 1 to 420 pound and 420 to 1,750 pound categories can only be estimated on the basis of deliveries from April to November. These records do not show milk and cream shippers separately. The provincial detail is as follows:

	Estimated number of producers shipping less than 1,750 lbs. B.F. in 1967-68 support year	Producers shipping less than 420 lbs. B.F. in 1967-68 support year
P.E.I.	2,000	400
N.S.	1,700	900
N.B.	1,700	500
Que.	12,700	2,600
Ont.	8,700	2,000
Man.	10,900	3,900
Sask.	18,100	8,600
Alta.	14,800	5,900
B.C.	400	200
Canada	71,000	25,000

CANADIAN BROADCASTING CORPORATION

HOTEL ACCOMMODATION IN MONTREAL—INQUIRY ANSWERED

Hon. Edgar Fournier inquired of the Government, pursuant to notice:

1. What are the names of the three hotels in Montreal referred to in the Report of the Auditor General to the House of Commons for the fiscal year ended March 31, 1967, with which the Canadian Broadcasting Corporation entered into contracts for the rental of rooms early in 1967 to assure accommodation for its personnel travelling to Montreal?

2. How many rooms were rented in each hotel?

3. What type of rooms were rented in each hotel?

4. What was the regular daily rate for each room rented?

5. What was the amount paid to each hotel?

6. How many days were the rooms rented in each hotel occupied?

7. Were the rooms rented used by anyone other than Canadian Broadcasting Corporation personnel?

Hon. John J. Connolly: The answer to the honourable senator's inquiry is as follows:

1 and 2. Berkeley/Colonnade Hotels, 15 rooms per day January 1-October 31, 1967. Motel Raphael, 35 rooms per day January 1-May 30, 1967. Motel des Nations, 36 rooms per day May 15-June 30, 1967; 24 rooms per day July 1-August 31, 1967; 18 rooms per day September 1-October 31, 1967.

3. Double rooms. Rates were the same for either single or double occupancy.

4. CBC contract rates were $18.00 per day at the Berkeley/Colonnade and Motel Raphael, and $35.00 per day at the Motel des Nations.

5. Berkeley/Colonnade: $82,080. Motel Raphael: $113,400. Motel des Nations: $149,730.

6. CBC occupancy in terms of total room nights over the period booked was as follows: Berkeley/Colonnade, 3,515 room nights; Motel Raphael, 2,820 room nights; Motel des Nations, 2,278 room nights.

7. Yes. Some of the rooms not occupied by CBC personnel were made available to tourists and the Corporation was refunded accordingly.

SCIENCE POLICY

SCHEDULE OF MEETINGS OF SPECIAL COMMITTEE

On the Orders of the Day:

Hon. Maurice Lamontagne: Honourable senators, I would like to make a brief statement on the activities of the Special Committee on Science Policy.

After several meetings devoted to the organization and planning of our work, the committee will begin its public hearings next week.

On March 12, at 9.30 in the morning, we will hear the submission of the Canada Council which will be represented by Mr. Jean Martineau and Dr. Leddy who are respectively the Chairman and Vice-Chairman of the Council, and by Mr. Jean Boucher, the full-time director, and by several members of the Council including Dr. J. A. Corry of Queens University, Dr. LePan, and Dr. Napoléon Leblanc who is one of the new vice-rectors of Laval University. In the afternoon we will hear from Dr. C. J. Mackenzie who, as honourable senators know, is a great scientist and one who has made over the years an outstanding contribution to the development and progress of science policy in Canada.

On the following day, March 13, again at 9.30 in the morning, we will receive the Science Council of Canada, which will be represented by its chairman Dr. O. M. Solandt, Dr. H. E. Petch, Vice-President of the University of Waterloo, and Dr. William H. Gauvin, manager of the Noranda Research Center in Montreal. In the afternoon we will meet Professor V. W. Bladen, Dean of the Faculty of Arts and Sciences of the University of Toronto. Professor Bladen was the chairman of a committee which about two years ago published a report on the financing of higher education in Canada, and throughout his academic career has shown a keen interest in research in the field of the social sciences.

In the morning of March 20 in the following week we will receive Professor P.M.S. Blackett, a renowned physicist, who is scientific adviser to the Ministry of Technology in Great Britain, and in the afternoon we will hear from Professor Arthur Porter, head of the Department of Industrial Engineering and acting head of the Center of Culture and Technology at the University of Toronto.

On March 21, again in the morning, we will receive the submission of the Science Secretariat, located in the Privy Council office,

which will be represented by its chairman Dr. Robert Weir and his associates. In the afternoon we will hear from the Medical Research Council which will be represented by its chairman Dr. G. Malcolm Brown.

The committee will then suspend its hearings until April 17 when we will meet again, as we will the next day, and also the following week. I will make another statement, if it is the wish of the house, after the Easter recess in order to give more details of the committee's meetings.

I invite all honourable senators who will be in Ottawa next week and the week following to attend our hearings, even though they are not members of the committee.

Hon. Mr. Paterson: Will we receive notices of the meetings of the committee?

Hon. Mr. Lamontagne: I shall certainly be glad to send to all honourable senators a notice of these meetings which will include the names I have mentioned.

Hon. John J. Connolly: Honourable senators, we are all indebted to Senator Lamontagne for the schedule of the committee's meetings. I cannot overemphasize the importance of the work this committee can do, and the importance it can have for this house. Obviously, very distinguished people are going to appear before this committee, and they will have given a great deal of time to the preparation of the material they will present. It is therefore highly important that the members of the committee attend the meetings, even though they happen to be called when the Senate is not in session.

I would direct a particular plea to all honourable senators who live in Ottawa that they attend these meetings notwithstanding the fact that they are not members of the committee. It is essential that there be a good representation of this house present. The scientific community must know that the members of this chamber are deeply interested in these important problems.

I happen to have the responsibility of going tomorrow to Paris to attend a meeting called under the auspices of the Organization for Economic Co-operation and Development in connection with scientific policy, on behalf of the Minister of Industry, who unfortunately cannot attend. This is a vitally important area for the Western World and of special concern to this country. It is of primary concern to the countries of western Europe and is significantly important to the United States.

I think that we are doing a great service to the Canadian people and to the scientific community in Canada in having committee hearings of this nature. Therefore, I make a sincere and earnest appeal to honourable senators to attend these meetings and to follow the proceedings.

I would add that immediately after the adjournment of the Senate today, Senator Prowse will be holding a meeting of the committee dealing with the amendments to the Criminal Code with respect to hate propaganda. This is a rescheduled meeting called for the convenience of a group that just arrived in Ottawa, and I would ask honourable senators to be good enough to attend in as large numbers as possible.

DIVORCE

RESOLUTIONS ADOPTED

The Senate proceeded to consideration of Resolutions numbered 607 to 646, inclusive, which were presented yesterday.

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, moved the adoption of the following resolutions:

Resolution 607, for the relief of Joseph Jean Paul Roland Bellemare.

Resolution 608, for the relief of Micheline Page Laplante.

Resolution 609, for the relief of Camilla Myrtle Cutler Fray.

Resolution 610, for the relief of Douglas Stuart Rollings.

Resolution 611, for the relief of Marie Denise Alice Papineau Cloutier.

Resolution 612, for the relief of Joyce Southwood Joslin Strew.

Resolution 613, for the relief of Ernst Walter Hulsch.

Resolution 614, for the relief of Regina Landau Brauner Kamin.

Resolution 615, for the relief of Dorothy Marilyn Joan Ritchie Woodfine.

Resolution 616, for the relief of Iris Tara Auerback Shuchat.

Resolution 617, for the relief of Bernard Masson.

Resolution 618, for the relief of Maurice Joseph Bissonnette.

Resolution 619, for the relief of Audrey Madge Grimsdale Hiller.

Resolution 620, for the relief of Heather Margaret Brown Bresee.

Resolution 621, for the relief of Molly Petigorsky Wisniewski.

Resolution 622, for the relief of Joseph Elphege Jean Gareau.

Resolution 623, for the relief of Marcel Quesnel.

Resolution 624, for the relief of Marguerite Morrill Gilbert Jost.

Resolution 625, for the relief of Michel Delaney.

Resolution 626, for the relief of Louise Cecili Fransblow Sokoloff.

Resolution 627, for the relief of Louis Philippe Olivier Laferriere.

Resolution 628, for the relief of Raymond Benoit.

Resolution 629, for the relief of Betty Sloan Ralphalovitch, otherwise known as Betty Sloan Ralph.

Resolution 630, for the relief of Jean Claude Florent Clement Chabot.

Resolution 631, for the relief of Esther Brenda Yablon Seltzer.

Resolution 632, for the relief of Sonia Natalka Stachiw Desjardins.

Resolution 633, for the relief of Marie Gilberte Therese Martin Major.

Resolution 634, for the relief of Betty Gwen Bertrand Doyle.

Resolution 635, for the relief of Elizabeth Ann Campbell Benoit.

Resolution 636, for the relief of Therese Dusablon Robidoux.

Resolution 637, for the relief of Hans Maassen.

Resolution 638, for the relief of Kenneth Earl Barry.

Resolution 639, for the relief of Rita Viau Cooke.

Resolution 640, for the relief of Patricia Catherine Guerin Stoddart.

Resolution 641, for the relief of Cora May Weldrick Argue.

Resolution 642, for the relief of Joan Alexandra Dickson Baylis.

Resolution 643, for the relief of Marie Micheline Noella Dube Du Perron.

Resolution 644, for the relief of Wilfred Garth Drake.

Resolution 645, for the relief of Grace Eunice Coward Chase.

Resolution 646, for the relief of Robin Seymour Clifford Chubb.

Resolutions adopted, on division.

Hon. Mr. Roebuck: Honourable senators, may I have your indulgence for a moment? There has been so much happening this morning that we have changed several times the hour of the meeting of the Divorce Committee. As there are only three or four resolutions to be considered, I would suggest that the Divorce Committee meet prior to the Hate Propaganda committee. We could complete the work before us in five or six minutes and then attend the other committee meeting, if that is satisfactory to Senator Prowse.

Hon. Mr. Flynn: Would the honourable senator indicate whether the number of petitions in divorce has remained the same since the Divorce Act was passed?

Hon. Mr. Roebuck: It does not seem to have made any difference whatsoever. We will have some 65 cases to consider, but they have all been considered carefully and approved by different members of the committee. That is why we can act so rapidly.

Hon. Mr. Flynn: Are they recent cases?

Hon. Mr. Roebuck: Yes, just the ordinary routine cases. The new act does not seem as yet to have made any difference.

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 Royal Assent to the following bills:

An Act to amend the Territorial Lands Act, the Land Titles Act and the Public Lands Grants Act

An Act to provide for the dissolution of Northern Ontario Pipe Line Crown Corporation

An Act to amend the Defence Production Act

An Act to amend the Fish Inspection Act

An Act to amend the Currency, Mint and Exchange Fund Act and the Criminal Code

An Act to implement a broadcasting policy for Canada, to amend the Radio Act in consequence thereof and to enact other consequential and related provisions

An Act to amend the Excise Act

An Act to amend the Excise Tax Act

An Act to incorporate Commercial Solids Pipe Line Company

An Act respecting The Bell Telephone Company of Canada

An Act to amend the Unemployment Insurance 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, March 19 at 8 p.m.

THE SENATE

Thursday, March 14, 1968

The Senate met at 11 a.m., Honourable Maurice Bourget, P.C., Speaker *pro tem*, in the Chair.

Prayers.

NATIONAL CAPITAL COMMISSION

PROPOSED JOINT COMMITTEE

The Hon. the Speaker: Honourable senators, I have the honour to inform the Senate that the following message has been received from the House of Commons:

> Resolved: That a Joint Committee of both Houses of Parliament be appointed to examine the progress and programs of the National Capital Commission in the development, conservation and improvement of the National Capital Region;
>
> That twelve members to act on behalf of the House of Commons as members of the said committee be designated at a later date;
>
> That the said committee have power to call for persons, papers and records, to sit while the house is sitting, and to report from time to time;
>
> That the said committee have power to print such papers and evidence from day to day as may be ordered by the committee and that Standing Order 66 be suspended in relation thereto;
>
> Ordered: That a message be sent to the Senate requesting that house to unite with this house for the above purpose and to select, if the Senate deems advisable, some of its members to act on the proposed joint committee.
>
> Attest
>
> Alistair Fraser
>
> The Clerk of the House of Commons

Honourable senators, when shall this message be taken into consideration?

Hon. Jean-Paul Deschatelets moved that the message be placed on the Orders of the Day for consideration at the next sitting.

Motion agreed to.

BUSINESS OF THE SENATE

Hon. Jacques Flynn: Honourable senators, in view of the fact that we have been recalled at this hour today rather than on Tuesday next, may I ask the acting Leader of the Government what business is before the Senate, or what is expected of us at this time?

Hon. Jean-Paul Deschatelets: Honourable senators, the purpose of calling the Senate back this morning had to do first with the message which you have already heard, and a second message having to do with Bill C-202 to amend the National Housing Act. We hope that we will be able to proceed immediately with the study of this bill. If we can complete it and give the bill second reading it is the intention to refer it to the Banking and Commerce Committee. The committee could sit at approximately 3 o'clock this afternoon.

After we have completed study of the National Housing bill the intention is to adjourn to the call of the bell at about 8 o'clock this evening. In the meantime it is possible that we will have some more business from the House of Commons.

As the Leader sometimes says, this is one of the situations where we have to play it by ear.

NATIONAL HOUSING ACT, 1954

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-202, to amend the National Housing Act, 1954.

Bill read first time.

SECOND READING

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, as you no doubt will have noticed, this is a simple bill which was introduced in the other place on February 19, and on March 8, with unanimous consent, it went through the stages of second and third reading and was passed.

The purpose of the bill is to allow for a reduction of the down payment on homes by increasing the 95 per cent limit upon which Central Mortgage and Housing Corporation may make loans or guarantee loans from

$13,000, as it is at present, to $18,000 as set out in the proposed legislation.

Under the maximum loan provision the down payment would be reduced from $2,150 to $900 on an $18,000 dwelling. This figure of $900 is arrived at by taking the excess of the 95 per cent limit or 5 per cent of the $18,000. In comparing this with the present down payment for the same dwelling you find that to calculate the down payment under the existing legislation you have to take first 5 per cent of $13,000, which gives you $650, plus the excess of the 70 per cent limit or 30 per cent of the remaining $5,000—being the difference between $18,000 and $13,000—to arrive at a total down payment of $2,150. This second calculation is but one example of what is achieved by the present bill when applied to a dwelling with a lending value of $18,000.

The only other question which may be of interest to honourable senators is why in (ii) of each of the three subsections we include 70 per cent of the amount by which the lending value exceeds $18,000. The maximum amount which the Central Mortgage and Housing Corporation may lend is set out by order in council under the authority of the act. As honourable senators know, these orders in council setting out the maximum amount of loans, or guarantee of loans, are formulated after consultation with and recommendation by the Central Mortgage and Housing Corporation.

As honourable senators will also have noted, this 70 per cent in subparagraphs (ii) of paragraphs (e) and (h) of subsection (1) of section 7 is calculated on one-half of the amount by which the lending value exceeds $18,000. This is so because here we are dealing with two-family housing units, commonly known as duplexes.

I wish to add that paragraph (e) of subsection (1) of section 7 deals with dwellings which are built by a contractor for sale to the individual prospective home owners, and paragraph (h) deals with duplexes built under a co-operative housing association scheme. I thought that this word of explanation might be useful to honourable senators in their study of the proposed bill.

The Economic Council of Canada has set an objective of 585,000 homes to be built over the next three years. I am informed that, taking into consideration the presently known facts, it is estimated that this target or objective will be reached. All this will not solve all the housing problems. We will still have to deal with the very important problem of housing for low-income families. I am also informed that the amount of money which will be available this year for housing will be approximately from $650 million to $700 million, and the present indications are that housing starts will probably reach the 175,000 level.

Here I am referring to basic residences, rental residences and dwellings. Over and above that figure it is anticipated that there will be in the neighbourhood of from 10,000 to 12,000 additional units including, for example, university residences for married couples and single persons, and hostel accommodation for elderly people. From what we can foresee at present it would seem that this year is going to be a fairly good one for housing.

In closing, I would add that if this bill receives second reading it is my intention to move that it be referred to the Standing Committee on Banking and Commerce. I commend the bill to the favourable consideration of this house.

Hon. Jacques Flynn: Honourable senators, we are indebted to the honourable sponsor of this bill (Hon. Mr. Langlois) for the very full explanation he has given us. The bill in itself is simple, as the sponsor has indicated. Its purpose is clear. With the information that has been supplied I do not see any value in debating the principles for any length of time. I do suggest, however, that it would be a good thing if this bill were referred to a committee where we can receive further explanation.

Therefore, as far as we on this side of the house are concerned, this bill should be read the second time now.

Hon. Donald Cameron: Honourable senators, I do not wish to prolong the discussion of this particular bill. As has been said, it is a simple bill, but it is just a further palliative in what is after all one of the most serious situations in Canada.

Last October I wrote to the honourable Leader of the Government (Hon. Mr. Connolly, Ottawa West), when he was calling for suggestions as to what work we might undertake in the Senate, and suggested that one of the most useful things we might do would be to set up a committee of the Senate to look into this matter of housing. Nothing has happened so far, but I think something has to be done very soon.

There was an article in the Calgary *Herald* on Monday last which pointed out that the cheapest house that could be built in that city today costs $19,000, and that 70 per cent of the population were unable to even consider buying such a house. If honourable senators look at the record right across Canada they will find that the situation is similar or worse.

At pages 7212 and 7213 of the *Debates of the House of Commons* of March 4, there are statistics provided by the President of the Treasury Board which show the percentage increase in cost during last year, and the fantastic increase in cost of the acquisition of land.

There are many pressing problems before us today, and a solution to this very complicated matter of providing adequate housing is not easy to find. I would again urge the acting Leader of the Government (Hon. Mr. Deschatelets) to take some initiative as soon as possible in getting some action under way in the Senate, because this is a problem that this body can handle very well. We can get in touch with governments at all levels—municipal, provincial and federal—with a view to making a combined attack on what is one of the most crucial and critical problems facing the people of Canada today.

Certainly, this bill is a palliative in the right direction, but so far as 70 per cent of the working people of this country are concerned it means nothing. They cannot take advantage of its provisions.

Hon. Hazen Argue: Honourable senators, I should like to associate myself particularly with the remarks of Senator Cameron. It seems to me that we are living in a revolutionary time with regard to housing in Canada. The bill before us goes some distance towards making it possible for some people, mainly the middle income people of this country, to obtain housing, but because of the high down payments and high interest rates the low income people of this country cannot obtain housing.

Across this country, especially in the larger cities—and we are becoming more and more an urban nation—the cost of land is so fantasticly high it is a scandal. When a person living in rural Canada reads in a newspaper that one has to pay $10,000 for a lot on which to build a house in the City of Toronto, he immediately assumes that somebody is crazy. Surely in this nation we should not allow land speculators, even landowners who have owned the land for a long time, to reap such a fantastic windfall at the expense of the ordinary citizen of this country.

Now it can be said in the Senate, and said accurately, that the land question is a provincial or a municipal responsibility, although as a nation and as a federal institution we have assumed a good deal of responsibility in the housing field, but if a lack of acceptance of responsibility by municipalities or provincial governments is making it impossible, as I think it now is, for federal legislation to enable the building of the housing desired in this country, then it is time the federal Government and Parliament took a serious look at the question.

I also agree with and support the suggestion made by Senator Cameron, in response to the request made to the Leader of the Government (Hon. Mr. Connolly, Ottawa West) some months ago that the Senate might well set up a committee to examine this question. I would go even further than Senator Cameron. I think the request should be made to the Senate to look into the question. I believe it is the responsibility and prerogative of the Senate to take this action, and if the Leader of the Government in the Senate is agreeable so much the better. But let the Senate decide. I think some senator should put a resolution on the Order Paper, and I would suggest that Senator Cameron do it, asking the Senate of its own initiative and through its own authority to establish a committee to examine this question.

I have not been in the Senate a long time and I have been a rather quiet member for two years, because I have long felt that when one goes into a new organization or a new body it behooves one to sit and listen for a considerable time. Well, I have passed my freshman year in the Senate and I have passed my sophomore year here. I am now in my third year in the Senate, and the longer I am here the more appalled I become at some of the things I see and the general lack of action by the Senate on a great many questions. I must say in fairness that I think this bothers every honourable senator.

One of the things that has impressed itself on my mind almost daily as I move around here and meet senators is their anxiety to do something, to do something more, to do something effective.

I congratulate Senator Lamontagne on his initiative in bringing before the Senate the resolution asking the Senate to look into the

science policy of this country, and I am honoured that he has asked me to be a member of that committee. When the committee met a couple of days ago I was surprised and exceedingly pleased to note what seemed to me to be a full attendance. I counted as many as 19 senators in attendance at the meeting of the committee on that day. So, apparently we can get a quorum in the Senate a lot easier than they can at many of the committee meetings in the other place.

I believe that senators generally are anxious to do something. This is a chamber where we certainly can look into the whole question of housing—the cost of land, the provision of low-rental housing, the provision of high-rise housing for low-income people, the possibility of prefabrication of houses, and many other aspects.

Senators are anxious to work on such matters, but it seems to me that senators will have to take individual action by placing a resolution on the Order Paper asking that action be taken. I am sure that any senator who has a sound idea will get support. In my experience, all members of the Senate, of both parties, are exceedingly fair and most anxious to do a job. I become somewhat tired of these long adjournments. I do not see why we should have them. I do not think senators really want them.

The House of Commons is bogged down, it is inefficient, it cannot get its own business through. It is like trying to put a stream from a 36-inch pipe line into a 6-inch pipe line, and it will not work. Therefore, they do not send us as much legislation as we look for, nor as much as this country requires. The country is in a mess, one of the reasons being that Parliament, the House of Commons, is unable to function and is today in a state of paralysis. You could underline, if you like, why it is in a state of paralysis. There are too many parties, there is too much irresponsibility, the working rules belong to the eighteenth century and they are trying to operate a national economy in 1968 on the basis of those old rules.

The Parliament of Canada, in the minds of Canadians, is today in a state of paralysis. The Senate is in a unique and advantageous position to do a job, to show the people of this country what it can do. It can continue to put forward ideas and policies on many of the problems for which the House of Commons, for obvious reasons, is unable to find a solution at this time.

If we look at some of the serious problems facing the country—the one we are talking about now is housing—we find that the Senate can make a general inquiry, where experts can be brought in, where evidence from the ordinary citizens can be heard, and where the views of provincial governments and municipal authorities may be given. On the basis of a thorough inquiry, hearing all sides of the question, we can produce a report. In the past other committees of this Senate have come forward with wonderful reports. There have been joint committees which have done similar good work.

Honourable senators, I believe that by action in the Senate from all of us, in all parties here, we can make a considerable contribution to the welfare and the progress of this nation.

Hon. Senators: Hear, hear.

Hon. Jean-Paul Deschatelets: Honourable senators, I concur, of course, in the remarks by Senator Argue about the initiatives which can be taken by this chamber. His remarks are on record and I am sure that they will be very seriously examined and considered by the Leader of the Government.

I join with Senator Argue also in praising the work done by the Senate Committee on Federal Science Policy. A few days ago, I attended a meeting of that committee for a few minutes. At that time this house was adjourned. I was very happy indeed to see that there was, nevertheless, a full attendance at the committee meeting and considerable interest was being taken by the members in their work. Honourable senators will have read in the newspapers about the work which the committee is doing. The Senate has had wonderful publicity on that account.

My friend Senator Cameron mentioned my name in connection with the housing bill now before us. We all know the interest he has taken over the years in this important subject, especially on the point of reaching the low-income citizen in order to enable him to have a home for his family. I hope Senator Cameron will push his idea further so that we can deal with a resolution on this particular aspect of housing.

We can all agree that up to now we have not reached the point where the low-income citizen can afford to qualify under the present housing legislation. I can assure Senator Cameron that if we had a resolution of this kind we could achieve very important progress,

because nothing can be done in that respect unless we bring together in full co-operation the provinces and municipalities.

Honourable senators, this may be the spark, the occasion when we can facilitate the work of the Government in this respect. Let us hope that the point raised by Senator Cameron will find its way into the Order Paper by way of a resolution.

Hon. Mr. Cameron: I will see to that. Thank you.

Hon. Chesley W. Carter: Honourable senators, my purpose in rising is twofold. First, I wish to express my wholehearted support of the remarks made this morning by Senator Cameron and Senator Argue. Secondly, I wish to point out that last year the committee on Consumer Credit (Cost of Living) did make a brief inquiry into the question of housing. That inquiry had to be a very superficial and limited one because of the time element. However, it was an extension of the terms of reference with which the committee was charged. I see no reason why that committee on Consumer Credit could not carry on its inquiry into housing from where it left off last year and do a much more thorough job.

Hon. Mr. Deschatelets: Is Senator Carter suggesting the appointment of a joint committee or a Senate committee? The committee on Consumer Credit was a joint committee.

Hon. Mr. Carter: I had forgotten temporarily that that was a joint committee. My suggestion was intended to refer to a Senate committee, which I believe would be very valuable for the purpose of this inquiry.

Hon. J. Harper Prowse: Honourable senators, all of us can agree that if the Senate were to set up its own committee to study this most important problem of housing, it is quite possible that we would be able to offer to the country some means by which it could be solved. I have made an effort to get a realistic picture of how far we are from solving it at the present time. I have done some arithmetic here and, though my figures may not be completely in line with the actuarial tables, I found this result. Taking an interest rate of 8⅝ per cent, what income would be needed to build an $18,000 home, if one could be built for that sum?

The monthly payments on the house itself, including insurance and an estimate on taxes, on a 30-year amortization, would run just over $150. On a 25-year amortization it is over $165 and on a 20-year amortization it is over $180 a month. Multiply these figures by 12 and you will see that the income needed in order to carry such payments, based on a quarter of the income going to shelter, would be in the neighbourhood of $6,000 a year. If we add heating costs, which probably we should, then it means that even at going rates the housing which we hope to be able to provide, or the best the housing industry in Canada can provide, will be available only to people whose incomes are in excess of $600 a month or $7,200 a year. This embraces a pretty small percentage of the population.

Now, a large part of this cost, it is true, is attributable to the cost of serviced land, and a large part is due to the cost of the servicing of the land. But we must not be blind to the fact that a very substantial part of it is due to the speculative profits that are to be had from dealings with land.

Slightly more than 100 years ago an economist by the name of Henry George, in his book *Progress and Poverty,* put forth the suggestion that all title to land was acquired in the first instance by either violence or fraud and that thereafter every increase in the value of land was the result not of any ingenuity or initiative on the part of the owner but simply of the expansion and development of society, and that because of those factors no person ought to be permitted to own land *per se*. He suggested that they should take it, use it and pay an economic rent.

This was the basis of a single tax theory which, while most intriguing, was found to be not too satisfactory, although it was for many years the basis of real estate taxes in parts of western Canada and to some extent still maintains. The idea was that if you took land and used it you paid a fair economic rent, but if it was not being used you did not have the right to hang onto it and take a profit as a result of the mere expansion and development of society to which you had contributed nothing except your greed.

Whether or not that is the answer to part of it, I do not know, but these are factors to be considered. What strikes me more than anything else is that while we have made tremendous advances in technology in a great number of fields, we are still building houses today by methods and procedures not too different from those used at the time of Julius Caesar. The whole house building industry on

which we have to depend today still uses antiquated, old-fashioned methods of construction. They have not applied to this most important social problem the technology, research, ingenuity and know-how which has been applied to other problems, and the result is that there has been no substantial change in the types of homes that we are able to provide for people and they are becoming increasingly more expensive.

In the automobile industry for years the American manufacturers resisted the suggestion that they should be building a cheaper car to provide inexpensive transportation for people with small incomes. Their answer was that if they built a good car which people with good incomes could afford, then the people with smaller incomes would be able to buy a good second-hand car. But over a period of time the little people who were supposed to buy good second-hand cars found that what they were buying in a great many instances was not a good second-hand car but somebody else's postponed repair bill. The result was the creation of a market on this continent that our entrepreneurs were unable to see, and it was not until this had been substantially entered into by the European small car manufacturers that the big businesses of the United States who are responsible for car manufacturing and design finally faced up to the facts and started to build small cars. Typically, however, after only one year of manufacturing these small cars they started adding things onto them until, again, what they were building was a modified Rolls Royce.

The same type of thinking has been going on in housing, namely, if we build a few houses for people who can afford to buy new houses, then there will be cheap housing available for the people in the lower income groups.

You may make housing available for people in the low-income groups by building houses for the people who can afford to buy them, but, honourable senators, let us not deceive ourselves or the people of Canada by thinking that this is cheap housing. It is just like the second-hand automobile. It is someone else's postponed repair bill.

This problem is so basically important that I hope the honourable senator from Banff (Hon. Mr. Cameron) will take advantage of the Order Paper to put on it without delay a resolution calling on the Senate to set up a committee to study the various aspects of this problem to see if perhaps with our combined experiences and our desire to be useful we might be able to contribute to the solution of what I consider to be the most important problem facing our society in Canada today.

Some Hon. Senators: Hear, hear.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Langlois, bill referred to the Standing Committee on Banking and Commerce.

STANDING COMMITTEE ON BANKING AND COMMERCE

NOTICE OF MEETING

Hon. Mr. Deschatelets: May I remind honourable senators that a meeting of the Standing Committee on Banking and Commerce will take place at 3 o'clock this afternoon in room 256-S. The notices, I am told, are just being distributed.

The Senate adjourned during pleasure.

At 8 p.m. the sitting was resumed.

DOCUMENTS TABLED

Hon. John J. Connolly tabled:

Report of the Board of Trustees of the Maritime Transportation Unions for the year ended December 31, 1967, pursuant to section 16 of the Maritime Transportation Unions Trustees Act, chapter 17, Statutes of Canada, 1963. (English and French texts).

Report on the Administration of the Canada Assistance Plan for the fiscal year ended March 31, 1967, pursuant to section 20, chapter 45, Statutes of Canada, 1966-67. (English and French texts).

Report of temporary loan made out of the Consolidated Revenue Fund to the St. Lawrence Seaway Authority on March 1, 1968, pursuant to section 26(4) of the St. Lawrence Seaway Authority Act, chapter 242, R.S.C. 1952. (English and French texts).

Report of the Governor of the Bank of Canada, and Statement of Accounts certified by the Auditors, for the year ended December 31, 1967, pursuant to section 16 of the Bank of Canada Act, chapter 88, Statutes of Canada, 1966-67. (English and French texts).

Capital Budget of the Canada Deposit 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 Order in Council P.C. 1968-91, dated January 17, 1968, approving same. (English and French texts).

Statutory Orders and Regulations published in the *Canada Gazette*, Part II, of Wednesday, March 13, 1968, pursuant to section 7 of the Regulations Act, chapter 235, R.S.C., 1952. (English and French texts).

Supplementary Extradition Agreement between Canada and Belgium. Signed at Ottawa December 27, 1966. (English and French texts).

Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland, Canada, Australia, New Zealand, India and Pakistan of the one part and the Imperial Ethiopian Government of the other part, respecting the War Cemeteries, Graves and Memorials of the British Commonwealth in Ethiopian Territory. Signed at Addis Ababa April 12, 1967. Entered into force November 6, 1967. (English text).

Agreement between the Government of Canada and the Organisation for Economic Co-operation and Development on the privileges, exemptions and immunities of the organisation in Canada. Done at Paris October 18, 1966. Entered into force May 22, 1967. (English and French texts).

Protocol done at Brussels on 27th May, 1967, to amend the Convention for the unification of certain rules of Law relating to assistance and salvage at Sea signed at Brussels on 23rd September, 1910. Signed by Canada May 27, 1967. (English and French texts).

Exchange of Notes between the Government of Canada and the Government of the Union of Soviet Socialist Republics concerning certain consular matters. Moscow, July 14, 1967. Entered into force July 14, 1967. (English and French texts).

Exchange of Notes between the Government of Canada and the Government of the United States of America, revising the Agreement of November 15, 1963, providing for joint co-operation on Civil Emergency Planning. Signed at Ottawa August 8, 1967. In force, August 8, 1967. (English and French texts).

Convention on conduct of fishing operations in the North Atlantic. Done at London June 1, 1967. Signed by Canada November 21, 1967. (English and French texts).

Exchange of Notes modifying the Air Agreement of July 11, 1966, between the Government of Canada and the Government of the Union of Soviet Socialist Republics. Signed at Ottawa December 12, 1967. Entered into force December 12, 1967.

Financial Agreement between the Government of Canada and the Government of India. Signed at Ottawa, December 20, 1967. (English and French texts).

Exchange of Letters (3) between the Government of Canada and the Government of Ireland, modifying the Trade Agreement concluded in 1932 between the two countries. Dublin, December 21, 1967. Entered into force December 21, 1967. (English and French texts).

International Convention for the unification of certain rules relating to carriage of passenger luggage by sea. Done at Brussels on May 27, 1967. Signed by Canada May 27, 1967. (English and French texts).

Report of Air Canada for the year ended December 31, 1967, pursuant to section 29 of the Trans-Canada Air Lines Act, chapter 268, R.S.C., 1952. (English and French texts).

Report to Parliament of the Auditors on the Accounts of Air Canada for the year ended December 31, 1967, pursuant to section 29 of the Trans-Canada Air Lines Act, chapter 268, R.S.C., 1952. (English and French texts).

Copy of a Press Release, dated March 12, 1968, issued by the Canadian Wheat Board, relating to the final payment on Oats and Barley delivered to the Board during the 1966-67 crop year. (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. 668 to 708, inclusive, and moved that the said reports be taken into consideration at the next sitting.

Motion agreed to.

NATIONAL HOUSING ACT, 1954

BILL TO AMEND—AUTHORITY TO PRINT

Hon. A. Hamilton McDonald, acting Chairman of the Standing Committee on Banking and Commerce, presented the following report of the committee on Bill C-202, to amend the National Housing Act, 1954:

> 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. McDonald: I move, with leave of the Senate, that the report be adopted now.

Report adopted.

REPORT OF COMMITTEE

Hon. Mr. McDonald reported that the Standing Committee on Banking and Commerce had considered Bill C-202, to amend the National Housing Act, 1954, 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. McDonald moved that the bill be placed on the Orders of the Day for third reading at the next sitting.

Motion agreed to.

DAIRY PRODUCTS

MOTION TO TABLE REGULATIONS—ANSWERED

On the motion of Hon. Mr. Argue:

> For copies of all regulations made by the Governor in Council under authority of the Canadian Dairy Commission Act.

Hon. John J. Connolly: Honourable senators, I have a reply from the Supervisor of Orders in Council, to the effect that the answer to the honourable Senator Argue's motion No. 4 is: "No regulations have been made by the Governor in Council under authority of the Canadian Dairy Commission Act."

ORGANIZATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT

THIRD MINISTERIAL MEETING ON SCIENCE HELD IN PARIS, FRANCE

On the Orders of the Day:

Hon. John J. Connolly: Honourable senators, may I have unanimous consent to make a short report on a meeting that I have attented quite recently in Paris?

Hon. Senators: Agreed.

Hon. Mr. Connolly (Ottawa West): Honourable senators, the Third Ministerial Meeting on Science of the O.E.C.D. countries was held in Paris on March 11 and 12, 1968. I had the privilege of substituting for my colleague, the Minister of Industry and Minister of Defence Production, the Honourable C. M. Drury, as head of the Canadian delegation.

The Canadian delegation was composed of a distinguished group—excluding myself, of course. They were: Dr. R. Gaudry, Rector of the University of Montreal and Vice-Chairman of the Science Council of Canada; Mr. C. J. Small, Permanent Representative of Canada to O.E.C.D.; Dr. K. F. Tupper, Vice-President of the National Research Council; Dr. J. R. Weir, Director of the Science Secretariat of the Privy Council Office; Dr. L.-P. Bonneau, a member of the National Research Council and Vice-Rector of Laval University; Dr. R. Martineau, Scientific Counsellor at the Canadian Embassy in Paris; Dr. E. O. Hughes of the Science Secretariat of the Privy Council Office; Mr. J. L. Orr, Industrial Research Adviser, Department of Industry, and Mr. P. J. Beaulieu, First Secretary (Scientific), Permanent Delegation of Canada to the O.E.C.D.

I should like, first of all, to record my personal appreciation to all of these distinguished gentlemen for their briefings, their solid advice, and the uncanny anticipation of problems they showed at all times. I was proud not only of what they did at these meetings, but also of the status they occupied within O.E.C.D. and at this ministerial meeting.

All twenty-two of the O.E.C.D. countries were represented, and there were three observers—Finland, the Council of Europe, and the European Economic Community. The chairman was Dr. Gerhard Stoltenberg of West Germany. The United States was represented by Dr. Donald Hornig, from the office of the President, who is a very distinguished scientist in his own right and a man who has attended one, and perhaps two, previous ministerial meetings.

The French delegation was headed by Mr. Maurice Schumann, Minister for Scientific Research, while from Italy there was Mr. Leopoldo Rubinacci who occupies a similar post in the Italian cabinet. From Japan there was Dr. Inoue, Vice-Minister for Science and

Technology, from the Netherlands Dr. G. H. Veringa, Minister for Education and Science, and from Portugal Dr. Inocencio Galvao Teles, Minister of Education.

The United Kingdom had two ministers present in the persons of the Right Honourable Patrick Gordon Walker, Minister of Education and Science, and the Right Honourable Anthony Wedgwood Benn, Minister of Technology. The Belgians sent their Prime Minister, the Honourable Vanden Boeynants, while Mr. Franz Hellwig, the Vice-President, represented the European Economic Community, and the Council of Europe was represented by Mr. Peter Smithers, the Secretary General.

There have been three ministerial meetings of this group. Earlier meetings within the O.E.C.D. framework directed that certain studies of scientific problems be undertaken within O.E.C.D. countries. These studies were conducted under the direction of the Committee for Science Policy of O.E.C.D., and the work was actually done by working groups or task forces of experts appointed by this Committee for Science Policy. The material which they produced for this meeting was technical, voluminous and of exceedingly high quality, and for this work they were warmly congratulated by all the ministers who attended the meeting.

The studies predetermined the agenda for the ministerial meeting itself, and there were three topics to which the task forces directed themselves. Firstly, there was the problem of gaps in technology between member countries of O.E.C.D.; secondly, the organization and promotion of fundamental research within and between member countries; and, thirdly, policies of member countries on scientific and technical information systems, or methods whereby the great amount of scientific and technical data could be assembled and communicated not only within countries but between countries.

The Canadian delegation made a contribution to each of the different parts of the agenda. Dr. Gaudry, the rector of the University of Montreal, spoke on the promotion of fundamental research, and spoke very well indeed. I had the honour of being the Canadian spokesman in respect of the other two items.

Obviously, honourable senators, I can do no more here than summarize the proceedings. However, I do think it is important, in view of the program before our own select committee of the Senate on Science Policy in Canada, that something should be said about this ministerial meeting at this time because these committee meetings are continuing.

May I deal with the first topic on the agenda at the ministerial meeting in Paris, namely, "Gaps in Technology between Member Countries."

Differences in industrial performance between member countries was noted and emphasized quite considerably by the people present. There was really no attempt on the part of some countries to refuse to acknowledge failures to reach adequate levels of technological development within their own boundaries. There are, of course, many factors which determine the level of technological performance within a nation or a society—the skill of operations, plant facilities, labour skills, capacity of management, commercial industries, marketing programs, the availability of capital and the level of technology itself. The management of technology affects both the private and the public sector, it affects both firms and governments.

Canada's proximity to the United States was pointed out. The existence, and indeed the prevalence, of subsidiaries of United States parent companies in this country was recognized as creating a special status for Canada in the background of the spectrum of all the O.E.C.D. countries. For us, of course, it was clearly understood that the problem is how Canada is to obtain the best economic performance and productivity, avoid inefficient operations, and above all perhaps avoid adverse balances of payments being developed as a result of the number of United States subsidiaries here.

We are making some progress in this area. Research and development expenditures in Canada between 1963 and 1965 grew at an average rate annually of over 23 per cent and the capital expenditures doubled. The very distinguished Secretary General of O.E.C.D., Mr. Thorkil Kristensen from Denmark, who has been Secretary General for a number of years, said something on one occasion which I thought was most striking. He said he thought that science policy for national industrial development today was more important than capital requirements.

The ministers urged governments and the private sector to encourage steps to develop technological innovation and transfers of information. Data in patents presented some concern, as did questions of licences, but that is a matter for national legislative action. It is

not a matter for decision at international conferences, even if ministers are there, and it must not be changed at the expense of discouraging initiative, particularly when patents are in the private sector. The number of government-owned patents is relatively small. Mr. Hornig spoke brilliantly, I thought, and very effectively on this point.

It was acknowledged, of course, that Canada is not as advanced in these fields as is the United States, the leader in the field. But the gap between the United States and Europe is very wide and, if one can make an assessment of the consensus at this meeting, it would appear to be widening. Canada was rather generally bracketed with Japan. It was felt that her position and that of Japan lies somewhere between the relatively high level of technological development and innovation which is produced in the United States, and that which is produced in Europe.

The focus of the problem, therefore, was pretty well established in that first debate, which was conducted in a very objective, frank and revealing way.

The second topic was the general issue about the importance of fundamental research in pure science, and pure science within the boundaries of the O.E.C.D. countries. The importance of this fundamental research work, as an ingredient of our national systems of education and as a stimulus to innovation and invention, was stressed by practically every speaker, representing every national group.

National action within universities and within research centres, to finance and to organize institutional structures and to adjust the emerging requirements in the commercial, the social and the economic life of the country, it was said, must be given the highest priority.

There was a general admission that within some of the European universities the structure on the science side was much too rigid. It was pointed out that the Japanese and the French have begun to develop a common approach to this problem by establishing joint university laboratories. It was felt that this approach is worth studying, particularly by some of the smaller countries in O.E.C.D. and even by some of the developing countries of the Western World.

There was some reference to Canada's work in the field of negotiating "development grants"—which is done by the N.R.C., and by research contracts awarded by departments of government. These were considered to be steps of value in the right direction.

On the international side it was urged that action be taken along the same lines as those urged for national action, and that the stimulus to national action could promote a good deal of stimulation for this work in the international field. But the idea of matching funds from member nationals to develop international co-operation found little support. In other words, the member nations seemed to think that it would be better if they took the initiative at home and then tried to harmonize the work they do with the work that is done along similar lines in other countries.

Honourable senators, I should point particularly to the stress which was laid on the importance of mobility of scientists, both within national boundaries and across national boundaries. Men of knowledge, men of technical skill, men of innovative capacity, moving from one research centre within Canada to another, or moving from a research centre in the United States into Canada, or into France or into Germany, can do a considerable amount of valuable work to assist the people into whose laboratories or research centres they move.

The third topic discussed was Scientific and Technical Information Systems and Policies. On this item of the agenda Canada led off. We tried to make it very clear that regardless of the amount of research which is done, if the benefits are not communicated widely, if they are not made widely available in our own country and in others, much of the advantage that we achieve by promoting research will be lost. This scientific and technical information comes in part from private sources, in part from universities and in part from official government agencies. We were told it doubles almost every decade and for the most part is difficult to locate and acquire.

Thus, a system of information—of gathering it and making it available to the people who need it both on a national and international scale—is becoming of very great importance. This type of system, the development of new information systems and of new systems of dissemination of technology, is in itself a new industry requiring the establishment of comprehensive, technologically based systems involving the use of computers and various kinds of communication devices including even translation systems, and requiring above all the timely transmission of the material that happens to be required at a given moment by a given scientific establishment or a given scientist.

Within a country these systems of electronic communication, it was agreed, must be harmonized, co-ordinated, made compatible and convertible. The input should be valid and the output should be complete.

It was felt that national centres should be established in more and more countries and that the national system of a given country should be compatible with all other national systems, at least within the O.E.C.D. countries.

I was very proud of the fact that a Canadian proposal, a Canadian initiative, was accepted in principle by the Secretary General and won the unanimous agreement of the people who spoke on this item of the agenda. The Canadian initiative was that as a matter of urgency within the O.E.C.D. there should be established a small group of experts to propose for ultimate approval and adoption by all of the member nations a system for the collection and dissemination of scientific and technical data. I personally am confident that this will be done. I am sure, too—although I must base my opinion entirely upon what has been said by the many experts and outstanding scientists in the world who attended this meeting—that very great benefits will flow from an effective and complete system of transference of scientific and technological data. It will help national growth and it will be invaluable in many ways in the peaceful development of the international community.

I should like to say in conclusion that I have heard Mr. Thorkil Kristensen of Denmark, formerly Minister of Finance in that country, perform a number of times at meetings of the O.E.C.D., of which he is Secretary General. I think this man is one of the great men of the modern world. In my view he has made O.E.C.D. one of the most authoritative sources of information required in the modern industrial state. He has brought great prestige to the work done by O.E.C.D. because of his own prestige. I think that the member countries are fortunate to have such a person as Mr. Kristensen as the Secretary-General.

I would be an ingrate indeed if I did not say how grateful I am to the Canadian Ambassador to France, M. Jules Leger, an old friend, and to Madame Leger for their very great kindness.

I have no hesitation in saying that this meeting was not the type of meeting that a politician normally would attend. The work was difficult, and unfortunately I was asked to attend only a day or so before I had to leave. Although I did a considerable amount of work to familiarize myself with the background papers, it was not as much as I or any honourable senator would like to have done before attending a meeting of such importance. However, I think I have never attended so rewarding an international meeting.

Finally, honourable senators, let me say that I could have done nothing without the very expert advice that was available to me from scientists and other Canadian representatives on the delegation—men who enjoy a status within that organization of which we can all be very proud. Thank you.

Hon. Mr. Paterson: What language did they use?

Hon. Mr. Connolly (Ottawa West): There was simultaneous translation, of course, but the languages used were English, French, Japanese, German, Italian, Portuguese, Spanish and Turkish.

Hon. Mr. Fournier (De Lanaudiere): Was Russia represented?

Hon. Mr. Connolly (Ottawa West): No. The only Iron Curtain represented was Yugoslavia, and they made several very worthwhile contributions.

BUSINESS OF THE SENATE

Leave having been given to revert to Motions:

Hon. John J. Connolly: Honourable senators, I have received no further word about the situation in the other place since the Senate assembled at eight o'clock this evening. There is a possibility, and we all hope it will become a reality, that the Income Tax bill will be completed by the time the Commons rises this evening. Having spoken with Senator Flynn on this matter, and in the hope that the adjournment may come before the end of the week, I move that we now adjourn until tomorrow morning at 11 o'clock and survey the situation at that time, if that is agreeable to honourable senators.

Hon. Senators: Agreed.

The Senate adjourned until tomorrow at 11 a.m.

THE SENATE

Friday, March 15, 1968

The Senate met at 11 a.m., Hon. Maurice Bourget, P.C., Speaker *pro tem,* in the Chair.

Prayers.

PENITENTIARIES

JOINT COMMITTEE—COMMONS MEMBERS

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons to acquaint Their Honours that Messrs. Aiken, Allmand, Dionne, Fulton, Lachance, Matheson, McQuaid, Prud'homme, Ricard, Rochon, Stafford, Tolmie, Watson (Châteauguay-Huntingdon-Laprairie), Woolliams and Winch have been appointed to serve on behalf of that House on the Special Joint Committee on Penitentiaries which was established on February 1, 1968.

DOCUMENTS TABLED

Hon. John J. Connolly tabled:

Report of Polymer Corporation Limited, 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).

[*Later:*]

Report, dated February 5, 1968, of the Honourable Mr. Justice W. G. Morrow on the Inquiry respecting the Administration of Justice in the Hay River Area of the Northwest Territories. (English and French texts).

Progress Report, dated March 1968, on the Federal Government Program for the Development of Bilingualism. (English and French texts).

FINANCE

INQUIRY AS TO WORLD GOLD CRISIS

Hon. Jean-François Pouliot: Honourable senators, I have a question to ask. I do not know what will be the answer—that is the reason I ask it. The papers are full of stories about a gold crisis that exists, but I do not understand why it is impossible or at least difficult to get gold coins when gold bars are being sold by the ton. How does such a thing happen?

My second question is about the coverage of paper money. If it is as easy as we are led to believe for individuals to buy and sell gold bars, why does not the Government interfere and stop the sale of gold which is held in reserve by the banks as well as by the Dominion?

My third question is about the fraction of coverage by gold that exists for paper money. If the sales of gold now taking place are not stopped, what will be the coverage for our paper money?

If it is difficult to answer these questions now, I will be grateful if the Leader of the Government will answer them at the first possible opportunity. I called for information this morning and was told that the coinage of gold was in limited quantity while the gold in bullion is available to so many people.

PUBLICATIONS BY QUEEN'S PRINTER

Hon. Mr. Pouliot: Honourable senators, touching another matter, j'ai des bonnes nouvelles pour vous autres.

The other day I asked for a book which was banned. It was on the checklist of publications for parliamentarians. It was called *East Block.* Surprisingly enough, I now find that the ban has been lifted and any member of the Senate or Commons who calls the distribution office can obtain a copy of the book in English or in French.

On this I have an observation to make. When any one of us makes a suggestion or a request, his chance of success is 25 per cent; when we are two, the chances are 50 per cent; when we are three, the chances are 75 per cent; and when we are four, 100 per cent—and the bell rings.

Some Hon. Senators: Hear, hear!

NATIONAL HOUSING ACT, 1954

BILL TO AMEND—THIRD READING

Hon. Leopold Langlois moved the third reading of Bill C-202, to amend the National Housing Act, 1954.

Motion agreed to and bill read third time and passed.

NATIONAL CAPITAL COMMISSION

APPOINTMENT OF JOINT COMMITTEE

Hon. John J. Connolly moved:

That the Senate do unite with the House of Commons in the appointment of a joint committee of both Houses of Parliament to examine the progress and programs of the National Capital Commission in the development, conservation and improvement of the National Capital Region;

That six members of the Senate, to be designated at a later date, act on behalf of the Senate as members of the said joint committee;

That the said committee have power to call for persons, papers and records, to sit during sittings and adjournments of the Senate and to report from time to time;

That the said committee have power to print such papers and evidence from day to day as may be ordered by the committee; and

That a message be sent to the House of Commons to inform that house accordingly.

Honourable senators, I will confer with the honourable Leader of the Opposition in respect of the composition of this committee. It is conceivable that we will come to a decision today, and report to this house later.

Hon. Jean-François Pouliot: Honourable senators, I would be interested to know in due course what amounts have been spent by the National Capital Commission and by the similar body that existed before its formation, in view of the fact that the capital city of Ottawa has the poorest lit streets and the worst sidewalks in wintertime of any city in the country.

The National Capital Commission was established, I think, during the time when Sir Wilfrid Laurier was Prime Minister. Various governments have given that organization some assistance in the form of subsidies, but the National Capital Commission itself is an abstraction. It is one of the numerous abstractions we have in Ottawa. It is a body that cannot be criticized and which it is very difficult to reach with complaints.

Putting all complaints aside, I have a suggestion to make. I wonder if honourable senators realize that all the grounds that belong to Canada in Ottawa are under the control of the National Capital Commission, yet within this building and the other federal buildings the Department of Public Works has the management of everything. When we go out and cross the door of this building we come to a sidewalk and to the small piece of land in the shrubbery between the sidewalk and the walls of the building, which are under the Department of Public Works; and all the environs and the Hill are under the management of the National Capital Commission.

This is why I have never understood why we have a Senate committee to deal with the grounds around the building. They are not ours. They are under the control of the National Capital Commission, which I think is under the Minister of Public Works, although I am not sure. The traffic is supervised by the R.C.M.P., who are under the Department of Justice. The Senate has nothing to do with grounds surrounding this building and the House of Commons has nothing to do with the grounds surrounding the building. The National Capital Commission is supreme.

I do not know the members of the National Capital Commission and I am not interested in knowing them, but I want the commission to function to the best advantage of the city of Ottawa and the people who live in it.

I have a suggestion to make, about which I have twice written to a member of the Cabinet and so far received no written answer. When I spoke to him about it he gave me an affirmative nod. That is something; it is better than nothing. My suggestion is that we should honour the memory of a very great man who did more for the teaching and understanding of Canadian history than anybody else. He published many books, and with the assistance of Lord Minto, who gave him access to the British Archives, he created the Dominion Archives of Canada. I refer to Sir Arthur G. Doughty, who was a personal friend of mine.

A statue in his memory was erected in front of the former Archives building. When that building was closed the statue was put in a shed, where it has remained since. I asked for information about it and was told that the statue would be put behind the building, between the Ottawa River and the building where nobody would see it. The proper place for that statue is in front of the Wellington Street façade of the National Library, just as it was in front of the Dominion Archives on Sussex Street. Because the Archives have been transferred to the National Library is no reason to forget the immense role played by

Sir Arthur Doughty as a most learned man in teaching us who our ancestors were.

I was one of the original subscribers to *Canada and its Provinces*, a monumental work in 23 or 24 volumes, if not more, which is a compendium of articles produced by the French-speaking and English-speaking scientists of the day. It contains a mine of information about the history of Canada up to the time it was published around 1910 or 1912. We see a lot of biographies in it and they are well written, without prejudice, giving us full information about the beginnings of this country.

If we are to honour our great men, this is an occasion to do so. I wonder if you remember, or if you have forgotten, that I have complained that a monument erected to the memory of two of our greatest statesmen, and three single monuments—one for two persons and three others each for one—have never been unveiled. I expected them to be unveiled by the Queen when she came to Canada in October 1964. She had a free afternoon, but it was not done—for what reason, I do not know. It would have taken 20 minutes to come from the Château Laurier and unveil the monument to the memory of Lafontaine and Baldwin, the two greatest statesmen that Canada ever had.

What about McGee? What about Alexander Mackenzie? What about another father of Confederation, George Brown? The monuments are there, they are being exposed to all winds, and they have never been unveiled. But they are at the right place—they are on Parliament Hill. There is no excuse to leave the statue of the great Sir Arthur G. Doughty in a shed, instead of putting it in front of the National Library where it will be an ornament and where it will remind the young and the old of Canada that it was an Englishman, a man who was born in England and who came young to Canada, who taught the French-speaking and English-speaking Canadians who they are.

Hon. Senators: Hear, hear.

The Hon. the Speaker: Honourable senators, is it your pleasure to adopt the motion?

Hon. Mr. Pouliot: With certain reservations.

Motion agreed to.

DIVORCE

REPORTS OF COMMITTEE ADOPTED

The Senate proceeded to consideration of reports of the Standing Committee on Divorce Nos. 668 to 708, inclusive, which were presented yesterday.

On motion of Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, reports adopted, on division.

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 647 for the relief of Micheline Lucie Chiamba Mantovani.

Resolution 648 for the relief of Leo Paul Sarrazin.

Resolution 649 for the relief of Anne Elizabeth MacDonald Hunt.

Resolution 650 for the relief of Sofie (Zofia) Helen (Helena) Pokorska Rombel, otherwise known as Sofie (Zofia) Helen (Helena) Pokorska Rabel.

Resolution 651 for the relief of Maurice Curey.

Resolution 652 for the relief of Micheline Dominica Rosa Di Marzio Bonetti.

Resolution 653 for the relief of Audrey Alice Bedard Culver.

Resolution 654 for the relief of Richard William Dow.

Resolution 655 for the relief of Leopold (Leo-Paul) Bolduc.

Resolution 656 for the relief of Paul Emile Gervais.

Resolution 657 for the relief of Claude Duval.

Resolution 658 for the relief of Marilyn June Morris Nantel.

Resolution 659 for the relief of Ronald Boucher.

Resolution 660 for the relief of Marie Therese Monique Baillargeon Cyr.

Resolution 661 for the relief of Adrienne Plante Sawyer.

Resolution 662 for the relief of Eveline Elizabeth Marie Desharnais Bergeron.

Resolution 663 for the relief of Joyce Joan Kinna Cameron.

Resolution 664 for the relief of Marie Rose Rita Labrecque Allard.

Resolution 665 for the relief of Gisele Marie Yolande Massicotte Martel.

Resolution 666 for the relief of Earl Stanley Caunter.

Resolution 667 for the relief of Dale Coates Stevens.

Resolution 668 for the relief of Maureen Stella McMenamin Lemay.

Resolution 669 for the relief of Marlene Ellen Marlin Paulett.

Resolution 670 for the relief of Myer David Boxenbaum, otherwise known as Myer David Bowen.

Resolution 671 for the relief of Florence Victoria Yates MacDonald.

Resolution 672 for the relief of Marie Desbiens Pharand.

Resolution 673 for the relief of D'Avila Beaudoin.

Resolution 674 for the relief of Evelyn Ellen Rose Leduc Freitag.

Resolution 675 for the relief of Audna Frances Nicholas Hayes.

Resolution 676 for the relief of Thomas Gerald Abrams, Jr.

Resolution 677 for the relief of Robert Matte.

Resolution 678 for the relief of Berthe Landry Bastien.

Resolution 679 for the relief of Evelyn Suzanne Reed Billard.

Resolution 680 for the relief of Leona Spencer Levert.

Resolution 681 for the relief of Pauline Gascoine Goodger.

Resolution 682 for the relief of Jacques Bourduas.

Resolution 683 for the relief of Mildred Goodman Marcus.

Resolution 684 for the relief of Jean-Guy Fournier.

Resolution 685 for the relief of Margarete Hohanne (Hohanna) Kuba Simmons.

The Hon. the Speaker: When shall these resolutions be taken into consideration?

Hon. Mr. Roebuck: Honourable senators, I do not know what the situation is in regard to future sittings of the Senate, and I think it would be a wise move to adopt these resolutions forthwith.

Hon. Senators: Agreed.

Hon. Mr. Roebuck: Honourable senators, I move, with leave of the Senate, that these reports be adopted now.

Hon. Jean François Pouliot: Honourable senators, I have a word to say on this matter. There is a large number of civil servants of the Senate who are now engaged in divorce business and who will not be engaged in it after the legislation to create a divorce court has been proclaimed. I wonder if the proclamation has been issued.

Hon. Mr. Flynn: No.

Hon. Mr. McCutcheon: No.

Hon. Mr. Pouliot: Then may I ask the Leader when the proclamation will be issued.

Hon. Mr. Connolly (Ottawa West): I do not think anyone can give an answer at the moment, because some discussions must take place with the provinces which have the responsibility for the administration of justice. When those discussions have been concluded, which may be a matter of a month or so, it will then be possible to proclaim the act.

Hon. Mr. Flynn: But only after three months.

Hon. Mr. Pouliot: I thank the honourable senator for the answer, but I draw the attention of my honourable colleagues to the fact that it is an anomaly. The reason I voted for the divorce bill was to get rid of the divorce business, but we still have it. I hope that at least it will be for only a very short time.

Hon. Mr. Roebuck: May I give some information in addition to what our leader has said? The bill itself provides that it may not be proclaimed within a period shorter than three months after its adoption in this house.

Hon. Mr. Flynn: No. I am sorry.

Hon. Mr. Roebuck: Well, after it received Royal Assent.

Hon. Mr. Flynn: It can be proclaimed, but it cannot be put into force before three months from the date of proclamation.

Hon. Mr. Roebuck: Well, that of course, is just technical. I will not quarrel about the language. However, it cannot come into effect for three months after the Royal Assent, which in my memory was on February 1.

I thought perhaps we could get it proclaimed some time in May, but as the leader has said, that is problematical. The Chief Justices of the various provinces are conferring now with regard to the rules that shall be adopted.

As to the progress of these resolutions, I am no more concerned than anybody else in the chamber. I try to give service. It might be that, should we adjourn now without any accurate knowledge of when we will meet again, a considerable unnecessary delay might take place. That is why I suggested that we adopt the resolutions now.

Resolutions adopted on division.

CANADIAN DAIRY COMMISSION ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

The Senate resumed from Wednesday, March 6, the adjourned debate on the motion of Hon. Mr. Argue for the second reading of Bill S-34, to amend the Canadian Dairy Commission Act.

Hon. Arthur M. Pearson: Honourable senators, in rising to speak on this private bill brought before this house by honourable Senator Argue, I must say that I am most pleased that he has brought this matter to the attention of this chamber. It deserves the consideration of this chamber as well as the other place.

I heartily agree with this petition which would make it impossible for the dairy commission to discriminate against the small defenceless dairy farmer. From my point of view, however, I am against subsidies in any form to the extent that they assist inefficiency. Most subsidies are a palliative to cover up losses in an industry which would be non-operative except for the assistance received from other industries which are efficient and produce a profit.

On the other hand, subsidies can and do assist in maintaining a balance in our total standard of living. Our dairy industry, which is made up of thousands of individuals each competing against the other for the market, cannot control the sale price of its product. In this it is unlike other industries where there are fewer competitors for the market and an industry is able to add costs to the price of its product and so make a profit.

The dairy commission has apparently decided on a drastic cut in the number of small farmers to whom they would pay the subsidy. It seems to me that somebody outside the dairy commission had a say in this matter. The dairy commission was set up in July 1966. Prior to that date the stabilization board paid out subsidies to the dairy farmer without any discrimination. It is interesting to note that in 1963-64 the butterfat content of cream received by way of subsidy $1,844,764 and the butterfat content of milk in that same period received $1,276,474. Then in 1964-65 the butterfat content of cream received a total of $19,033,228 and the butterfat content of milk received $13,342,330. Thus, the total in 1963-64 for the two amounted to $3,120,000, whereas the total in 1964-65 was $32,375,000, while in 1965-66 the same stabilization board paid out a total of $29,147,000 to the producers.

After the dairy commission was set up in July 1966, it became operative for payment of subsidies on March 31, 1967, and it paid out approximately $76,370,000 in the one year. Apparently someone thought they had far exceeded what should be paid in the way of subsidies to the dairy industry and, as a result, drastic action has had to be taken to cut off the small farmers. Apparently it is the object of the dairy commission to rationalize the dairy industry but in doing so they must remember it was the payment of subsidies by the Government that encouraged many farmers to go into the business of milking a few cows to add to their cash income. Yet suddenly they are told, "We will no longer support you."

I do not see how our Government can assist our agricultural industry in such an offhand manner. How are the dairy people to know that the minimum will not be raised to 60,000 or 75,000 pounds for butterfat milk content and 2,000 to 3,000 for butterfat cream content in one or two years from now and thus eliminate a great many more of the smaller farmers? It must not be forgotten by the dairy commission, or any other government board, that the farmers are at the mercy of a great many natural elements which hinder their production and they do not need the Government or the dairy commission to add to this problem. As a rule, their investment is fairly heavy in the production of dairy products, and apparently there is to be no redress or compensation for their loss of the subsidy.

I contend that if the present Government had followed through and made use of the ARDA program as originally set out, these small farmers would have been granted loans and supervisory management so that they could have become part of our profitable farm community. Instead, we have an arbitrary declaration made by the Canadian Dairy Commission that many of the smaller farmers will be cut off the subsidy payment and thus help create further rural poverty.

Honourable senators, I would like to substantiate that statement by quoting from a handbook which deals with production-line farming and which was presented to me when I was chairman of the Land Use Committee. It is headed "Production-Line Farming for the Family-sized Grassland-Livestock Farm," by T. J. Rutherford, Director, Veterans' Land Act. In this short extract which I shall place upon *Hansard* he says:

> Last but certainly not least, the rapid mechanization of our many highly-diversified and too often undersized and understocked farms has raised agricultural production costs to crippling proportions in comparison with those of industry. The only cure for this—agriculture's major problem—is an adequate supply of carefully Supervised Long-Term Farm Credit. This would make possible the building up of economic, family farm units of ample size, adequately stocked, and organized and managed in accordance with those production-line principles which have already put industry in its present satisfactory position. Such credit would also assist farmers to more quickly adjust production to a home market that is expected to be 35 per cent larger in twenty years and which, due to our rapidly rising standard of living, is demanding more and more high-protein refrigerator foods such as red meat, fowl, eggs, milk and cheese—which, on an equivalent calorie basis, require about four times as much land to produce as do the bread and potatoes—

I have also some interesting figures which were published in the Mackenzie Report setting out the number of small dairy farmers in each province who would have been affected if the original proposal of the dairy commission had been carried out, namely, 50,000 pounds of milk and 1,750 pounds of butterfat. Quebec has the largest number of these small dairy farmers, some 25,780, followed by my province of Saskatchewan with some 21,890, then Alberta 18,937, followed by Ontario and Manitoba in that order, and the Maritime Provinces with slightly more than 2,000 small dairy farmers each.

However, in terms of percentages, Saskatchewan stands at the top of the list with 93.3 per cent of its farmers who would have been affected or cut off from subsidies, Nova Scotia second with 87 per cent, and Manitoba third with 83 per cent. This, honourable senators, makes a very large segment of farmers who are going to be affected in these provinces. You might almost say it would dry up the total production of dairy products in these provinces. Not only the dairy producers and the farmers themselves but creameries would suffer all over the country because the greater percentage of milk and cream produced in Saskatchewan, for example, is produced by the small farmers. For the whole of Canada it would mean that about 60 per cent, or three-fifths of the farmers in the dairy business, would have been cut off. And who is to say that they will not be cut off next year or the year following if this hit-and-miss policy of the Government is continued?

As I said before, honourable senators, I am very pleased to support this short bill of Senator Argue's and I hope that this chamber will give it the consideration it deserves. It is a very serious matter for our agricultural people to be put in this position, and unless we have a prosperous rural population, eventually it will have an effect on the urban people.

Before I close I would like to draw to the attention of honourable senators the fact that we now have a very large supply of substitutes for butter, and there is a substitute for milk on the way. If we curtail our dairy industry I am quite satisfied that some industrialist will suddenly appear on the scene with large quantities of milk substitutes which will cut heavily into the market of our dairy people. This is just another reason why we should give this matter very serious consideration.

I conclude with a short extract from the Montreal *Gazette* which supports that statement. It reads:

> A new synthetic milk made from vegetable oils is a threat to 220,000 dairy farmers, claims an official of the Dairy Farmers of Canada.
>
> John Monkhouse, assistant executive secretary, said yesterday, "Our farmers have not taken this matter seriously until now and now could be too late."
>
> The synthetic milk is likely to retail at 23 cents a quart. Natural milk sells for 29 cents a quart in stores and 31 cents for home delivery.
>
> Mr. Monkhouse said not enough time had been spent finding new outlets for natural milk in preparation for cheaper synthetic milk.

Hon. Mr. Burchill: May I ask the honourable gentleman a question? What is the definition of a small farmer?

Hon. Mr. Prowse: He is a farmer who is smaller than a big farmer.

Hon. Mr. Pearson: It all depends on the district in which the farm is located. If a farmer has a considerable amount of land where the soil is poor in quality, then he could be considered a small farmer, while on the other hand a farmer with a relatively small acreage where the soil is good might not be included in the term "small farmer".

Hon. Mr. Paterson: May I ask the honourable senator if the article from which he has just quoted did not also state that housewives had evaluated the substitute which he mentioned. I think I remember reading that one housewife said it had no nutritional value and that they could not cook with it.

Hon. Mr. Pearson: No, I do not remember seeing that.

Hon. Harry Hays: Honourable senators, I have one or two remarks to make about this bill. I am rather concerned about this matter, and I appreciate the concern of other honourable senators, Senator Argue, Senator Prowse and Senator Pearson. They are concerned about the cutting-off of many, many people from the dairy subsidy under the Canadian Dairy Commission Act. As I had something to do with putting the original bill together—although I did not remain long enough to see it through the House of Commons—I thought I should make a few remarks to clarify some of the points that have been raised in the debate on this bill to amend the Canadian Dairy Commission Act.

The original act was designed to make economic units. Also it was probably designed to take the dairy business out of the field of politics, to let these people run their own show, without subsidies. However, in the initial stages, certainly there would have to be some subsidies, because the dairy farmers in Canada in the last 10 years have diminished greatly in number; we have been losing an average of 21,000 dairy farmers a year. The reason for this loss is that they have not been able to make it go. Somewhere along the road they had to start with the quota system, so that they would have an economic unit. I think this was probably a proper place to start, at 420 pounds. Maybe the original 1,750 pounds of fat would be somewhat too high, but the act was designed to level off consumption and production so that the price of the commodity to the housewife would be reasonable and at the same time the producer would be able to make a living.

We carried out extensive studies. As a matter of fact, we looked at the legislation of France, England, New Zealand, Australia—altogether, I think we looked at 12 or 13 countries. Some of our greatest competitors today are countries like New Zealand, which has 10 months' pasture. Their economic units run around 150 to 165 cows, and two people do the work. When we speak of 420 pounds of fat we speak of a very average dairy cow—and I do not think it is economically sound to milk one cow!

I must tell you a little story. In 1942 I travelled from Calgary north to a little town named Didsbury to buy a cow I had seen there. The sale was on the afternoon before New Year's, it was 20 below zero, and I purchased this cow at about 4 o'clock in the afternoon. The sale was held outside the barn and, as I say, it was around 20 below with a north wind blowing. The cow cost me $210. I drove half-way back to Calgary, and I thought to myself that it was pretty cold, the fellow had my money, she was a fresh cow and it might ruin her because he had not milked her out. So I drove all the way back and milked her out as she was standing in a corral near the barn. Neither she nor I was too happy about it. I got back home at 11 o'clock on New Year's eve, and it took me three years to get in good with my wife again, having been absent from home over New Year's eve for the sake of a cow.

Hon. Mr. Argue: You must have had cold hands!

Hon. Mr. Hays: The next day the cow was put on official tests. She made 812 pounds of fat, or almost twice the amount we are speaking of now. The following year she produced 1,409 pounds of fat, or more than three times the amount we are speaking of today. Of course, at that time it was a Canadian record; as a matter of fact, it was a world record. I just give this illustration to point out that the amount of fat we are speaking of is very small.

I have milked 125 cows for 30 years—not myself, but I have milked more than my share over Christmas and New Year's Day because of the preceding celebrations. If we had a cow that could not give 400 pounds, she

was a cull and we just would not keep her around. Any decent herd averages between 500 and 700 pounds of fat today. So, we are not speaking of a great quantity of butterfat and, although there are many people involved, somewhere along the line we had to make a decision as to whether we were going to go ahead with this and have economic units, or whether we were going to have one- or two-cow farmers. I do not think that would be good for the farmer who is participating, or for the industry that we are trying to improve.

Most of the farmers involved in this are in Saskatchewan. We have found that there are four reasons why we should probably send this bill to committee for examination before we make any decision to change what the Dairy Commission had in mind.

First, the dairy farmers of Canada agreed this was a reasonable position. It was discussed with them before it was put into force; they even thought 1,750 pounds was a reasonable position. These people represent all of our dairy farmers in Canada—or a great many of them.

Second, for the most part those involved are highly capitalized farmers, or are farmers in Manitoba, Saskatchewan and Alberta who have one or two cows. They milk them in the spring and summer. It is like the old deal of the housewife taking the farmer's grain to feed chickens and getting a few eggs and a bit of spending money. I think this is the main reason why we have this great number of shippers.

In the other provinces many are people who live in the fringe areas of towns and cities and milk one or two cows. They are employed as mechanics in industry, and that sort of thing, and they keep a cow or two for milking purposes.

So, they are trying to rationalize quotas and to come up with economic units in relation to our greatest competition which is in New Zealand and Australia. Their economic units are around 150 to 165 cows, and if we are going to have economic units in Canada, it seems to me we are going to have to have a minimum quota of 1,000 pounds of milk a day; which involves about 35 or 40 cows. I suppose that, if we are to do a proper kind of job in the future, we are speaking of 150 or 200 cows.

I believe it was the honourable Senator Pearson who mentioned the producers involved and those who would produce less than 420 pounds. These are the round figures:

P.E.I.	400
Nova Scotia	900
New Brunswick	500
Quebec	2,600
Ontario	2,000
Manitoba	3,900
Saskatchewan	8,600
Alberta	5,900
British Columbia	200

Regarding this group of people, it may sound hard to cut them off, but it seems to me there are many other ways you can make use of this surplus product. For instance, at 24 cents a pound for meat, 10 pounds of milk fed to a calf per day would yield $6 a hundred pounds for milk. With the subsidy and the amount they now receive they are getting for their milk something under $5; even feeding milk to hogs you can get about $6 a hundred.

So, honourable senators, I think we should take a very careful look at this bill before we amend the act.

Honourable senators, this bill should go to a committee, so that we can hear both sides of the story, or see both sides of the coin, and ensure that we do nothing to hurt what the Dairy Commission is trying to do, with the blessing of the dairy farmers of Canada and the Federation of Agriculture, to produce economic units that will make the dairy industry more viable, and to prevent those 21,000 farmers a year from going out of this business.

Hon. Mr. Deschatelets: Honourable senators, I should like to ask a question of Senator Hays. Some figures have been mentioned, and I understand that the Quebec farmers are involved in this matter more than any other farmers in Canada. Am I right in assuming from the example given by Senator Hays that one cow can give more than 450 pounds of butterfat a year?

Hon. Mr. Hays: Yes, that is true. There are 2,600 farmers in Quebec involved in this matter as against 8,600 in Saskatchewan.

Hon. Mr. Deschatelets: That means that the small dairy farmers in Quebec, who have herds of five, six or seven cows, can qualify for a subsidy?

Hon. Mr. Hays: Yes, and I would suppose that if a farmer's herd could not produce 420 pounds of butterfat he would be better off without them.

Hon. Mr. Deschatelets: How can we reconcile these figures with those given by Senator Pearson?

Hon. Mr. Hays: I received my figures this morning from the Chairman of the Canadian Dairy Commission.

Hon. Mr. Argue: Honourable senators, may I ask Senator Hays a question? Is he aware that the royal commission under the chairmanship of Dr. Mackenzie made a report on the dairy industry in which these larger figures were used? I have them in front of me, and Senator Pearson has already referred to them. They refer to somewhat different categories from those referred to by Senator Hays, but they show the number of farmers who produce less than 50,000 pounds of milk, which is the upper bracket at which the Dairy Commission is looking at applications, as to who may or may not be cut out. It is the farmers who produce more than 50,000 pounds of milk who will receive the subsidy. According to this report, the Province of Quebec led all of Canada in the number of small producers with a total of 25,580. These are the farmers the commission initially wanted to wipe out altogether, and now they say they are going to wait until next year to wipe them out.

Hon. Mr. Hays: The figure is 3,000 for Canada. I think the figures the honourable senator used are correct, namely, 1,750 pounds of butterfat and 50,000 pounds of milk. But I understand this is washed out, and they are now concerned with 420 pounds of butterfat and 12,000 pounds of milk. There is no thought at the moment of going ahead with the increased amount which they have decided to cut down.

Hon. Mr. Argue: I am sure that Senator Hays is a better authority on this than I am, but I am also sure he is aware that the commission has stated that in order for any one who produces less than 50,000 pounds of milk to get a quota or any subsidy he has to apply to the Dairy Commission and say: "Please give me a quota; please give me a subsidy." We are placing these producers in the hands of the bureaucrats. They desire to remove from the subsidy 25,580 people in the Province of Quebec. They do not necessarily have to remove them, but each one has to apply, and that is one of my objections. I am sure that Senator Hays also knows this.

I ask him if he is aware that the commission has stated that its firm object is to remove everybody who produces less than 50,000 pounds of milk, and later perhaps even those who produce less than 100,000 pounds of milk.

Hon. Mr. Hays: Honourable senators, in my opinion the thinking of the Dairy Commission is that people who produce over 420 pounds of butterfat should have quotas regardless of how high they go. If somebody wants to acquire a quota, then he can buy the cattle from a farmer who wishes to sell his herd. That farmer would surrender his quota to the Dairy Commission and the purchaser would make application for the quota when he owned the cows. That is a very common practice all over the world in so far as quotas are concerned.

Hon. Fred M. Blois: Honourable senators, I had not intended entering this argument with respect to the small dairy farmer but I do want to say that I support the bill introduced by Senator Argue.

After this bill was introduced in this house I sent copies of it to a number of people in the dairy industry, and others in the Province of Nova Scotia. Two weeks ago I made a special trip down there and interviewed quite a number of small farmers and a number of the larger creameries—I did not have the time to see some of the smaller ones.

In many ways I am not in favour of paying subsidies for everything. I wish it were possible for the farmers of Canada to stand on their own feet. But, in view of the fact that the government of Canada does pay subsidies on so many things I feel that since we have started subsidizing the small dairies and the small farmers, they should be continued at least for some time, and until these people have an opportunity of getting out or of increasing their herds.

I am not going to quote figures because we have heard so many of them in the last few days, but the largest creamery in the Province of Nova Scotia gave me figures showing that some 80 per cent of its cream shippers will be affected by this new policy of the Canadian Dairy Commission unless this bill introduced by Senator Argue becomes law.

Perhaps the situation in Nova Scotia is a little more serious than it is in some other provinces, because we have few large dairy herds. Some farmers are gradually increasing the size and quality of their herds with a view to producing larger quantities of both

milk and cream. But we do have a great many small dairy farmers and, as I pointed out earlier, some 80 per cent of them are in the class that will be affected.

Another serious problem that we have to face in Nova Scotia is that we do not produce quite enough butter to meet our own needs. Several of the creameries during the last few years have modified their plants. They have put in modern equipment, and I think they are now in a position to compete with other dairies across the country if they get the necessary supply of cream. This policy will affect them very materially. Some will go out of business. This is bound to affect to a certain extent the economy of the province, and the Lord knows we have problems enough there right now, although with the good Government we have had in Nova Scotia for some years the province is going ahead. This is something with which I know all honourable senators will agree.

Honourable senators, this is a matter that should be scrutinized, and if the bill goes to a committee we should consider most carefully whether this bonus system should be continued at least for some little time.

The amount of money that is going to be paid to some of the small farmers—and this I discussed with some of the members of the Dairy Commission and with the creameries in my own province—is not large. In most cases it is not more than $150 or $200 per year, but to these people it means a little extra money for them. At a time when conditions are not too good, just the idea of losing this bonus will force some of them to give up their small farms altogether and try to find employment of some other type, thus helping to make the unemployment situation worse.

We must go into this whole question very carefully, but for the time being I ask the members of this chamber to support the bill introduced by Senator Argue.

On motion of Hon. Mr. Connolly (Ottawa West), debate adjourned.

The Senate adjourned during pleasure.

At 3 p.m. the sitting was resumed.

INCOME TAX 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-208, to amend the Income Tax Act.

Bill read first time.

SECOND READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Daniel A. Lang, with leave of the Senate, moved the second reading of the bill.

He said: Honourable senators, this bill, C-208, has a history with which we are all quite familiar at this juncture, and it has an antecedent history which I think you will all remember for quite some years to come. It might be useful to honourable senators if I briefly review the background against which this bill comes to us.

It arises out of the same circumstances which were dealt with by the Minister of Finance in his budgetary proposals in the other place on November 30 last year. Out of those proposals came Bill C-193, and I do not think I need remind honourable senators of the fate that was in store for that piece of legislation. Bill C-193 was defeated in the other place on February 19 last.

After the defeat of that piece of legislation there was introduced into the other place Bill C-207, which arose out of a resolution passed in the Ways and Means Committee on March 8 last. Honourable senators will recall that pursuant to a ruling of the Speaker in the other place that bill was withdrawn on March 11. His ruling was that the bill be not proceeded with because in effect it renewed a question decided during the current session. That was, of course, by the defeat of Bill C-193. Accordingly, and based on the same resolution of the Ways and Means Committee of March 8, this bill, C-208, was introduced on the same day.

I should like to refer very briefly to the circumstances outlined by the Minister of Finance, both in his budgetary proposals of November 30 last year and when he was speaking to the Ways and Means Committee on March 8.

On November 30 the Minister of Finance pointed out that it was necessary to introduce legislation for three specific purposes: first, to restrain the inflationary increases in prices, costs and the cost of living, which increases were undermining our prosperity; secondly, to ease the disturbing strains in the capital market which threatened our continued economic growth; and, thirdly, to meet in a non-inflationary way the cost of continuing public programs which were essential to our social security and our long-run national development.

Honourable senators are aware that since November 30 there has been no substantial improvement in the conditions referred to by the Minister of Finance last November, and that during the period there has been a deceleration in our economic expansion, prices have continued to increase at excessive rates under strong continuing consumer demand, supported by rising wages and salaries.

Expenditures of Government and municipalities, although declining slightly since then in rate of rise, are still rising. Consequently, there has been a slowing down in our real rate of growth, a slight downturn in total employment and a rise in unemployment.

Notwithstanding these latter factors, costs still rise and, generally speaking, an inflationary psychology prevails, not only in Canada but in most of the countries of the western world.

Continuing demands for higher wages are present with us, beyond any possible and comparative increases in productivity that can be foreseen, accompanied by high interest rates and a general unwillingness by those of the money market to commit money on a long-term basis.

In his remarks on March 6, the Minister of Finance introduced a new note of urgency into the debate, because of recent events in the international financial markets.

Honourable senators recall the devaluation of the pound sterling last fall and the speculation in the capital markets of the world which followed that devaluation. This uncertainty has been coupled, of course, with concern and doubt about the future, arising out of the announcement by the United States of its proposed balance of payments program. This program is primarily designed to check the outflow of gold from the United States Treasury which outflow has been epitomized in the headlines of the last few days.

These external trends brought in their train serious pressures on our Canadian dollar, which pressures were alleviated to some extent—indeed, quite substantially—by reassurances from the United States Secretary of the Treasury that the United States program was not intended to affect transfers or withdrawals from Canada by United States parent companies, or the inflow of United States funds into Canada which are so vitally required for financing our municipal and private institutions.

In view of the circumstances, the Bank of Canada saw fit on January 21 last to increase its rate from 6 to 7 per cent and announced that the Canadian banks had agreed to discourage transfers of funds from Canada to the United States by subsidiary companies to their parent companies or by individuals or others for speculative purposes. Notwithstanding these countermeasures, further pressures developed on our dollar in February largely arising out of a reaction to the defeat of Bill C-193 in the other place. Subsequently, Canada has been able to draw and has drawn on the International Monetary Fund to secure additional reserves. On the positive side of things, evidence is coming forward that our trade position is stronger than through many recent years; that favourable balances have been produced as a result of Expo; and that, generally, housing starts are up, reflecting favourably in terms of our G.N.P. over all.

Honourable senators, these things in essence mean that as a first priority and as expressed by the Minister of Finance we must put our own house in order, to achieve a greater stability in prices and in costs, to recreate a stronger financial position, to check inflationary pressures, and generally to bring revenues in line with our expenditures.

Concurrently with the introduction of this legislation we have before us, the Government announced its intention to put a freeze on the total number of public servants and to constitute a board to review prices and wages.

Honourable senators, with that background I would like to come to the bill itself and to go through with you briefly the specific provisions that it contains. I should say that in broad outline the bill has three main divisions. Firstly, it provides a new schedule of instalments for payment by corporations of their tax, advancing the dates of those instalment payments by two months. This move will bring into the treasury during the year 1968-69 an estimated sum of $240 million. Honourable senators will realize that this is a one-shot move. It is the actual advancement of the dates that will produce the additional revenue during the coming year and that increment, of course, will not accrue thereafter.

Secondly, the bill imposes a 3 per cent surtax on the taxable income of individuals and a 3 per cent surtax on corporations for the years 1968 and 1969.

Hon. Mr. McCutcheon: It is a 3 per cent in each case, is it not?

Hon. Mr. Lang: Three per cent in each case.

Hon. Mr. Flynn: The first addition was 5 per cent.

Hon. Mr. Lang: The imposition of the surtax on individuals should produce $105 million in the coming fiscal year and the surtax on corporate profits should produce $45 million during the coming year. If honourable senators combine those figures, that is the advance revenue produced through the instalment change and the surtax on individual and corporate incomes, they will see that the anticipated additional revenue will amount to $390 million in the coming year.

Rather as an afterthought, I think the bill provides a third measure which is basically not concerned with the raising of money. This measure is introduced here to provide that gifts to provincial governments in Canada shall be on the same basis as gifts to the federal Government as far as tax treatment is concerned. I will deal with that briefly now.

Turning to the bill itself, honourable senators will note that clause 1 deals with the treatment of gifts to the provincial and federal governments. As the law now stands a person can make a gift to the federal Government, if he is so disposed, of up to 100 per cent of his taxable income. However an individual can only make from his taxable income a tax deductible gift to a provincial Government to the extent of 10 per cent thereof. In other words, the limitation placed on those gifts is the same limitation as is placed on charitable donations generally. It was felt that these provisions discriminated against the provinces, particularly where there was a likelihood of their acquiring for public purposes art collections, museum pieces and the like from persons disposed to make such gifts. Accordingly, clause 1 of the bill includes Her Majesty in the right of the provinces along with Her Majesty in the right of Canada; and it goes further to provide that in the case of the provinces, as previously in the case of the Dominion, a person with substantial capital who is making a donation in excess of current income can carry that excess forward and have it deductible in the following year.

At the foot of page 1 of the bill is a clause that merely provides that such deductions as are available for carry-forward must be first applied in the subsequent taxation year before applying deductions for gifts made in that current year. I am advised that this clause will probably have no real effect on anticipated government revenues, but it is basically to accommodate the wishes of those persons who are able and prepared to make gifts to the Crown in the right of the provinces or the Dominion, and to make the provisions of the Income Tax Act apply equally to all jurisdictions.

Honourable senators, I would next like to draw your attention to clause 2, which is the clause that accelerates the instalment payments required to be made by corporations under the Income Tax Act. The present section 50 is repealed in its entirety, and a transitional clause is inserted. It is clause 50(1) commencing at the bottom of page 2 of the bill, which transitional clause is required to carry out the advance payments programs during this coming year, and which will be exhausted thereafter and superseded by the instalment provisions that are set out under the numerals 50(1), immediately under clause 2.

As honourable senators know, at the present time a corporation makes its first instalment payment, being one-twelfth of its estimated taxes, at the end of May—that is, for a corporation having a fiscal year ending December 31—or five months after the end of its fiscal year, if it does not coincide with the calendar year.

Under the new section 50(1) and after the transitional period is over, corporations will make their first instalment payment before the end of March in the current year.

Hon. Mr. Connolly (Ottawa West): That is section 50(1)?

Hon. Mr. Lang: That is right—and thereby advance their overall payments by a two-month period.

Honourable senators might have a little difficulty in coming to the conclusion that a two-months' advance is accomplished in view of the one month advance made by that section, but the section has a combined effect by increasing the 12-month period referred to in the old section to a 13-month period, with a decrease in the number of months from four to three, and this combination creates the effect of bringing us back two months. This is in the "Alice in Wonderland" world of the Income Tax Act!

Under section 50 (1) as set out in clause 2 at the bottom of page 2 of the bill, we have the transitional provisions applying to these instalment periods. Honourable senators will note that under that section in 1968, for instance, a corporation ending its fiscal year on December 31, 1967 will pay the first instalment of its 1968 taxes in June of this year,

and thereafter five instalments, each one to represent one-fifth of the estimated income of the corporation.

Clause 3, following this, merely brings into the provisions of the Income Tax Act dealing with corporate amalgamations the effects of donations made to the Crown in right of a province as set out under clause 1, so that a corporation amalgamating with another one can carry forward any excess donation made and have it deducted by the new amalgamated corporation.

Clause 4 creates a new Part IA in the Income Tax Act, entitled "Temporary Surtax." It contains the provisions for the surtax imposition on individuals and corporations, and is temporary in as much as it applies only to the years 1968 and 1969.

Under section 104A (1) the surtax is applied on tax payable by individuals in excess of $200. This limitation on the surtax has the effect of exempting from its charges some 2,400,000 taxpayers in Canada, or approximately 36 per cent of the total. This means that all those with taxable incomes of less that $1,643 will be exempt.

The wording of the section is not quite as unsophisticated as it appears because of the definition sections following, which are necessary in order to impose this surtax in a manner that will not affect the provincial taxes collected by the federal Government and remitted to them under their respective income tax laws.

This means that if, for example, I have an income tax of $100 there is remitted to the province in which I reside $28, and $72 remains in the coffers of the federal Government. Three per cent surtax is imposed on the $100. The provinces will still get $28 but the surtax of $3 will be added to the $72, bringing it up to $75. I might add also that the imposition of his surtax does not affect the old age security tax.

I pass now to subsection 2 of section 104A, where the surtax on corporate incomes is imposed. The note to that section in respect of corporations under section 39 or section 69 refers to corporations generally as set out under section 39, and the rates that are applicable thereto, and to investment corporations under section 69 and the rates that are applicable thereto. The effect of this surtax on corporations is to raise the taxable rate on the first $35,000 of taxable income from 18 to 18.54 per cent, and on the taxable income in excess of $35,000 from 47 to 48.41 per cent. However, to obtain the total picture one would have to add into that the provincial and old age security taxes. If that is done, then the rate on the first $35,000 generally is 21.5 per cent, and 51.4 per cent on the income in excess of $35,000, but in Ontario and Quebec those rates are 23.5 per cent on the first $18,000 and 53.4 per cent on the excess.

Honourable senators, I shall deal only briefly with the sections contained on pages 4 and 5 of the bill because these are amendments necessitated by the changes in the act created by the first number of sections to which I have just referred.

Subsection 3 at the top of page 4 provides that the words "tax payable under Part I" in section 104A (1) have the meaning given to the expression "tax otherwise payable under this part" by section 33(3)(c) of the act. This is required in order to impose the tax in such a manner that provincial revenues are not affected thereby, and to relate the imposition of tax to what is known as "basic tax" under the act, which in my example is the $100.

Subsection 4 brings the method of taxation of members of the Armed Forces into line with the general principles of the bill, and to enable the imposition of the individual surtax to apply to the methods used in collecting tax from members of the Armed Forces, which method generally speaking is taxation on a monthly basis as opposed to an annual basis.

Further down the page, under subsection 5 the new part IA has to be included with the words "this Part" as it appears throughout the act and as it applies to certain specific situations. Section 41 deals with foreign tax credits. Section 42 deals with the averaging of income by farmers and fishermen and the collection of additional tax or the refund of tax at the end of the five-year period, and the collection or remission of surcharge has to be included within those provisions. Subsection 2 of section 42 deals with crown corporations that pay income tax, such as Polymer and Air Canada, and would bring them within the charging sections of the surtax provisions.

Similarly, subsection 6 deals with the same matter as under paragraph (b) of subsection 5, that is, the averaging provisions with regard to farmers and fishermen.

Subsections 7 and 8 are again for special circumstances, as the act affects public utility companies supplying public utilities in the provinces, which utilities come under the

Public Utilities Income Tax Transfer Act, whereby 95 per cent of the income tax collected by the federal Government is submitted to the provinces. These provisions are necessary to ensure that the surtax is included in their tax for purposes of remission to the province in which they are situated.

Subsection 9 merely brings the appeal and assessment provisions of the Income Tax Act as they now stand into play as regards the sections of the act after this bill becomes legislation.

On page 5, subsection 2 deals with the apportionment of income for corporations whose taxation year is not coincident with the calendar year, and who will of course have the tail end of taxation years beyond 1969, which will be subject to tax. They will also have partial taxation years ending in 1968 which will be subject to the tax. The purpose of the section is to apportion the surcharge tax on the income of the corporation on a day-to-day basis, where fiscal periods extend either into subsequent years or are partially picked up in the new period.

Honourable senators, the effect of this piece of legislation remains to be seen, but it is obvious that its provisions are designed to bring into line more closely our federal expenditures and federal revenues, and it is hoped as a concomitant to that effect it will also produce the side effects which would be desirable at this time, namely, a check on the general inflationary pressures to which the country is subjected, and the inflationary psychology which seems today to be all too prevalent.

For these reasons, honourable senators, I would commend this bill to your most favourable consideration.

Hon. M. Wallace McCutcheon: Honourable senators, I am sure we are all indebted to Senator Lang for his review of the position in which we find ourselves today, particularly in fiscal and monetary matters, and for his careful review of the bill which, while its overall provisions are at first glance simple, contains some "Alice in Wonderland" language which he has explained to us.

Senator Lang gave us a thumbnail sketch of the international monetary system, of the pressures and strains that are on it today and of the almost crisis situation in which we now find ourselves. He created an atmosphere in which one could not help but be sympathetic to the Minister of Finance in the responsibilities which he has upon him and in the late hours which he has been forced to keep if we are to believe the statements that have been made to that effect. However, no matter how much sympathy we may have for the Minister of Finance in the present international situation, that should not blind us in considering this bill, in determining whether this bill will in fact do what it is intended to do.

In that respect I think we should realize, as Senator Lang made fairly clear, that this bill is the last of three measures which have come before the other place, all of which were based on resolutions that were put on the Order Paper and announced by the Minister of Finance on November 30. He would have been a bold person who on November 30 predicted that in England the Exchanges would be closed and gold trading embargoed today, so that we do not look at this bill in reference to today's circumstances. It was not conceived in those circumstances. It was not prepared with any idea that such circumstances would exist. It was prepared in the light of the situation on November 30, 1967, at which time we were faced with what Senator Lang described as an inflationary psychology, an inflationary psychology which still exists, at which time we were faced with very high interest rates.

The only difference between November 30 and today is that today the interest rates are higher than they were then. We were faced with a situation where there was a substantial gap between Government revenues and Government expenses, and it was quite apparent that the Government could not further go to the capital market for any large amounts of money with any success at all until it had taken some steps to convince the market that it was serious in its determination to manage its own affairs in a sound way.

Honourable senators should not forget that in the last two issues of federal Government bonds, the Government has not received the amount which it was willing to take in subscriptions. That is as though I were to go to the bank and say I wanted $1,000 and the manager said: Oh, McCutcheon, we think you are good for $750; that is all we are going to do." That is what the financial community has done twice to the Government of Canada in the last six or seven months. Therefore, it was obvious that some steps had to be taken. The question is, are those the right steps? I say emphatically that to a large extent they are not.

We have a 3 per cent surcharge on individual income tax in excess of $200. That

surcharge will fall the heaviest on those persons with incomes, say, in excess of $1,643 taxable income, up to about $10,000. That is the group which will pay the greater part of this surcharge, which is calculated to bring in $105 million. To that extent the surcharge will be inflationary and not deflationary. It will add one more reason why the people in these income groups are going to press for more wages, more salaries, in excess of the demands they are already making, which demands in themselves cannot be justified by any increase in productivity.

This is not the classical inflation of "too much money chasing too few goods;" but the Minister of Finance has applied the classical remedy for that. This is a psychological inflation which the Government to a large extent brought upon itself. It commenced in the summer of 1966 when the Pearson formula of 30 per cent increase in wages was implemented for the longshoremen in Montreal and Quebec and for members of the union on the St. Lawrence Seaway. Immediately, those settlements were transmitted through to the railway workers and since then they have continued and the economy has not yet absorbed them all. That is why we have not the classical inflation, but the cost-push inflation. Prices are going up, costs are going up, and we have taken no effective means to control costs. In fact, we have gone to the other extreme, and we have set a very bad example with respect thereto.

Therefore, I say that to the extent that the three per cent surtax is applied on low and middle income taxpayers, it is inflationary rather than deflationary in effect. To the extent that it is imposed on the balance of the taxpayers, it will have no value except as a means of raising extra revenue to pay for expenses which should not have been contracted for or undertaken. It will not have, it is not sufficient to have, any deflationary effect. It will not make the man with an income of $50,000 decrease his personal expenditures. It will inhibit saving and produce a little more revenue for the Government.

Therefore, if one of the purposes, as Senator Lang said, was to dampen down the fires of inflation, I say that, as applied to the individual, it will not have that effect at all: rather, it will have the opposite effect and will add more fuel to those fires.

The same can be said about the corporation surcharge. Corporation taxes after a point are reflected and must be reflected in costs and therefore in prices; and when we have corporation taxes now which Senator Lang tells us will exceed 53 per cent in Ontario and Quebec, the two provinces in which the great majority of corporation taxes are paid, then I say the corporation tax—which, after all, is calculated to bring in only $45 million—will also be inflationary and will act directly contrary to the purpose which the minister and Senator Lang say the bill was supposed to have.

Senator Lang referred to the advancement of the corporation income tax. He pointed out, of course, that that was a on-shot affair, largely a matter of bookkeeping. The minister will receive an additional $240 million in cash; his current assets will be increased by that; the current assets of the corporations will be decreased by the same amount. But once the initial year is past there will be no further gain to the minister and no further deprivation to the corporation.

This bill was but part of a package. Some of the package Senator Lang referred to. It is part of the package, we were told, because this bill will not raise as much money as the original Bill C-193 would have done.

There has been a cut in expenditures. Some of us are going to be very interested to see whether that cut is really realized and we are also going to be interested to see where the cut is made. The cut is said to be $75 million. That is the cut which is said to be made. I think we can be thankful that Bill C-193 was defeated in the House of Commons on February 19, if it has roused the Minister of Finance and his colleague, the President of the Treasury Board, to re-look at their expenditures—because Mr. Benson has been very positive that expenses have been cut to the bone and that estimates have been cut to the bone. I think I said here a few months ago that I did not hear the knife screech as it hit the bone. Now they have found they can go into the bone a little further and take out $75 million.

Senator Lang referred to the freeze on the civil service. That is something about which I would like to know more. I take it that it is not a freeze of the establishment, because a freeze of the establishment would leave thousands of positions unfilled. Is it a freeze of the number of public servants at the level they are at today? Is it a freeze of positions with erosion and attrition being allowed to

curtail and reduce the total number of persons in the public service, without any hardship on any individual—that is to say, when a person resigns, retires or dies, then, unless the Treasury Board orders otherwise, that position ceases to exist and no replacement is made? That is the only kind of a freeze on the public service that I have had any experience with, and I know it worked and it could work again. If this freeze is simply to say, "Our number if 15,234; we are going to keep to that number," that can be very meaningless in relation to savings or the introduction of more efficiency.

Senator Lang did not refer to one other matter which, as I see it, is all part of this package, namely, the refund of the corporation profits tax.

Honourable senators will remember that the refundable corporation taxes started some time in June 1966, and it was provided in the law that the amounts of tax must be repaid with interest at 5 per cent, not sooner than 18 months after the date of collection and not more than three years after the date of collection.

The minister has said that he is going to start making those refunds. The first refunds are to be made in May or June of this year. That is in the minister's discretion and it requires no legislation. But I suggest that this would be a very much better package if the minister did not make those refunds. I do not know where he is going to borrow $105 million at 5 per cent today. The rate on long-term Government bonds is over 7 per cent on the market today. Let the minister refrain from making those refunds and that will put $105 million into his pocket next year, which he otherwise will not have. That is just equivalent to the amount that he is going to collect from individuals on the 3 per cent surcharge. So, he can then cancel that inflationary surcharge. At the same time, he can do something for the corporations by cancelling the 3 per cent surcharge on corporations, which will leave him $45 million short of his objective.

When the Government suddenly finds that it can take $75 million out of its expenditures, I refuse to believe that out of a controllable budget—and I want to be fair about this because a lot of the budget is statutory and cannot be changed by the minister—but out of a controllable expenditure of something like $4.5 billion, I will never believe that the President of the Treasury Board could not find one per cent of those expenditures which he could save, and that would be his other $45 million.

Honourable senators, one could speak almost without termination upon this bill and upon the reasons for finding ourselves in the position we are now in—reasons which bear no relation to the very difficult external situation in which we find ourselves.

Our costs of government have been going up; our consumer price index has been going up 4½ per cent for two years. We have the second poorest record of any of the O.E.C.D. countries in that regard. Our true growth as measured by G.N.P., using constant dollars, has been less then half what the Economic Council set as our goal. As far as productivity is concerned, the gap between ourselves and our largest customer and largest supplier, the United States, has been widened. So that we run the risk of entering into the new world of trading, which is being ushered in as the Kennedy Round adjustments take place, in a much poorer competitive position than we would have been in had the round started two years ago.

We have managed successfully to erode the great bulk of advantages that we derived from the fixing of the external value of the dollar at 92½ cents United States in May of 1962.

I could go on. It is not a happy picture. I mention it only because I am afraid that we tend to look at the critical monetary crisis in the world today and merely say to ourselves, "Well, everybody is in this difficulty." Well, everybody is in that difficulty, but we are in some special difficulties that we alone are responsible for, and the minister's bill is not going to adequately solve the problem.

I trust, Mr. Leader, that this bill will go to committee. I personally intend to oppose the bill.

Hon. Mr. Lang: Honourable senators—

The Hon. the Acting Speaker (Hon. Mr. Cameron): Honourable senators, I must inform you that if the honourable senator speaks now it will have the effect of closing the debate.

Hon. Mr. Lang: Honourable senators, I just want to thank Senator McCutcheon for his remarks and to say that I understand that the Minister of Finance will be available to a committee after the house rises. If this bill

receives second reading now, I will refer it to the Standing Committee on Banking and Commerce.

The Hon. the Acting Speaker: Honourable senators, it has been moved by honourable Senator Lang, seconded by honourable Senator Cook that this bill be now read a second time. Is it agreed?

Hon. Mr. McCutcheon: On division.

Motion agreed to and bill read second time on division.

REFERRED TO COMMITTEE

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Lang: Honourable senators, I move that the bill be referred to the Standing Committee on Banking and Commerce.

Hon. Mr. Connolly (Ottawa West): Honourable senators, just speaking to the motion, the Minister of Finance told me that he will be very happy to come to a committee meeting when the Senate rises this afternoon. Would it be convenient if I inform him that the Standing Committee on Banking and Commerce will meet within approximately 15 minutes in Room 256-S? If he were there at that time, would that be agreeable?

Hon. Senators: Agreed.

On motion of Hon. Mr. Lang, bill referred to the Standing Committee on Banking and Commerce.

FINANCE

WORLD GOLD CRISIS—INQUIRY ANSWERED

Hon. Mr. Connolly (Ottawa West): Honourable senators, may I be permitted to refer back to Inquiries? I have the answers to the questions asked by Senator Pouliot this morning. They are fairly lengthy. Would it be satisfactory if I put them on the record so that they will appear in *Hansard* of today's date?

The Hon. the Acting Speaker: Honourable senators, is it agreed?

Hon. Senators: Agreed.

The answers follow:

1. Gold coins have not been minted in most countries of the world for coinage purposes for many years. For example, the gold coin which was minted last year in Canada to commemorate our centennial and which was only distributed in special sets, was the first gold coin to be issued by the Royal Canadian Mint in more than half a century. On the other hand gold is normally refined into bars to be used for industrial or monetary purposes. Consequently, in the current situation gold coins have been very scarce while bars have been more readily available. Some banks in Canada have been producing small bars and wafers of gold for the small purchaser but the demand recently has been so great that I understand that they are temporarily out of stock.

2. Since 1956 it has been the policy of Canadian governments to allow Canadians to deal in gold without restrictions.

3. The Canadian dollar is not backed by gold or by any other precious metal. It is, as are almost all other currencies in the world today, a fiduciary currency, with its value based on the trust people have in it, on the resources of our country and resourcefulness of its people. Consequently, gold sales in the private market do not affect the position of the Canadian dollar domestically. In the United States, Congress has just passed a bill which eliminates the 25 per cent gold backing on its currency.

Countries do hold international reserves which they can use directly or indirectly to intervene in the exchange markets to protect the value of their currency in relation to currencies of other countries. About half of Canada's reserves are in the form of gold. The current gold rush has not resulted in any rundown of the Governments' gold holdings. It has resulted in the loss of monetary gold from the reserves of certain other countries who are co-operating in the so-called Gold Pool to maintain a degree of price stability in the international gold market. It has also put pressure on certain currencies such as the U.S. dollar and the pound sterling. Because of the importance of these currencies in world trade this has had a very unsettling effect in world markets.

The Senate adjourned during pleasure.

At 5.30 p.m. the sitting was resumed.

INCOME TAX ACT

BILL TO AMEND—AUTHORITY TO PRINT

Leave having been given to revert to Reports of Committees:

Hon. A. Hamilton McDonald, Acting Chairman of the Standing Committee on Banking and Commerce, presented the following report of the committee on Bill C-208, to amend the Income Tax 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 Acting Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. McDonald: I move, with leave of the Senate, that the report be adopted now.

Report adopted.

REPORT OF COMMITTEE

Hon. Mr. McDonald reported that the Standing Committee on Banking and Commerce had considered Bill C-208, to amend the Income Tax Act, and had directed that the bill be reported without amendment.

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. McDonald moved that the bill be placed on the Orders of the Day for third reading at the next sitting.

Motion agreed to.

ADJOURNMENT

Leave having been given to revert to Motions:

Hon. John J. Connolly: Honourable senators, I move, with leave of the Senate, that when the Senate adjourns today it do stand adjourned until Monday, March 25, at 3 o'clock in the afternoon.

Honourable senators, this may seem an unusual motion for me to make at this time, because everyone felt there was a real possibility that Parliament would adjourn today or tomorrow. However, they are on Private Bills in the other place as of 5 o'clock, and the intention is to adjourn at 6 o'clock until the normal sitting hour on Monday. There are two Appropriation Bills to be dealt with—one on Interim Supply, and the other on supplementary Estimates—but I cannot be sure when they will be available for our consideration.

As honourable senators know, it is always possible with the concurrence of the Speaker to recall the Senate, but it is impossible for a Leader, or indeed for the Speaker, to extend the period of adjournment. I am told that there is a real possibility that the other place will dispose of the two Appropriation Bills by the middle of next week, but I do not want senators to remain in Ottawa unnecessarily. So I must have enough latitude that I can recall honourable senators when I think the time is appropriate. Telegrams summoning the Senate earlier than the date proposed could, I think in all reasonableness, be expected some time next week, but at the moment I am unable to say on what day. I would hope that there would be at least 24 hours' notice; if I can give more, I will.

Motion agreed to.

The Senate adjourned until Monday, March 25 at 3 p.m.

THE SENATE

Thursday, March 21, 1968

The Senate met at 3 p.m., Honourable George S. White, P.C., Speaker *pro tem*, in the Chair.

Prayers.

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:

Donald Allan McLean, Esquire

Herve J. Michaud, 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 Assistant; took the legally prescribed oath, which was administered by the Clerk, and were seated:

Hon. Donald Allan McLean, of Black's Harbour, New Brunswick, introduced between Hon. Mr. Connolly (Ottawa West) and Hon. Mr. Burchill.

Hon. Herve J. Michaud, of Fredericton, New Brunswick, introduced between Hon. Mr. Connolly (Ottawa West) and Hon. Mr. McElman.

The Hon. The Speaker informed the Senate that each of the honourable senators named above had made and subscribed to 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.

Hon. John J. Connolly: Honourable senators, I am sure I speak for all of you in welcoming our two new colleagues to the chamber.

Senator McLean's name, of course, is known not only in this chamber but in the other place. His family has given much to the public life of Canada, and in particular to the Province of New Brunswick from whence he comes.

For many of us Senator Michaud is an old and valued friend. He has been a member of Parliament, and has served his province and country in the other place.

We welcome them both, and hope that they will have many happy years in one of the very good clubs of Canada.

DOCUMENTS TABLED

Hon. John J. Connolly tabled:

Report on Prairie Farm Rehabilitation and Related Activities for the fiscal year ended March 31, 1967, pursuant to section 12 of the Prairie Farm Rehabilitation Act, chapter 214, R.S.C. 1952. (English and French texts).

Report on the Administration of the Public Service Superannuation Act, Parts I and II, for the fiscal year ended March 31, 1967, pursuant to section 34, chapter 47, Statutes of Canada, 1952-53 and section 28, chapter 44, Statutes of Canada, 1966-67. (English and French texts).

Report of the Central Mortgage and Housing Corporation, together with a Statement of its Accounts certified by the Auditors, for the year ended December 31, 1967, pursuant to section 33 of the Central Mortgage and Housing Corporation Act, chapter 46 and sections 85(3) and 87(3) of the Financial Administration Act, chapter 116, R.S.C., 1952. (English and French texts).

Order in Council P.C. 1968-426, dated March 5, 1968, amending Order in Council P.C. 1967-935, dated May 11, 1967, authorizing, under section 21A of the Export Credits Insurance Act, long-term financing by the Export Credits Insurance Corporation for the purchase of capital equipment from suppliers, engineering and procurement services from Montreal Engineering Company Limited, certain services from Montreal Engineering (Eastern) Limited, and nuclear engineering services from Atomic Energy of Canada Limited, by the President of India, pursuant to section 21B of the said Act, chapter 105, R.S.C., 1952, as amended 1960-61. (English text).

Copies of (1) A Press Release issued by the Minister of Finance, dated March 17,

1968, with reference to a communique by the Governors of the Central Banks contributing to the Gold Pool. (English and French texts).

(2) A Press Release issued by the Minister of Finance, dated March 17, 1968, with reference to a telegram sent to all banks and dealers in gold with respect to the suspension in trading of that commodity. (English and French texts).

(3) A Press Release issued by the Governor of the Bank of Canada, dated March 17, 1968, with reference to certain reciprocal credits. (English and French texts).

(4) Communique issued by Governors of the Central Banks contributing to the Gold Pool following a meeting at Washington, March 16 and 17, 1968. (English text).

Copy of an Agreement, dated August 21, 1967, between the Government of Canada and Anvil Mining Corporation Limited, with respect to the development of a mine in the Vangorda Creek area of the Yukon Territory. (English text).

Copy of letter, dated March 8, 1968, addressed to the Premier of the Province of Nova Scotia by the Prime Minister of Canada with reference to federal assistance to be made available to that Province in connection with the Sydney Steel Works. (English text).

Copy of a letter, dated March 8, 1968, addressed to the Premier of the Province of Quebec by the Prime Minister of Canada with respect to the question of educational broadcasting. (English and French texts).

Report of the Custodian of Enemy Property for the year ended December 31, 1967, pursuant to section 3 of the Trading with the Enemy (Transitional Powers) Act, chapter 24, Statutes of Canada, 1947. (English and French texts).

Reports of the Department of Veterans Affairs and of the Canadian Pension Commission for the fiscal year ended March 31, 1967, 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).

First Report and Review of the Canadian Council on Rural Development, submitted to the Minister of Forestry and Rural Development in December 1967. (English and French texts).

Report of the Rural Development Branch of the Department of Forestry and Rural Development, respecting Operations under the Agricultural and Rural Development Act, the Fund for Rural Economic Development Act and the Maritime Marshland Rehabilitation Act, for the fiscal year ended March 31, 1967. (English and French texts).

Capital Budget and Operating Budget of the Canadian Broadcasting Corporation for the year ending March 31, 1968, pursuant to section 80(2) of the Financial Administration Act, R.S.C., 1952, as amended by chapter 25, Statutes of Canada, 1966-67, together with copy of Order in Council P.C. 1968-180, dated January 30, 1968, approving same. (English text).

DIVORCE

PETITIONS PRESENTED

Hon. Arthur W. Roebuck: Honourable senators will be pleased to know that we are still in business so far as divorce is concerned. On behalf of the Standing Committee on Divorce I have the honour to present some 40 petitions in divorce.

REPORTS OF COMMITTEE PRESENTED

Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, presented the committee's reports Nos. 709 to 748, inclusive, and moved that the said reports be taken into consideration at the next sitting.

Motion agreed to.

INCOME TAX ACT

BILL TO AMEND—THIRD READING

Hon. John J. Connolly, for Hon. Mr. Lang, moved the third reading of Bill C-208, to amend the Income Tax Act.

Motion agreed to and bill read third time and passed, on division.

NATO PARLIAMENTARIANS

THIRTEENTH ANNUAL CONFERENCE AT BRUSSELS, BELGIUM

The Senate resumed from Wednesday, February 21, the adjourned debate on the inqui-

ry of the honourable Senator Aird, calling the attention of the Senate to the Thirteenth Annual Conference of NATO Parliamentarians held at Brussels, Belgium, 20th November to 25th November, 1967, and in particular to the discussions and proceedings of the Conference and the participation of the delegation from Canada.

Hon. Chesley W. Carter: Honourable senators, I should like to begin my remarks on this motion by paying tribute to all who have preceded me in this debate on the excellence of their contributions.

Next year is a crucial one for NATO because in 1969 member states will be free to withdraw from the alliance altogether and will therefore have to decide whether NATO shall be continued and, if so, in what form. A special word of commendation is therefore due to Senator Aird for bringing this matter before us at this time. I should like to extend to him my congratulations on the masterly way in which he opened up this debate. So far the debate has been on an extremely high level, which provides yet another proof, if one were needed, of the constructive contribution that this chamber can and ought to make to defence policy and other matters of national importance.

Personally, it is a matter of regret that the speeches made so far are reported in individual *Hansard* publications separated by long intervals of time. I think in future debates of this character should be organized so as to be contained in one or two consecutive *Hansards* and thus increase their impact.

My own interest in this subject stems from the fact that when I was a member of the other place I had the honour of serving on the Liberal Caucus Committee for Defence Policy and on the Parliamentary Standing Committee on National Defence. Also, in 1961 I was a delegate to the NATO Conference in Paris. During that conference in 1961 we received the usual briefings from NATO commanders, and I was very proud to learn that the troops contributed to NATO by Canada were regarded by them as tops in combat readiness, operational efficiency and in the mechanical reliability of their equipment. At that time the role of the Canadian Air Squadrons was so important they could almost be regarded as the backbone of NATO Air Defence. I therefore find it very pleasing and most reassuring to learn from those who attended the NATO Conference last November that these high standards are being maintained.

The world today is very different from the world of 1949 when NATO came into being. The first question now to be decided is whether NATO is still necessary. Previous speakers have left no doubt that the answer is in the affirmative, and with that judgment I heartily agree.

The case for continuing NATO was summed up quite concisely in an editorial which appeared in the *Christian Science Monitor* on the 12th or 14th of February last. It is fairly short and I should like to put it on the record. It is headed "A Continuing Need" and reads:

> A British general has made as remarkable and succinct a statement of policy on the North Atlantic Treaty Organization as we have seen in a long time. It is in fact, remarkable for more than its content. First, it comes from a serving British officer, General Sir John Hackett, Commander of NATO's northern army group. (As he explains, he exercises operational command from Munchen-gladbach in West Germany over "a Belgian, a Dutch, a German, and a British corps and the Canadian Brigade Group") and second, General Hackett's statement is in the form of a letter to *The Times,* of London.
>
> In Britian, serving officers do not make public policy statements. A British commander in the field would not, for example, make public speeches such as those made by General Westmoreland when home from Vietnam for consultations in the United States last November. Obviously, then, General Hackett's unusual letter must have been prompted by unusual circumstances.
>
> He says that he wrote it "with the knowledge and approval of the NATO command to which my own is subordinate." So perhaps it can be assumed that NATO's supreme command feels it necessary at this time to restate the case against permitting erosion of the organization either in the wake of France's defection, or consequent upon Britain's military retrenchment, or simply because 1969 is the year when the organization's initial span might be considered to lapse.
>
> Briefly, General Hackett argues that what NATO is "engaged upon here in Europe is peace-keeping by military stabilization." He says that it is unfortunate

that the stability in East-West relations in Europe—which is, of course, a direct consequence of the establishment of NATO—is so often described as "détente". His apparent concern is lest use of this word produce apathy and a facile assumption that a continued NATO presence on the western side of the dividing line is no longer needed.

General Hackett maintains: (1) that "the present relatively low level of political stability in Central and Eastern Europe could diminish sufficiently far for a military emergency to develop"; (2) that the Soviet military purpose, understandably, is "to keep a military force in being in this area of sufficient size and capability to ensure that if a military emergency should develop, the subsequent course of events would be guided in a manner solely to the interest of the U.S.S.R."; and (3) that the Western response to this must be (a) to maintain "suitably located" a force able to ensure that in case of military emergency the Soviet force be unable to guide events solely in the interest of the U.S.S.R., and (b) to guarantee that West Germany's legitimate defence needs be met in a military system in which West Germans do not themselves dominate.

In addition to the reasons outlined by General Hackett, we must keep in mind that the threat to freedom is even greater today than in 1949 for the following reasons. The military might of the U.S.S.R. has been vastly expanded and has been equipped with the most sophisticated weapons that modern technology can provide. The strategic position of the U.S.S.R. is much stronger today in the Mediterranean, the Middle East and in Africa. The new strategic pattern in the Red Sea is highly favourable to Russia. The Russian base near Hodeida towards the south end of the Red Sea enables the U.S.S.R. to adopt a Mediterranean strategy in depth as well as a Red Sea and Indian Ocean strategy.

On the other hand, along the whole of Africa's Red Sea and Indian Ocean coasts there is not a single port or base north of Beira available to the West. The whole of South Arabia is in non-friendly and potentially hostile hands. The only remaining base in that area, Bahrain, is unstable and could easily become hostile. The security of the seaward approach to Persia is at least doubtful. The Soudan entered into very close relations with the U.S.S.R. Ethiopia is virtually encircled and finds it very difficult to carry out independent policy. So we can see a pincer movement closing in on the whole of the Middle East.

Furthermore, they are in the process of establishing a foothold in Algeria and in other parts of Africa. Unless we become alive to what is happening, we may very well wake up some morning to find the U.S.S.R. astride the trade routes of the world and in control of the taps that control the flow of oil to Europe, the very life blood of its economy.

In addition, they have perfected weapons for ideological, phychological, political and economic warface. They have also perfected strategies, tactics and techniques which enable these weapons to be applied on a global scale in pursuit of Communist objectives.

Their main objective is, of course, world domination, which means the destruction of freedom as we know it. To do this, they employ ideological weapons and strategies to undermine the values and principles on which our freedom is based and the democratic institutions and processes by which it is upheld.

These are some of the facts which must be taken into account if NATO is to survive and play an effective role in the future. There are other facts to be considered also, and I shall refer to these later on.

In planning a blueprint for the NATO of the future, it is well to look back over the past 20 years and honestly appraise not only its successes but also its failures and the reasons for those failures.

NATO was formed in 1949 after a number of countries of Eastern Europe had disappeared behind the Iron Curtain—many of them without a shot being fired. The original purpose of NATO was therefore to provide a temporary shield while defence forces could be mobilized in case of further Soviet aggression. At that time this concept was fundamentally sound, and to the extent that it has prevented further Soviet territorial expansion it has been successful.

But in spite of NATO, the expansion of Communism has not been contained. The Soviet Union has greatly improved her strategic position vis-à-vis NATO and the threat to our freedom has greatly increased. When we look at what was possible and compare it with what was actually accomplished, I think we have to admit that NATO has fallen far short of realizing its full potential. In our search for a new blueprint for the NATO of

the future, we must therefore try to assess our mistakes and failures and find out why they happened.

I said earlier that the original concept of NATO as a temporary shield to absorb an initial thrust and to allow time for mobilization of defences was fundamentally sound, but unfortunately this concept never progressed beyond its original stage. No new thinking emerged to match new situations as they developed, with the result that the original concept of NATO has degenerated into a sort of permanent Maginot Line mentality which, in my opinion, is basically unsound.

There are many reasons for this. Cyrus L. Sulzberger, in a recent book entitled *What's Wrong With U.S. Foreign Policy* draws an analogy between NATO and the Delian League of 2,500 years ago when the Greek City states led by Athens banded together for common defence against Persian aggression. As fear of Persia receded the Leagues vitality ebbed. Its unity was also destroyed and its strength sapped by bickerings between the member states and by the increasing tendency of Athens to act unilaterally and to ignore the ideas and wishes of her lesser allies.

If we look back over events of recent years, we can see that the U.S.A. as leader of NATO has acted very much as Athens of old with similar results. Let us consider a few examples.

In May 1962 NATO strategy was altered unilaterally by the Kennedy administration.

At the time of the Cuban crisis, the United States failed to consult her NATO allies with regard to her ultimatum to the U.S.S.R. to blockade Soviet ships.

In the same year, U.S.A. cancelled the Skybolt Missile Project and substituted for it the multi-lateral force of polaris missiles, commonly referred to as M.L.F.

In 1963 negotiations between U.S.A. and U.S.S.R. on the nuclear test ban resulted in a hot line between Washington and Moscow but there was no similar link with her NATO allies.

In October 1963 Operation Biglift raised doubts about U.S. commitments of troops to NATO.

In June 1964 President Johnson qualified a U.S.A. commitment to NATO vis-a-vis the Soviet Union, and during the Greek crisis in 1967 this qualification was strengthened when the U.S.A. failed to reaffirm an automatic commitment to defend all NATO nations.

In 1964 U.S.A. imposed travel and investment restrictions which adversely affected her NATO allies, and honourable senators will recall that similar restrictions are now being considered in 1968.

A second reason is because NATO failed to recognize that as a basis of unity, external forces such as mutual fear or enlightened self-interest are not in themselves sufficient to withstand the stresses and strains arising out of the conflicts of national interests or to overcome the divisions due to pride, prejudice, mistrust and the isolation created by different points of view.

Failure of the U.S.A. to hold meetings of NATO joint chiefs of staff—I believe the last one was called by President Eisenhower in 1958—has not helped the cause of unity among NATO allies.

In citing these examples, it is not my purpose to criticize U.S. foreign policy. I fully realize that in a world dominated by two super powers, of which the U.S.A. is one, the U.S.A. must of necessity reserve to itself some room for manoeuvre and cannot therefore afford to tie her hands completely even to NATO, of which she is not only its leader but the basis of its strength.

I merely wish to emphasize that the effectiveness of NATO is proportionate to the quality and the strength of the unity which binds its members together, and that unilateral action or the pursuit of developments outside NATO, or any action by its leading member which ignores or treats with indifference the thinking of the NATO allies, is bound to weaken NATO as an alliance and should therefore be avoided wherever possible.

A third reason is that NATO has disregarded the fact that the U.S.S.R. fights not only with military weapons but with ideological weapons and with weapons of psychological, political and economic warfare.

To date, as far as I am aware, NATO has confined itself solely to a military response and has done nothing to develop or explore the possibility of responses in those other non-military areas which to date the communists have had completely to themselves to exploit on a global scale.

It has been said that offence is the best defence and in drawing up a blueprint for the future, some way must be found to put NATO on the offensive—not militarily but ideologically, politically and economically.

This means drawing up world-wide objectives and developing strategies, tactics and techniques that will achieve them. There are numerous opportunities for this which so far NATO has not exploited at all. For example, there are opportunities for trade expansion which I will not go into because they have already been dealt with by Senator MacKenzie and others. In addition, there are opportunities for the organization of military and economic aid to developing countries as well as the co-ordination of traffic in science and technology among member countries which could lead to a concerted program of Research and Development to match that of the two giant nations—Soviet Russia and the U.S.A. It should be emphasized, however, that these programs should be geared to clear-cut global objectives.

It is obvious that to achieve such objectives, a new kind of unity is required—a unity that will develop a NATO position on world problems and that will concert NATO policies with respect to world crises. A unity based on external forces as at present can never be adequate to meet these challenges. What is required is a unity based on the mobilization of the inner forces—the moral forces of head, heart and spirit of the member nations.

General Eisenhower in his speech to the United States Congress of February 1, 1951 said this:

> Why are we frightened of dictatorial governments? Only for one reason—because they have a unity of purpose. True, it is a unity achieved by force, by ignorance and by NKVD. What we have got to do, the only thing we have to do, is to meet that unity with a higher type, the unity of free men that will not be defeated.
>
> One of the greatest factors in this whole thing is morale, because morale involves understanding, it involves heart, it involves courage, fortitude, basic purpose.

It is clear therefore that the key to this kind of unity which the free world must have is total commitment to a basic purpose, and I would suggest that this basic purpose should be the building of a brand new order of society.

Our present free democratic society is based on great moral and spiritual principles which flow naturally from a concept of man as a moral and rational being endowed with free will, having worth within himself as a created individual, responsible to his Creator for his behaviour, and dependent upon his Creator for help in the solution of his problems.

This concept envisages man as shaping his political and economic systems within the framework of those principles. These political and economic systems are man's creation, having no life save what he gives them. They are man's servants, not his masters.

Based on the twin principles of private ownership and free enterprise, the economic systems of the free world, which operate as some form of capitalism, have produced brilliant industrial and scientific achievements and many powerful and wealthy nations. Unfortunately, however, capitalism too often operates by the rule of the jungle and it has shown too little concern for the millions of mankind.

As a result, roughly 80 per cent of the world's wealth is controlled by 15 per cent of the world's population and exploited for their own benefit, while two-thirds of mankind go to bed hungry every night and hundreds of millions are doomed to die prematurely from hunger, poverty and disease. Hundreds of millions have an income of only $30 a year.

And what do we do with the great wealth we produce? In 1966, Canadians spent $1.29 billion on alcohol, $935 million on tobacco, $903 million on travel abroad, an estimate of $325 million on candy, and $50 million to $55 million on cat and dog food. The figures on alcohol, tobacco and travel are published by D.B.S. The other figures are D.B.S. estimates and are two years old. The current figures would probably be much higher. I have omitted what we spend on racetracks, which would probably total another half billion dollars.

Honourable senators, are these the priorities of a healthy society? A society that indulges itself in such a manner and to such extent, while remaining indifferent to so much human suffering and privation in the world at large, has certainly lost sight of the principles on which it was founded. Can such a society expect to survive as a comfortable wealthy little island in such a large ocean of poverty and misery?

Of the three billion people who inhabit this globe, less than one billion are satisfied with the world at it is today; more than two billion desire a change, and more than one billion communists have dedicated and committed

themselves to changing it. There is therefore no question but that changes will come. The only question is whether the new order will be shaped by the material ideas and values of communism, or by the moral and spiritual values on which our freedom is based and our democratic institutions are founded.

Two billion people need help now and two billion more may need it by the turn of the century. World famine is predicted to hit the earth by 1995 or 1998, unless drastic action is taken. Millions of people are attacked by disease and have, as yet, no chance of being treated by a doctor or even a nurse. Schoolhouses, books, teachers are almost non-existent in great areas of the earth.

Surely, here is a basic purpose—one big enough to embrace the whole world; big enough to give to each individual a sense of belonging, of dedication and destiny; big enough to give purpose and meaning and a sense of direction to the whole life of each individual and of each nation.

To achieve this purpose, we must discover a new dynamic great enough to meet the needs of our time. To generate this dynamic, we must draw more fully upon the fundamental moral and spiritual values which gave our society birth and which have nourished it in the past. By living out more fully in our individual lives and in our national life what we profess to believe, we can harness these moral and spiritual forces to the great technical forces of automation, cybernation and to nuclear energy, to achieve a brand-new world with abundance for all mankind.

If we have sufficient faith and moral courage to make this our over-riding objective, we will create the kind of unity to which General Eisenhower referred, the kind of unity that will put NATO and Freedom on the march to ultimate victory. Unless we achieve this unity, the chances are that our children and grandchildren will lose the freedom we now have and will be ruled by tyrants.

In the same speech to Congress to which I referred earlier, General Eisenhower said:

> Military defence is made up of many things. The fighting forces are but the cutting edge of a very great machine, the inspiration and the power for which we find in the hearts of citizens. So that when we talk about defending the free world, we are not merely talking about divisions and groups and battleships and planes. We are talking about what is in the hearts, what we understand with our heads, and what we are going to do as a body.

Later in that same speech he said:

> The true defence of a nation can be found in its own soul. We must make sure that the heart and the soul of Europe is right. The defence of freedom, exactly like the appreciation of freedom, is in the heart. It is a job that each of us can do.

Honourable senators, we must make sure also that the heart and soul of America and Canada are right, and I believe that Canada, as a member of NATO, can and should give leadership in this direction.

Hon. Edgar Fournier: May I ask a question of the honourable senator? It arises from a very disturbing press report that appeared in the Montreal *Gazette* of Tuesday, February 27 last, which reads in part:

> Confidence in the effectiveness of Canada's participation in NORAD, was dealt a severe blow recently when it was announced that United States aircraft from Iceland, and not Canadian planes from Bagotville, intercepted Russian bombers off Newfoundland.
>
> Canadian interceptors stayed on the ground when two Russian bombers flew along the Newfoundland coast—75 miles out to sea—for an hour on February 9...

Because I do not want to take up too much of your time, I will just read from the end of the press item, as follows:

> Bagotville is hundreds of miles closer to where the bombers were discovered.

Honourable senators, does not this situation bear some similarity to what happened at Pearl Harbour? Could the honourable senator give us an explanation regarding this incident? I ask this question because so far all we have heard about NATO has been praise —with which I have fully concurred—but I have been troubled by what has been happening.

Hon. Mr. Carter: I am afraid I cannot give my honourable friend a very satisfactory answer. I do not think that Military Intelligence would release all the available information on an incident of this kind, because if they did they would be giving the Russians military information which we do not want them to have.

No doubt, these planes that are coming over are probing our defences and are finding out whether we can detect them or not; and, as I say, I do not think that Military Intelligence would permit the full story concerning these incidents to be told.

Hon. Jean-François Pouliot: Honourable senators, I am very glad to have the opportunity to tell the honourable Senator Carter that he is an asset to the Senate; just as he is a credit to his native Province of Newfoundland, which he represented so well in the House of Commons for many years. I have listened to his remarks with deep attention, and I admire the manner in which he has described the international situation, with full knowledge gained, I am sure, by painstaking study of reference books and figures.

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

DOMINION COAL BOARD DISSOLUTION BILL

SECOND READING—DEBATE ADJOURNED

Hon. John J. Connolly moved the second reading of Bill S-31, to provide for the dissolution of the Dominion Coal Board.

He said: Honourable senators, you will see upon first inspection that this is a very short and comparatively simple bill. Its citation in the Revised Statutes of Canada of 1952 is chapter 86, and that Act is now to be repealed upon proclamation, if this bill should pass. The assets and liabilities of the Dominion Coal Board are to become assets and liabilities of the Crown in right of Canada. Any appropriations required to defray expenses incurred under the existing Act are to be transferred, in accordance with the terms of this bill, to the Department of Energy, Mines and Resources, and upon that being done the board will go out of existence.

I should give the house a little of the background of this measure and particularly of the Dominion Coal Board. I also want to make some reference to certain other acts that are affected and which will involve some amendments in committee.

First of all, I should say that the report of the Dominion Coal Board for the period ending March 31, 1967 was tabled in the Senate on July 7, 1967 and if honourable senators care to examine it, it is readily available.

Speaking to the history of the board, between 1922 and 1946 there was a body called the Dominion Fuel Board which was manned mainly by civil servants who were charged with the responsibility of looking into energy requirements in the country at large.

In 1946 the Carroll Commission was appointed. Its terms of reference, generally speaking, were to review the national energy requirements, and to advise upon the administration of subventions which might be required in connection with the production and development of sources of energy. As a result of the work of that royal commission the Dominion Coal Board was established in 1947, and its main function has been to support the market for Canadian coal, and the method used has been that of subventions.

In 1960 Mr. Justice Rand chaired a royal commission which looked into the general problem of energy requirements. One of the conclusions that he reached was that there was too much operator influence in the workings of the Dominion Coal Board. He made other findings, which were the subject matter of consideration by governments from time to time.

In 1966 Mr. J. R. Donald was asked to inquire into the energy situation, particularly in respect of the production of coal in the Atlantic region. Mr. Donald's report urged a new approach, which consisted mainly in the establishment of what is now known as the Cape Breton Development Corporation. This corporation was to work as a result of co-operative effort between the Government of Canada and the Province of Nova Scotia. Under the act that established the Cape Breton Development Corporation there was an agreement between Nova Scotia and Canada dated June 16, 1967, which was tabled in this chamber on July 7, 1967, and which indicated areas in which the new corporation would function.

I should also tell honourable senators that in addition to the act establishing the Dominion Coal Board there were two companion pieces of legislation which affect the operation of that board. The first of these is the Canadian Coal Equality Act, chapter 34 of the Revised Statutes of Canada, 1952. The Canadian Coal Equality Act was passed in 1930, and it implemented one of the recommendations of the Royal Commission on Maritime Claims made in 1926. The act provided for a bounty of 49½ cents per ton on all Canadian bituminous coal used to produce coke for the manufacture of iron and steel.

The justification for this step was that the draw-back of 49½ cents per ton received by the Ontario Primary Iron and Steel Producers on the importation of United States coking coal made it desirable that special assistance be given to the Ontario steel producers if they used Canadian coal, and that the Sydney Iron and Steel Plan deserved special assistance because of the practices of the iron and steel producers in Ontario of importing and using American coal.

Over the 36 years of the existence of this act, some $9.8 million has been expended under its terms. The payments made under it were to be discontinued when the Cape Breton Development Corporation was established, and that has now taken place. In the result, the Canadian Coal Equality Act is no longer of any value on the statute books.

Another act which affects this general position is the Coal Production Assistance Act, chapter 173 of the Revised Statutes of Canada, 1952. Under this act, which was passed in 1949, loans were to be made available to assist coal producers anywhere in Canada. Currently the act provides for aggregate loans not exceeding some $20 million, with a maximum of $12 million to any one coal producer. The major criterion in determining the eligibility of a coal producer for such loans was that the funds had to be intended for a project which would result in substantially increasing the efficiency of coal production, and the coal producer was able to finance from other sources of funds at least a third of the cost of the project that was to be helped.

There were ten companies with loans outstanding as at September 30, 1966—I am sorry I do not have later figures—two in Nova Scotia, three in New Brunswick, one in Saskatchewan, two in Alberta and two in British Columbia. The principal amount of the loans outstanding at that date was $6,416,680 and the interest outstanding was $445,623. The principal and interest in default was $1,750,193 and $373,861, respectively.

As I have said, the coming into force of the act establishing the Cape Breton Development Corporation makes this act now unnecessary. I propose that when this bill reaches the committee clause 4(1) be amended by inserting the short titles of those two acts, namely, the Canadian Coal Equality Act and the Coal Production Assistance Act, so that both of them will be repealed.

It may be that honourable senators would be interested to know—perhaps many may remember—that the past chairmen of the Dominion Coal Board were Mr. Wilbur Uren, who occupied that position from 1947 to 1961, Mr. C. L. O'Brian from 1961 to 1966, and Mr. J. W. MacNaught from 1967 until the present time.

I know that many people from the Atlantic region are vitally interested, not only in the coal problems and the situation with respect to the mines there but also in the plans and purposes of the Cape Breton Development Corporation, and there may well be a very interesting session in the Standing Committee on Natural Resources when the minister and the officials are there to discuss this legislation. If the bill is in due course given second reading I propose to move that it be referred to that committee.

While speaking to this bill, I thought I should draw the attention of the Senate to what I consider to be a very interesting publication issued by the Shell Briefing Service of the Shell Oil Corporation, as prepared in September 1967 for the staff of the companies of the Royal Dutch/Shell Group. The publication, entitled *Energy Patterns of the Future*, reviews the energy requirements up to the year 2000. It discusses the history of energy produced from muscle power, wood, dung, coal, oil, gas, and hydro-electric and nuclear sources.

Because I feel this pamphlet is a most unusual one, in which all honourable senators would be interested, I propose to have copies distributed to the members of the committee when it meets. If it is desired that I mail these in advance of the meeting I should be glad to do so. It might be that members would wish to direct questions generally with respect to the development of energy forces in this country to the officials who are present at that time.

This country, of course, is rich in resources, particularly those which produce energy. Therefore, I think we should seize every opportunity to inform ourselves upon the extent of these resources, the prospects for their development and what they will do for the general industrial growth in years to come. Many of them are wasting resources, such as gas and oil; many are not wasting resources, like hydro power, unless we dissipate our water resources; and the importance of the nuclear field as a source of energy becomes greater and greater as the days go on.

Honourable senators, I did not intend to speak as long as I have on this simple bill. While I have deviated a bit from the normal practice and have spoken about energy generally, I think that in view of the other developments, especially in respect of the establishment of the Cape Breton Development Corporation, the bill should commend itself to all honourable senators.

Hon. Mr. Pouliot: May I ask a question of the honourable leader? What will happen to Mr. J. W. MacNaught, the Chairman of the Dominion Coal Board? Is he to be transferred to another position, and if so what is it?

Hon. Mr. Connolly (Ottawa West): I cannot give a specific answer to that question, but I would assume that arrangements would be made for his future employment.

Hon. Mr. Pouliot: It is not much, but I take the liberty to recommend him for a transfer.

Hon. Mr. Fournier (Madawaska-Restigouche): Is it the intention to pass this bill before the end of this session?

Hon. Mr. Connolly (Ottawa West): Do you mean before the recess?

Hon. Mr. Fournier (Madawaska-Restigouche): Before the end of the session.

Hon. Mr. Connolly (Ottawa West): I would hope it would be passed before the end of the session. I thought the honourable senator was referring to the recess—certainly it can stand until after the recess.

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

BUSINESS OF THE SENATE

Hon. Mr. Connolly (Ottawa West): Honourable senators, I have nothing definite to report upon progress in the other place. In the circumstances I think it appropriate for the Senate to take recess now and reassemble at the call of the bell at approximately 8.30 o'clock this evening. At that time there may be some opportunity to assess the prospects for tonight, and a decision can be taken about further adjournment then if necessary.

The Senate adjourned during pleasure.

At 8.30 p.m. the sitting was resumed.

ADJOURNMENT

Leave having been given to revert to Motions:

Hon. Jean-Paul Deschatelets: Honourable senators, I move, with leave of the Senate, that when the Senate adjourns today it do stand adjourned until tomorrow, Friday, March 22, at 12 o'clock noon.

No progress has been made in the other place, and there appears to be no point in our waiting further tonight.

Motion agreed to.

The Senate adjourned until tomorrow at 12 o'clock noon.

THE SENATE

Friday, March 22, 1968

The Senate met at 12 noon, Hon. George S. White, P.C., Speaker *pro tem*, in the Chair.

Prayers.

BUSINESS OF THE SENATE

Hon. Jacques Flynn: Honourable senators, may I inquire of the acting Leader of the Government if there has been any progress towards the closing of Parliament for the adjournment which has been indicated for some time.

Hon. Jean-Paul Deschatelets: Honourable senators, no progress can be reported as there has been no change in the situation since last evening. That does not mean, of course, that the members in the other place are not working.

Hon. Mr. McCutcheon: What does it mean?

Hon. Mr. Deschatelets: They do not seem to be able to finalize their efforts.

Honourable senators, when the Orders of the Day have been called, it is our intention to move that the Senate adjourn until the call of the bell at approximately 3.30 this afternoon, when we hope we shall be in a position to know where we stand.

Hon. Mr. Flynn: Honourable senators, may I be allowed to comment on the circumstances in which we find ourselves?

This is not the first time that the Senate has been kept waiting for the other place, envisaging prorogation or the adjournment of a parliamentary session. The circumstances are not always the same, but I suggest that the present situation is really untenable for the Senate or for senators themselves. The root of the problem, as far as the Senate is concerned, as I have commented before, is the practice which requires Royal Assent to take place with both houses being represented in this chamber.

In principle, when a firm agreement is made in the other place to complete the work—not necessarily on a given day but within a reasonable period of time—the Senate has always co-operated in seeing to it that when the work of the other place is completed, consideration in this chamber takes only a few hours, thus enabling both houses to adjourn at about the same time after Royal Assent has been given to the bills that have been passed. This co-operation should continue. But when there is no firm agreement in the other place as to the disposition of its work within a reasonable time, and no assurance that the Senate will not be kept waiting, I suggest—unless we want to change the practice and arrange for Royal Assent to be given at Government House with representatives of both Houses of Parliament present, a practice that would enable us in certain circumstances to give more adequate consideration to the final bills that come to us—that we should adjourn to a date far enough ahead so that we will not be recalled until there are bills ready for our consideration.

I am thinking in particular of the two appropriation bills that are now being debated in the other place. They should be passed, and then we should return to deal with them. If the other place has to come back for Royal Assent, after having adjourned because it has completed its work, then I think that is a consequence it should face if it cannot reach agreement as to concluding its work in a reasonable manner when other responsible persons are waiting to deal with the business of the state.

I suggest, honourable senators, that before we reassemble this afternoon the Leader of the Government should ascertain whether there is agreement. If there is, then of course we should give our co-operation, but if there is not he should move the adjournment of the Senate until a day sufficiently far in the future so that this house will not be recalled until there are bills for it to consider.

Some hon. Senators: Hear, hear.

Hon. Mr. Deschatelets: From the applause I can judge that the views expressed by the Leader of the Opposition (Hon. Mr. Flynn) are shared to some extent by other honourable senators. Of course, this is not the first time that we have been in this position, and I think I express the view of all honourable senators when I say we hope that this is the last time that we will be in this position. When I indicated that we should adjourn until 3.30 this afternoon, it was meant as a compromise because it implies that in the meantime we will try to get an agreement or at least an assurance that we might make some progress today.

There is another point of view. I think honourable senators will agree that we are in a difficult position, because when the Senate is needed we usually are here to co-operate. This is the difficulty we must face.

Hon. Mr. Flynn: We do not have to be here instantly.

Hon. Mr. Deschatelets: This is not the first time we have been in this position.

Hon. Mr. Flynn: May I just interject? When we are needed for expediting the business of the country I agree we should be here instantly, but when it is only to accommodate the members of the other place it is a different story.

Hon. Mr. Deschatelets: The views expressed by my honourable friend are on record.

Hon. Mr. Flynn: And I will not delete them.

Hon. Mr. Deschatelets: We will deal with this matter, and when the sitting resumes at approximately 3.30 p.m. we will take a decision in the light of the circumstances at that time.

CIVIL SERVICE REFORM

REPORT OF COMMITTEE PRINTED AS APPENDIX

Hon. Jean-François Pouliot: Honourable senators, may I ask your leave to have the unanimous report of the parliamentary committee on the Civil Service of 1938 and 1939 published in *Hansard* of this date? It is a very short report. I make this request for the reason that reforms which were suggested 30 years ago have never been adopted or enforced. It may be of some assistance to my honourable colleagues to have an opportunity to read these recommendations to see what can be done about the urgently needed reform of the Civil Service. I would ask for your agreement to that course. It was a unanimous report; it was agreed to by all parties, but because of the war the matter has been left on the shelf.

I have made my suggestion, honourable senators, and I wonder if I may have your leave to have this report printed today.

Hon. Mr. Deschatelets: Do I understand that the report was made in 1930?

Hon. Mr. Pouliot: It was made in 1938 and 1939. The first report was made in 1938, and it was adopted again in 1939 by a second committee, of which the late Mr. Justice Fournier was chairman.

Hon. Mr. Deschatelets: I would like to have the views of honourable senators, if they wish to make any on this matter.

Hon. Mr. Flynn: Would the honourable senator indicate to us the length of the document?

Hon. Mr. Pouliot: It is about two pages of *Hansard.*

Hon. Mr. Deschatelets: I have no objection.

Some Hon. Senators: Agreed.

(For text of Report, see Appendix pp. 1010-12.)

DIVORCE

REPORTS OF COMMITTEE ADOPTED

The Senate proceeded to consideration of reports of the Standing Committee on Divorce Nos. 709 to 748, inclusive, which were presented yesterday.

On motion of Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, reports adopted, on division.

RESOLUTIONS ADOPTED

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 686, for the relief of Fernand Castonguay.

Resolution 687, for the relief of Alcide Dumas.

Resolution 688, for the relief of Marcel Henri Victor Harvey.

Resolution 689,, for the relief of Darby Joan Schofield Cullingham.

Resolution 690, for the relief of Gertrude Patricia Hughes Fellows.

Resolution 691, for the relief of Barbara Joyce Teal Cohen.

Resolution 692, for the relief of Helen Fanny Korman Weinstein.

Resolution 693, for the relief of Antonio Scopelleti.

Resolution 694, for the relief of Donald Daniel Smith.

Resolution 695, for the relief of Huguette Boivin Turcotte.

Resolution 696, for the relief of Marcel Charbonneau.

Resolution 697, for the relief of Aline Dion Chapdelaine.

Resolution 698, for the relief of Aimable Dannel.

Resolution 699, for the relief of John Arthur Jepson.

Resolution 700, for the relief of Dorothy Hilda MacWhirter Hotton.

Resolution 701, for the relief of Helene Lavigne Halperson.

Resolution 702, for the relief of George James Watson.

Resolution 703, for the relief of Suzanne Cholette Beauchamp.

Resolution 704, for the relief of Barbara Ann Hamilton Dunbar.

Resolution 705, for the relief of Joseph Georges Jean Damien.

Resolution 706, for the relief of Marian Micheline Genevieve Madeleine Devoyault Whalen.

Resolution 707, for the relief of Jeannine Hamel Robert.

Resolution 708, for the relief of Eva Anderlik Goralszky.

Resolution 709, for the relief of Ina Ruth Rubin Hazen.

Resolution 710, for the relief of Eileen Elizabeth Orr Martel.

Resolution 711, for the relief of Gerald (Gerard) Desilets.

Résolution 712, for the relief of Joseph Ernest Lucien Andre Rivest.

Resolution 713, for the relief of Phyllis Fredericks (Frederick) Gray.

Resolution 714, for the relief of Kenneth George Williamson.

Resolution 715, for the relief of Mireille Dufour Giroux.

Resolution 716, for the relief of Paul Brosseau.

Resolution 717, for the relief of Patricia Ann O'Brien Howell.

Resolution 718, for the relief of Marie Antoinette Aubut Charron Weissenberg.

Resolution 719 for the relief of Lila Goldberg Jacobs.

Resolution 720, for the relief of Hubert Dybka.

Resolution 721, for the relief of Marie Laurentine Eugenie Andrianne Gerard Seghetto.

Resolution 722, for the relief of Denise Lavigne Ostiguy.

Resolution 723, for the relief of Gisele Filotto Milea.

Resolution 724, for the relief of Alfred Gagnon.

Resolution 725, for the relief of Denis Milette.

The Hon. the Speaker: When shall these resolutions be taken into consideration?

Hon. Mr. Roebuck: Honourable senators, in view of the situation in which we find ourselves, I move, with leave, that the resolutions be adopted now.

Hon. Mr. Flynn: Would the honourable senator indicate whether the Divorce Committee has continued with the practice or rule which prevailed before the adoption of the recent divorce legislation—namely, restricting itself to granting divorce in cases of nullity or of adultery only? It has not considered cases on the additional grounds brought in by the new legislation?

Hon. Mr. Roebuck: There has been absolutely no change in any respect that I can imagine. We are carrying on in exactly the same way as we have for many years, and waiting for the new legislation to become effective. At the present moment it is not effective; and of course is not considered in the practice that we are carrying on.

The resolutions have been considered in the usual way. I am under the impression that I have read most of them myself, approved them, and they have been passed by the committee. They are not treated *pro forma* by any means: they have been genuinely considered, as have been divorce applications over the years; and they are reported now with the responsibility of myself, who moved them, and of all the members of the committee who have considered them.

Hon. Mr. Hollett: Honourable senators, I read in the newspapers this morning that the new legislation is coming into effect on May 2. For the benefit of our people, could the honourable chairman of the committee confirm this report?

Hon. Mr. Roebuck: I have no official information. I have always understood that when the three months had gone by, if nothing

intervened, a proclamation would be issued about the first of May. That would give the three months required by the act before it can become effective. I know that the chief justices of the various provinces have assembled in the City of Ottawa for the consideration of what is necessary in the way of new rules of court and matters consequential with the coming into effect of the act. What the results of their conference has been, I do not know.

Resolutions adopted, on division.

The Senate adjourned during pleasure.

At 3.45 p.m. the sitting was resumed.

BUSINESS OF THE SENATE

Hon. Jean-Paul Deschatelets: Honourable senators, no progress has been reported from the other place; in fact, we do not know if they are going to continue consideration of public bills after five o'clock, which is the private members' hour. So we will not be in a position before 5.15 p.m. to know for sure whether or not we may receive the appropriation bills today. In the circumstances, honourable senators, I ask for your co-operation. I understand your impatience, but I think it would be appropriate to adjourn now and come back at 5.15, at which time we will know definitely what is our position.

Honourable senators, may I say that if we do not receive the appropriation bills today, it is our intention to move that the house do stand adjourned until Monday night at eight o'clock, and if at the time we have not received the appropriation bills we will have on the Order Paper other important business with which to deal. I do not wish to mention it now, but I shall get in touch with Senator Choquette, the acting Leader of the Opposition. He is aware of a certain resolution that was to have been on the Order Paper a while back.

Once again, honourable senators, this experience underlines the urgent need for serious changes and reforms in our parliamentary system. As was said this morning, we have been in this situation before, and we all realize that something will have to be done to prevent the Senate from being placed in this situation again.

I may be going out of my way in saying what I am about to say, but I shall say it anyway. Even if we should receive these bills before six o'clock, it does not necessarily follow that we will deal with them in half an hour or an hour. We have to take time to consider such important measures. I think we have shown a deep sense of responsibility, and I appeal to honourable senators to agree to this adjournment until 5.15 this afternoon. Unless another honourable senator has something to say I am going to ask for the adjournment.

Hon. Arthur W. Roebuck: Honourable senators, there is an old saying at law that hard cases make bad law. A circumstance such as we find ourselves in now, in which we are impatient at the waste of good time, is apt to lead us to thoughts that perhaps would not appeal to us under other circumstances.

A suggestion was made this morning about the taking of Royal Assent some place other than in our own chamber. That is a suggestion that might very well emanate from impatience rather than due consideration. I do not want to argue it at length at the moment, but I do say to my fellow senators that I think a suggestion of that kind should be considered thoughtfully, and that we should approach such a proposition with a great deal of care.

Hon. Gunnar S. Thorvaldson: Honourable senators, as I understand it, the problems in the other place are being caused by the fact that one of the parties there desires the completion of consideration of the bill on drugs and drug prices. I wish only to say it appears to have been forgotten in the other place that when that or any other bill comes before the Senate, we will want to deal with it, and I am hoping that we shall have ample time to deal with it adequately. One would hope that this message gets across to certain people in the other place.

Let me emphasize that there is no purpose in the other place passing the bill on drugs now, because it cannot become law until it has been debated and passed by this house. I, for one, want to speak on that bill, and I believe that this house should debate it properly and perhaps at some length.

The Senate adjourned during pleasure.

At 5.15 p.m. the sitting was resumed.

ADJOURNMENT

Leave having been given to revert to motions:

Hon. Jean-Paul Deschatelets: Honourable senators, I move, with leave of the Senate, that when the Senate adjourns today it do

stand adjourned until Tuesday next, March 26, at 11 o'clock in the morning.

Honourable senators, I am informed that the other place is dealing now with private members' bills, which means that we cannot expect to receive an appropriation bill before some time on Monday. My motion is that the Senate should adjourn until Tuesday morning at 11 o'clock when I hope that this chamber will be in a position to deal with at least one appropriation bill. If one is not forthcoming at that time we shall proceed with other business. In the meantime I will keep in close contact with the Acting Leader of the Opposition.

Motion agreed to.

JOINT COMMITTEES

CHANGES IN COMMONS MEMBERSHIP

The Hon. the Speaker informed the Senate that messages had been received from the House of Commons to acquaint the Senate that the name of Mr. Noël had been substituted for that of Mr. Cowan on the Joint Committee on Printing, and that the name of Mr. Caron had been substituted for that of Mr. Cowan on the Joint Committee on the Parliamentary Restaurant.

The Senate adjourned until Tuesday, March 26, at 11 a.m.

APPENDIX

(*See p. 1006.*)

CIVIL SERVICE REFORM

REPORT OF SPECIAL COMMITTEE PRESENTED TO HOUSE OF COMMONS JUNE 29, 1938

CIVIL SERVICE

THIRD AND FINAL REPORT OF SPECIAL COMMITTEE APPOINTED TO INQUIRE INTO THE OPERATION OF THE CIVIL SERVICE ACT

Mr. Jean-François Pouliot (Témiscouata): Mr. Speaker, the special committee appointed to inquire into the operation of the Civil Service Act begs to present the following as its third and final report.

Pursuant to order of reference dated February 22, your committee has held forty-eight sittings, has examined the three civil service commissioners, the secretary of the civil service commission, the chief, the acting chief and investigators Boutin and Jackson of the organization branch, and the chief examiner of the civil service commission; heard representations from Sir Francis Floud, K.C.B., K.C.M.G., United Kingdom high commissioner in Canada, the professional institute of the civil service, the civil service federation of Canada, the amalgamated civil servants of Canada, the dominion railway mail clerks federation, the amputations association of the great war and the Canadian Legion of the British Empire Service League. Briefs were received from army and navy veterans in Canada, officers, mates and petty officers of government ships, the Canadian postmasters' association, the customs and excise officers' association, and the New Brunswick, Nova Scotia and Prince Edward Island nautical association.

Your committee had charts prepared showing the organization of the staffs of the civil service commission and all departments of the government whose staff are under the civil service commission, but was unable, in the time at its disposal, to make an extensive inquiry into the various departments.

Having carefully considered the evidence adduced, your committee recommends:

1. Your committee deems it expedient and in the interest of the public, the civil service and the civil service commission that a standing committee on civil service matters be appointed at the commencement of each session of parliament, and therefore recommends to parliament that standing order 63 be amended by adding after clause (k) of said order, the following clause (l): "on civil service matters to consist of fifteen members, nine of whom shall constitute a quorum."

2. The committee further recommends that no official or employee in the civil service shall make any direct or indirect recommendation or reference by letter or otherwise on behalf of any relative by blood or marriage, or take any part whether directly or indirectly in any competition, temporary or permanent assignment, promotion, classification or reclassification in which any such relative is an applicant.

3. Your committee recommends that it shall be the duty of the civil service commission to make their own rulings on the operation of the act and apply the same uniformly, provided, however, that any department affected by such ruling may join the civil service commission in any submission to the Department of Justice for an opinion.

4. Your committee reaffirms the eighteenth recommendation of the civil service committee of 1932, which is as follows:

"18. Your committee is of opinion that there is a great deal of overlapping in the performance of duties by the heads of different branches of the civil service commission, owing to matters receiving the attention of the secretary of the commission which are in no way related to secretarial duties."

"Your committee, therefore, recommends that the secretary of the civil service commission be called upon to perform only those duties which are peculiarly those of a secretary and that the civil service commission consider ways and means of eliminating duplication of correspondence and departmental memoranda which now pass through the secretary to the commissioners."

And your committee recommends that all forms presently in use for such purposes shall be altered accordingly.

5. As the multiplicity of classifications and the discrepancy in salary ranges tend to create jealousy in the service and have resulted

in injustices and dissatisfaction, your committee suggests that the service should be divided into five or six broad classes, with a maximum of not more than nine grades in one class, and such division to be set up as soon as possible.

6. From the evidence it appears there is at present a considerable discrepancy in salary ranges as between departments and as between the various branches of the same department and as between the Senate and House of Commons, which militates against efficiency and cooperation, your committee recommends that the organization branch be charged with special responsibility with regard to salary levels in order to simplify ranges and also to thoroughly investigate salaries paid in comparable classes within and without the service.

7. Your committee recommends that

(1) Annual surveys of departments, units or branches shall be made in rotation by the various investigators, whether requested by the department or not, and such reviews shall be made so as to remedy overlapping overstaffing or understaffing and any unfair discrepancies which may exist.

(2) If there is to be specialization, it shall be within classes rather than by attempting to cover a whole department from top to bottom, as at present.

(3) Investigators shall mention in each report the time spent with each employee and the date and circumstances of the interviews.

(4) Investigators shall not sit on examining boards as members thereof.

8. In order to give the civil service commissioners a complete picture which will ensure fairness and department responsibility, and which will standardize the service and speed up the handling of cases, your committee recommends that the investigator's report and organization branch chief's comments be forwarded to department concerned and returned to the civil service commission with any comments such department wishes to make.

9. Your committee recommends that no married women shall be employed even temporarily under her maiden name and regulation No. 36 of the civil service commission shall be strictly applied.

10. Your committee recommends that subsection one of section 38 of the Civil Service Act be amended by adding at the end thereof the following proviso:

"Provided that, except on approval by the governor general in council, such authorization shall not extend to the employment of a person who is not a natural born or naturalized British subject and also has been a resident of Canada for at least five years."

11. Your committee recommends the commission may, at the request of the department concerned, but subject to the approval of the treasury board, appoint without competition any person who has already held a permanent position in the civil service and who has resigned, to the same or a similar position within the department if the department and the commission are satisfied that such person is deserving of such appointment, is not over fifty-five years of age, is of good character and in good physical condition.

12. Your committee recommends that standard advertisements to cover the classes and grades suggested in its fifth recommendation should be prepared and adhered to and that the practice which has often been followed in the past of writing advertisements to fit the qualifications of a single individual should be discontinued. Your committee recommends further that any reason for varying such standard advertisements should be submitted in writing by the deputy-head suggesting such variation and be reported thereon by the organization branch and that no such varied advertisement shall be issued or published unless previously approved by the civil service commission.

13. Your committee recommends that examination papers should not be translated for examination purposes but should be read by the examiners in the language in which they have been written, whether English or French.

14. Your committee is of the opinion that whenever advisable transfers to other branches of departments, as well as from one department to another, should be encouraged so as to prevent favoritism and for the purpose of helping employees to acquire a general knowledge of the work of the department or departments of the government. Your committee considers that the effect of this recommendation will be to open new horizons to the younger employees by offering opportunities for advancement and promotion at the same time preventing the static condition of the service and remedying certain injustices.

15. To facilitate the adjustments of complaints of a civil servant, where such complaints cannot otherwise be adjusted, your committee recommends that such complaints be adjudicated by a board of appeal consisting of a nominee of a civil service organization named by the appellant, a nominee of

the deputy head of the department affected, and a nominee of the chairman of the civil service commission, the latter of whom shall be chairman of the board.

16. Your committee recommends that ratings on efficiency and fitness, on which selections for promotion are largely based, be made by a board of three departmental officers instead of by individual departmental officers, as at present, and that a system of periodical ratings recording the efficiency of employees be established, for use in connection with promotions, salary increases and retirements. That the employee shall be advised of the result of all his ratings and shall have right to appeal such rating to the board mentioned in the preceding recommendation.

17. Your committee recommends that promotions shall not be confirmed until after the expiration of fourteen days so as to permit the making of an appeal to the board mentioned in your committee's fifteenth recommendation, and in event of such appeal being made that such promotion shall not be confirmed until the appeal has been disposed of.

18. Your Committee recommends that the practice of placing employees in vacant positions in an acting capacity instead of holding promotion competitions for them be discouraged.

19. Your committee recommends that the commission investigate the feasibility of more extensive and adequate advertising of competitions by press and radio.

20. Your committee regrets that the recommendation of the civil service committee of 1932 "that all papers, documents, et cetera, placed on the files of the commission, be consecutively numbered in each file, so that removals or deletions therefrom will be apparent" has been ignored, and recommends that it shall be strictly observed and that also each document on file shall be duly initialed and dated.

21. Your committee recommends that section twenty-one of the Civil Service Act, dealing with vacancies in the departments, be amended by providing (in subsection two thereof) for the case of temporary appointments when there is no eligible list that: "the commission shall forthwith hold an examination and, if necessary, to prevent any serious interference with the public business, but not otherwise, may fill the position at once, subject to the approval of the head of the department, by making a temporary appointment as prescribed herein," the only change in the subsection being the insertion therein of the words italicized above.

22. Your committee is of the opinion that the preference granted by section twenty-eight and twenty-nine of the act to persons who have served overseas in the military or naval forces of His Majesty's allies shall apply only when such persons are natural born or naturalized British subjects, and also had been resident in Canada before the great war.

23. Your committee recommends that no male employee shall be retained in the civil service beyond the age of sixty-five years and no female employees beyond the age of sixty years, and that such retirement be made compulsory without any extension.

Your committee is of the opinion that this would materially increase the efficiency of the civil service, would facilitate promotion and create a brighter outlook for the future of the younger people in the service or desirous of entering therein.

24. Your committee is of the opinion that a departmental division of eighty per cent permanent and twenty per cent temporary results in discrimination in certain branches where the work is entirely permanent and where twenty per cent have to wait years for any hope of permanency, and also that further evil of this system is that a branch may pad up work to bring in extra temporaries, so as to absorb into the permanent quota those who otherwise would not be permanent.

25. Your committee recommends that long term temporaries on the staff of the House of Commons who have been giving satisfactory service for a number of years should be made permanent employees under the civil service commission.

And that the evidence taken by the committee be indexed and one thousand copies in English and five hundred copies in French be printed by bluebook form.

A copy of the minutes of proceedings and evidence taken is tabled herewith; also three exhibits filed on May 25.

All of which is respectfully submitted.

Jean-François Pouliot,
Chairman.

THE SENATE

Tuesday, March 26, 1968

The Senate met at 11 a.m., Honourable George S. White, P.C., Speaker *pro tem,* in the Chair.

Prayers.

BUSINESS OF THE SENATE

Hon. Jean-Paul Deschatelets: Honourable senators, I would like to say a few words on the progress being made in the other place. The business of the House seems to be beginning to move: yesterday the Estimates of six departments were passed; and the fact that there was unanimous agreement to sit beyond regular sitting hours is, we think, a good indication that we might expect to receive appropriation bills for consideration this evening or tomorrow.

Therefore, honourable senators, after the Orders of the Day, it is our intention to adjourn to reassemble at the call of the bell at approximately 8 o'clock this evening.

IMMIGRATION 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-30, to amend the Immigration Act.

Bill read first time.

SECOND READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. W. M. Benidickson, with leave of the Senate, moved the second reading of the bill.

He said: Mr. Speaker *pro tem,* having returned after a short absence from the chamber I should like to say that it is a pleasure for me to see you in the Chair. We had a pleasant association in the other place. I hope, however, that your genial presence in the Chair does not mean that the return of His Honour the Speaker, who is ill, will be long delayed.

Honourable senators, this bill is unusual in the fact that it was introduced by a private member in the other place, a member who has had long experience in the administration of the Immigration Act. At one time Mr. Badanai was parliamentary assistant to the then Minister of Immigration and Citizenship. However, I believe this amending bill has the approval of the present Minister of Manpower and Immigration.

I served in the other place for many years and frequently found unhappiness, irritation and provocation because there was charged against a proposed immigrant some long-ago mental illness, irrespective of whether or not it had been cured.

May I read to the house the explanatory note to Bill C-30.

> The purpose of this proposed amendment is to give permanent status under the Immigration Act to immigrants who have suffered from a mental disorder but who apparently have been cured. Persons who have been convicted of and imprisoned for crimes are granted permanent status after a period during which they have demonstrated their rehabilitation. Under the present provision of the Act, persons who have ever suffered a mental illness are not given a like opportunity to prove their recovery.

I do not propose to deal with this at any length because I understand from the Acting Leader of the Senate that the bill will be referred to the Committee on Immigration and Labour later this afternoon. I have in the past seen tragic situations making impossible the reuniting of families when there has been no good cause to believe that the intended immigrant or person who has come to Canada with landed immigrant status is not someone who has been cured of disease and should not be reunited with his family in Canada.

This bill is sponsored by a private member, the honourable member from Fort William, Mr. Badanai who knows the situation very well. I give him great credit for putting it forward, and I am honoured to have the sponsorship of it in this chamber. I hope that this bill will be studied in one of our committees and I do commend it to your attention.

Hon. Lionel Choquette: Honourable senators, the fact that a private member's public bill of this sort has been introduced and passed at this stage in the other place proves to us beyond any doubt that all members have found it to be of significant importance. Unfortunately, in our present society, mental illness seems to attach a stigma which remains with a person for the rest of his life. I am glad that somebody with humanitarian outlook has chosen to introduce such a bill.

The measure should pass very quickly and easily. On this side, we see no objection to it, we applaud the move and will attend, in as large numbers as possible, the committee meeting to hear the due explanations.

Hon. Hazen Argue: Honourable senators, I would like to associate myself with the two previous speakers in support of this measure. I congratulate Senator Benidickson on his presentation and agree with him in his specific reference to Mr. Hubert Badanai, the sponsor of this bill in the other place.

Mr. Badanai is to be sincerely congratulated by all members of the Senate for the initiative and the persistence with which he carried on this battle, to remove a stigma barring citizenship to certain immigrants who have come into this country. Mr. Badanai is a very appropriate person to have introduced this measure. He himself is an immigrant, of Italian origin, a man who has been a fine citizen, who has served and is serving his community well as a Member of Parliament. He has done much in the business community to assist his own city and to be of valuable service to his country.

I was a little surprised, and so perhaps were other honourable senators, that this bill in fact did pass the other place, particularly with the bind they have been in over there for some days. I hope that the Acting Leader (Hon. Mr. Deschatelets) is not overly optimistic in expecting that we shall get legislation from the other place and that they shall be able to adjourn very soon. It seems to me that a few members in one party there have been holding up the business of Parliament, and thereby holding up a well-deserved adjournment for a major political party about to hold a leadership convention and to choose a Prime Minister. This is something of great importance to the democratic process, and we all deplore their kind of attack.

Those few members have used as a smoke screen and a front the contention that they want a certain drug bill passed. Personally, I believe this is no more than a political scheme to try to get their names in print at a time when the two major political parties in this country, the Conservative party and the Liberal party, have been picking new leaders and have been getting a great deal of publicity.

Hon. Mr. Choquette: Are those new tactics of that party or have they always been so?

Hon. Mr. Argue: I do not think they are particularly new. It is supposed to be a new party, but I think those tactics have been used before and probably we will see them used again. I always have deplored, and always will deplore, a small minority in any party trying to impose its will on the majority.

Hon. Senators: Hear, hear.

Hon. Mr. Argue: It is a misuse and an abuse of so-called freedom of speech, if two or three members, or even a handful more, can block the whole of the parliamentary system. I have deplored both privately and publicly that kind of attack.

I congratulate again the senator who introduced this bill and the Member of Parliament who sponsored it in the other place. I wish to express my own satisfaction with the fact that the Government agreed that this was a step in the right direction and could be accepted and passed by the House of Commons. The present Minister of Manpower and Immigration has done an outstanding service to our country by bringing about improvement in immigration relations and policy by removing discrimination. To me, this is just another step in that direction.

Canada has a great stake in an improved and an enlightened immigration policy. If any country in the world should not be worried about population explosion, surely it is Canada. I do not think that birth control pills and the use they have been put to in Canada in holding down our population has been of benefit on all counts. We can do with a population explosion in Canada, and we should be undertaking a very active immigration policy to bring new people into this country. This bill is just one step in removing a particular barrier.

In Africa and Asia there are poverty stricken and overpopulated countries that have been ravaged by war. Such is the case in Vietnam. This is an area in which Canada can play a very useful and constructive role. I just want to make this slight reference at this time to Vietnam. The United States in spending $40 billion a year in the Vietnam war, in my opinion is making a mistake. I am positive in my own mind that whenever that terrible conflict is settled, the American people and the American nation will use at least a portion of their treasury to reconstruct that country—and I hope that our country would do the same. We would have $100 million, let us say, when the time comes for reconstruction in that country. But, in terms of immigration, I would like to see facilities placed in

that country as soon as possible so that Canadians who wish to adopt homeless children, the waifs of the war over there, will have the opportunity to do so readily and easily.

We in this country have adopted many humanitarian measures to help people in faraway places that are in serious difficulty. We have CARE, we have OXFAM, and a few similar projects. In the field of immigration it is time we did something to actively support and promote the adoption by Canadians of orphaned children of other nations. And when adopted they should be brought to this country.

The policy today is non-discriminatory in a very real sense, however, because it asks the people who are coming into this country what their qualifications are, and on the basis of their qualifications—but not their colour or racial origin—they are allowed into Canada. That is the way it should be. If we can bring the people in as very young children and educate them in our country, then Canada will be playing a truly constructive role. I must admit that this is going beyond the purview of this important measure which is now before us.

Mr. Badanai is to be congratulated not only for having sponsored this bill, which is positive in itself, but for having sponsored one of the very few private members' bills in the history of the Parliament that have been passed by the House of Commons and will become law. This bill has been passed by the house and will soon be the law of the country. I have some figures in my hand which show that up until 1955, of 1,799 bills passed by the House of Commons only 21 bills of a public nature introduced by private members were passed by that house. Some were rejected by the Senate, some were amended, but over that period only about half that number have found their way into the statute books of our country.

My quick researches this morning suggest that the batting average of the Senate in having public bills introduced by individual senators and passed by the Senate is not high. As a matter of fact I am informed that the last measure of this nature passed was a bill introduced by Senator Euler, having to do with the importation of margarine into Canada; and that was some 20 years ago. The Senate, I feel, could undertake the study of some important bills sponsored by individual senators; they could look them over in committee and if they feel they should be passed, they can send them in a finished form to the House of Commons which will then have the responsibility of passing them, rejecting them or letting them die on the Order Paper.

I sympathize with members of the House of Commons who try to have passed public bills dealing with immigration, citizenship and similar matters, and which get bogged down and fail to pass. I looked at the Order Paper of the other place last Friday when this important bill was passed, and I saw 160 private members' public bills of which the vast majority have not a hope of ever being passed or even of ever being debated. I think we should help rescue the House of Commons from the morass in which it finds itself by having individual senators examine, with a view to presenting them, some of the important public bills that are now on the House of Commons Order Paper. If the Senate feels after free discussion such bills should be passed, I think it would be most useful to take that step.

I have some personal interest in this subject because I have on the Senate Order Paper a bill dealing with dairy policy. That, I think, is just the kind of bill that the Senate might adopt on second reading, study in committee, and then if it recommended itself to the Senate, pass it and send it to the House of Commons and let the members of that place have a look at it.

Senators by and large are far too hesitant and reluctant to take this kind of initiative, which I think should be taken. Having looked over the records of the Senate very quickly, I am just wondering if a senator had introduced in the Senate the precise bill that Mr. Badanai introduced in the House of Commons, would it have had a chance to pass the Senate. I do not know. I am a little sceptical about that. I feel we could take the initiative in this matter of public bills; we could render an important public service because we do not have the impediments that the members of the House of Commons have.

I want to congratulate once again Mr. Badanai and recommend to this assembly the adoption of similar important measures as a public service that all of us together can perform.

Hon. Arthur W. Roebuck: Honourable senators may I take a few moments of your time to pay a compliment to Senator Benidickson for sponsoring this bill and at the same time to join in the tribute being paid to Mr. Badanai of the other house. I have known Mr. Badanai

for a long time; I joined in his campaign when he was elected in the first instance in Fort William and he has been a hard-working, progressive, useful member ever since.

I have only a word to say with regard to the purpose of the bill. I have handled many immigration cases, but in particular I remember one following the end of the war when a prominent citizen of Toronto brought a daughter, the last remnant of his family, to Canada. She was quite a young girl and she had been through some terrible times in Europe. When she arrived in Toronto she was disturbed, as children frequently are, and her father sent her to an institution, where she received some attention and very soon recovered. However, having admitted her mental condition by having had her hospitalized, it became impossible for her to receive permanent entry to this country. She was given a temporary entry, and I think that temporary entry status exists today, some 20 years later.

This bill will give relief to that case and probably a great many more of individuals who have slipped slightly, and who have recovered and have been good citizens for many years, and who by all means should be given a permanent landing and the right to become Canadian citizens. I welcome the bill.

Hon. Mr. Choquette: Honourable senators, since speaking on this bill a few minutes ago I have had the opportunity of discussing the matter with the chairman of the committee which would consider it, and I would not want to give the impression that we are insisting that such a short and clear bill be sent to committee. I certainly do not insist. If it was not the original intention of the sponsor, I see no necessity for sending it to committee, and I would agree to third reading being given now.

Hon. Mr. Benidickson: In view of the circumstances, I appreciate the co-operation of the Acting Leader of the Opposition.

Hon. G. Percival Burchill: Honourable senators, I rise to make an observation that occurred to me as I listened to the honourable Senator Benidickson introduce the bill and, at the same time, to congratulate him on the way in which he did so. You will notice that he kept strictly to the principle of the bill and wasted no time going into details.

That is a great change from the trend that has developed in the Senate during the years I have had the honour and the privilege of sitting here. I remember when I and my contemporaries were appointed to the Senate we were instructed by the hierarchy that when we had the privilege of introducing a bill we were to stick very closely to its proposals and not go into any detailed examination or explanation of the clause.

I remember very well the tendency grew of preparing and delivering a detailed speech on each bill that was introduced. This custom continued to grow until finally one day one of the newly appointed senators—I refer to Senator Fergusson in one of her early speeches —was doing a masterful job in presenting a great volume of information on the bill she was introducing, when Senator King, who had been the Leader of the Government and also Speaker and was sitting with the Leader at the time, rose and interrupted her and pointed out that she was transgressing. He said that the Senate was the workhouse of the Constitution, that we were not supposed to discuss bills in this fashion on second reading, that that was to be done in committee. I remember that Senator Fergusson was quite embarrassed on that occasion.

Despite that admonition, over the ensuing years the tendency has grown, and honourable senators will agree with me that today, with regard to every bill that is introduced it is explained at length and in great detail on second reading, and it is a major job. That may be the proper fashion in which to proceed— I am not criticizing it at all—but, as I was listening to the clear explanation that Senator Benidickson gave of the principles of this bill, it did come to my mind that there has been this change, one of the many changes that have taken place over the years since my appointment.

As to the bill itself, it seems to be a step in the right direction. I feel that down in the Maritime provinces immigration is not one of our serious problems. Our function there is to open the front door for immigrants and to show them, as they pass through the Maritimes, what a wonderful country they are coming to. However, they pass through our region and go to such places as Montreal, Toronto and the West. Unfortunately, we do not share in the immigration as we should.

Hon. Mr. Roebuck: Honourable senators, I heard Senator Choquette suggest that this measure need not be referred to committee because it is simple, it is highly approved, and so on. However, it seems to me that the

question of whether or not a bill of this kind should be sent to committee does not turn on whether we oppose or favour the bill but, rather, whether we wish to be sure that the bill does do what it is intended to do.

I assume that this bill came to us for the first time this morning, just before Senator Benidickson explained it. I submit that while a debate is in progress it is not possible to read a bill critically, to see that every comma is right, that all the factors have been covered, and so on. Therefore, I think this bill should go to committee.

I understand that arrangements have already been made for the committee to meet this afternoon to discuss this measure. Nothing will be lost; in fact, we will gain some information which might lead to other progress. So, I think we should send it to committee.

Hon. Mr. Benidickson: Honourable senators, I am prepared to so move.

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?

Some Hon. Senators: Now.

Hon. Mr. Benidickson: Honourable senators, I move that this bill be referred to the Standing Committee on Immigration and Labour.

Motion agreed to.

DOCUMENTS TABLED

Hon. Jean-Paul Deschatelets tabled:

Copies of a Trade Agreement between the Government of Canada and the Government of the Socialist Republic of Romania, signed at Ottawa March 22, 1968, together with correspondence relating thereto. (English and French texts).

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).

Letter to the Honourable Senator Connolly, P.C. from the Queen's Printer, in answer to questions asked in the Senate on March 6, 1968, by the Honourable Senators Pouliot, Fergusson, Benidickson and Grosart regarding distribution to Members of Parliament of Publications by the Queen's Printer. (English text).

Copies of correspondence exchanged between the Prime Minister of Canada and the Premiers of the provinces with respect to the inflationary pressures which have developed in the Canadian economy and the proposal to establish a board of review. (English and French texts).

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

GOVERNMENT PUBLICATIONS

DISTRIBUTION TO MEMBERS OF PARLIAMENT BY QUEEN'S PRINTER

Hon. Jean-Paul Deschatelets: Honourable senators, on behalf of the honourable Leader of the Government (Hon. Mr. Connolly, Ottawa West) I should like to read the lengthy letter he has received from the Queen's Printer, and which has been tabled. It relates to questions that were raised in the Senate on March 6 last concerning the distribution of various Government publications. This is a letter from Roger Duhamel, the Queen's Printer, dated at Ottawa, March 14, 1968, and reads as follows:

> Upon reading *Hansard* of March 6, I note the enquiries that have been made concerning my department's policy with respect to the distribution of government publications.
>
> May I submit for your information the following explanations, in the hope that they will answer the points raised by your colleagues.
>
> The regulations governing the free distribution of Canadian Government documents stipulate that one free copy of each publication listed on the daily checklist can be supplied to members of both houses, if requested within 30 days. There is no provision for the supply of previously published material which the member, for a variety of reasons, may not have ordered at the time of release in the daily checklist. The foregoing is the

general rule for most of the material published, but there are exceptions as follows:

The Statutes of Canada

The Canada Gazette (Part 2)

The Criminal Code

Members may acquire the three items listed above at any time, and in the case of the Statutes of Canada, all back volumes from the 1952 Revision to date, and continuation. The distribution of the publications mentioned are not governed by the general Treasury Board regulations.

Certain publications are not listed on the daily checklist, for the following reasons:

1. Treasury Board may stipulate that no free distribution will be made;

2. The issuing agency, especially in the case of non-saleable publications, may stipulate that it is not to appear in the daily checklist;

3. The Queen's Printer purchases copies for resale only from Crown Corporations, or some other source such as the various international organizations.

During centennial year a number of special publications were produced, and free distribution was restricted by Treasury Board or the issuing agency.

The Canadian Government Travel Bureau publications are not provided for free distribution on the daily checklist by the agency concerned, with the possible isolated exception.

The publications acquired under the third category mentioned above, could not be listed as free issues since this department is acting as an agent, and must recover all costs through resale. One of the Government corporations mentioned would be the CBC.

Essentially, the same free distribution policy has been followed for many years. The publications made available for free distribution were listed on the daily checklist, and members requested those of interest to them. The number not listed for various reasons was very small and, consequently, the current problem did not arise. The substantial number of special centennial releases, the increased production of travel literature to accommodate the enlarged tourist market, and the expanded sales facilities of this department, have brought the abnormalities to the fore, with the result that they have become more noticeable. It must also be realized that the free distribution vote approval by Treasury Board covers only those publications produced by departments and agencies under their financial jurisdiction.

On rare occasions, a book may be listed in the daily checklist, but distribution is stopped for one reason or another. In some instances, an error is discovered in the publication and, in other cases, it is simply a duplicate listing, in error, of an item which appeared previously. There have been times when a listing was made from an advance delivery of four or five copies, only to find that the issuing agency underestimated its requirements and used this department's requested stock. Such happenings occur particularly on non-saleable publications, which we are dependent upon other agencies to supply. A reprint would be necessary if this department insisted upon being provided with copies, and the high cost of such action prohibits us from taking this course.

I note that Senator Fergusson has made specific reference to the index of the Senate Debates. The Senate has never made the index available to this department for distribution on a free or sales basis.

The remarks of Senator Benidickson pertain to the supply of publications after the time limit has expired. As mentioned, above, the regulations prohibit this department from providing such service.

Senator Grosart has raised a question in connection with the libraries receiving the service. The Treasury Board directive 667239 mentioned is relatively new, having been issued last year. I attach a copy of the page of this directive, which outlines the persons and institutions entitled to free service.

The publication *East Block* referred to by several Members of the Senate was produced by the Privy Council Office, and free distribution authority was withheld at the time of release by the Prime Minister's Office. I have just recently been informed that authority has now been granted to provide Members of Parliament with copies of this publication without charge through the Parliamentary Distribution Office.

I note the reference made to the Printing Bureau throughout the discussions. May I point out that the Printing Bureau no longer falls under my jurisdiction. The General Manager of the Canadian Government Printing Bureau (CGPB) now reports to the Deputy Minister of the Department of Defence Production.

I trust these comments will clarify the situation and I am at your disposal for any additional information you may desire.

Your sincerely,

Roger Duhamel,
Queen's Printer

Honourable senators, I should like to say that if the answers supplied by the Queen's Printer in this document are not satisfactory, or if any honourable senator would like to pursue some of the aspects of this matter further, I imagine it would be possible to refer the subject to a committee in order that the members of this house could have as complete access to all Government publications as possible. This is why the matter has been raised.

Hon. Jean-François Pouliot: Honourable senators, I thank the Acting Leader (Hon. Mr. Deschatelets) for the information he has given us. Unfortunately, the letter from the Queen's Printer does not explain anything. It says we have to deal with the Treasury Board. We know now that the publications coming from the Printing Bureau no longer are under the authority of the Secretary of State but are under that of the Minister of Defence Production.

A general survey should be made of the Printing Bureau, and if the matter is referred to a committee, that committee should first go to the Printing Bureau to see what it is like and discover why reference books are not available to Members of Parliament.

There is a specific time mentioned up to which one can get a publication from the bureau. I understand from a very good source that one honourable senator wrote to the bureau asking for a book and was told, "The book is not available to you unless you pay $6." He asked why and was told, "Because the time has expired." He had to send a cheque to get the book. That is crazy. It is an abuse of authority. It makes no sense when the books are there, books which nobody else requires. If one of us asks for a book, why should he pay simply because he did not ask for it earlier when he did not need it?

If the Acting Leader of the Government (Hon. Mr. Deschatelets), the Acting Leader of the Opposition (Hon. Mr. Choquette) or any one of us was engaged in research work and found it necessary to obtain some information from one of these books which we had not needed before, we would have to pay a penalty; we would have to pay the price of the book although all the publications of the Printing Bureau are for the use of members of both Houses of Parliament. That is my point.

The other day I mentioned one book in particular, *The East Block*. I wrote to the author because he had something in common with me—he had left no stone unturned to write the book.

At the Printing Bureau they have some useless and costly publications; for instance, books of pictures from works of the National Film Board. I have two of those books in my office. They are printed on glossy paper and must be very expensive. I could send them to the Acting Leader of the Government.

Hon. Mr. Deschatelets: I have seen them. They are beautiful.

Hon. Mr. Pouliot: Then you know I am not exaggerating.

Hon. Mr. Benidickson: Why should I have to pay to get them?

Hon. Mr. Pouliot: The superfluous publications on this list should be cut out. Besides that, the Printing Bureau should not compete with the taxpayers of this country, with the publishing houses and firms, by having stores in and out of Ottawa to sell Government books; it is unfair competition. They pay no taxes and can publish books cheaper than the commercial publishing firms. There they are, and they are expanding their trade continuously. It should be stopped, and a committee should examine the matter.

Some years ago I had the index of publications of the Printing Bureau. It was about six inches or eight inches high. I sent it to Senator Leonard, who was Chairman of the Finance Committee at the time, and asked him to investigate the Printing Bureau. The committee had some other business on hand and the matter was put aside. We now have an index made by the Treasury Board, who say that senators and members of the other house

are entitled to some books but not others, that some are not available to them. We have to protest in the Senate or the other house in order to get it. Is it not absurd?

Who is the Treasury Board? It is the fifth wheel of the coach. It is an organization, or I would rather call it an abstraction, which exists to cause trouble to everyone. There is no necessity for it. The Government should assume its responsibility. I was shocked when I saw that one of the cabinet ministers was heading the Treasury Board. Imagine!

When I asked the Secretary of the Treasury Board about the expenditure of that outfit he said he could not tell what it was because it came under another department before. I have not the Estimates at hand at the moment, but by looking at them one can compare the current year with the past year and note the large increase. There is overlapping everywhere. We found overlapping the other day in the Science Secretariat of the Privy Council. The chairman of the Secretariat could not tell us which of the staff belonged to the Privy Council and which to the Secretariat. He was dumbfounded and so were we.

This is a time to use some scissors and a well sharpened axe to cut and prune, to cut out the dead wood, to assume our responsibilities and proclaim our rights as loudly as we can so that no bureaucrat can interfere when we need some reference books which should be available to all of us in the first place.

Hon. W. M. Benidickson: Honourable senators, it is known by this chamber that I share the views of honourable Senator Pouliot on this subject. I am not one who quickly asks for one of these publications, if I do not see an immediate need; but if, in the future, in the participation in debate and in research, I require one of these publications, I do resent the fact that I am under the embarrassment of having to pay for something which should be available to a public servant in a legislative body.

However, this subject is worthy of consideration at some depth. I wonder if Senator Pouliot would consider putting the subject on our Order Paper, after the recess so as to give us an opportunity to discuss it in our library committee. I will be quite prepared to second any motion he would make to this effect, that this subject matter be referred to the Committee on the Library.

Hon. Mr. Pouliot: I shall do so.

Hon. Mr. Deschatelets: Honourable senators, may I add a word to what has been said. We have received the information and we have the working document. Other steps might follow, and I hope they will be taken. Before turning to another item of the Orders of the Day, let me say to Senator Pouliot how grateful we are for his having raised this issue. As Senator Benidickson said, if notice appears of a motion to send the subject matter to a committee, Senator Pouliot may be assured that we will support it.

Hon. Mr. Pouliot: Thank you.

DIVORCE

REPORTS OF COMMITTEE ADOPTED

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce presented the committee's reports Nos. 749 to 776, inclusive.

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

Hon. Mr. Roebuck: Honourable senators, under the present conditions, I would move, with leave, that they be considered now.

Hon. Mr. Choquette: Is there not a mistake in the numbering? I have been given the usual scroll here, as *pro tem* Leader of the Opposition, and it mentions reports Nos. 745 to 776.

Hon. Mr. Roebuck: The numbering 749 to 776 is correct.

Hon. Mr. Choquette: Thank you.

Reports adopted, on division.

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 726, for the relief of Maurice Ruel.

Resolution 727, for the relief of Ghislaine Guevremont Rivet.

Resolution 728, for the relief of Françoise Breault Heusdens.

Resolution 729, for the relief of Camille Henry.

Resolution 730, for the relief of Jeanne Decarie Dupont.

Resolution 731, for the relief of Helene Desjardins Dahan.

Resolution 732, for the relief of Diane Kay Douglas Gurinskas.

Resolution 733, for the relief of Irving Karnofsky.

Resolution 734, for the relief of Carol Dorothy Mary Kirkpatrick Pichette.

Resolution 735, for the relief of Joan Dinelle Beaucaire.

Resolution 736, for the relief of Lise Lockhead Belair.

Resolution 737, for the relief of Gisele Cardinal Yung.

Resolution 738, for the relief of Lilian Doreen Stone Richardson.

Resolution 739, for the relief of Barbara Ann Mill Beausoleil.

Resolution 740, for the relief of Jean Noel Julien.

Resolution 741, for the relief of Georges Edouard Fortin.

Resolution 742, for the relief of Frederick Hammond.

Resolution 743, for the relief of Ginette Cyr Bernard.

Resolution 744, for the relief of Joseph Louis Lionel Fournier.

Resolution 745, for the relief of Mary Leila Liddle Floud, otherwise known as Mary Leila Liddle Flood.

Resolution 746, for the relief of Isabelle Gabrielle Vialle Manescau Nossof.

Resolution 747, for the relief of Jacques Pierre Gillet.

Resolution 748, for the relief of Marie Juliana Isabelle Daigle Belisle Piette.

Resolution 749, for the relief of Lorraine Alice Melba Minshull Rock.

The Hon. the Speaker: 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 at the next sitting.

Motion agreed to.

NATIONAL CAPITAL COMMISSION

APPOINTMENT OF SENATE MEMBERS TO JOINT COMMITTEE

Hon. A. Hamilton McDonald: Honourable senators, with leave, I move, seconded by Senator Deschatelets:

> That the following senators be appointed to act on behalf of the Senate on the Joint Committee of the Senate and House of Commons to examine the progress and programs of the National Capital Commission in the development, conservation and improvement of the National Capital Region, namely, the Honourable Senators Benidickson, Denis, Lefrançois, McDonald, O'Leary (Carleton) and Phillips (Prince); and
>
> That a message be sent to the House of Commons to acquaint that House accordingly.

Motion agreed to.

DAIRY PRODUCTS

MOTION FOR RULES AND CORRESPONDENCE—ORDER FOR RETURN

On motion of Hon. Mr. Argue:

> For
>
> (1) copies of all rules made by the Canadian Dairy Commission since its establishment; and
>
> (2) Copies of all application forms for federal milk and cream subsidy quotas and copies of any letters or other documents sent to producers by the Canadian Dairy Commission with such application forms.

Hon. Mr. Deschatelets: I understand that this has been answered.

The Hon. the Speaker: On motion, ordered that a return do issue.

Hon. Senators: Agreed.

NATO PARLIAMENTARIANS

THIRTEENTH ANNUAL CONFERENCE AT BRUSSELS, BELGIUM

The Senate resumed from Wednesday, February 21, the adjourned debate on the inquiry of the honourable Senator Aird, calling the attention of the Senate to the Thirteenth Annual Conference of NATO Parliamentarians held at Brussels, Belgium, 20th November to 25th November, 1967, and in particular to the

discussions and proceedings of the Conference and the participation of the delegation from Canada.

Hon. Jean-François Pouliot: Honourable senators, this subject matter of NATO has given rise to most interesting debates which took place at different intervals and during which some most experienced parliamentarians in this chamber have expressed their concern about the present international situation, both in the Middle East and the Far East.

It is impossible to summarize adequately what has been said by each one of those who took part in the debate. I find that we belong to three international associations. First, we belong to the United Nations, then to the Commonwealth, and also to NATO. Debate on NATO should naturally refer to the United Nations and to the Commonwealth, since Canada belongs to the three associations.

The United Nations was formed at San Francisco after the Second World War, and its charter was drafted by Mr. Stettinius, the right-hand man of President Truman. He thought that the peoples of the world could be dealt with in the same manner as shareholders of a stock company. But afterwards there were certain difficulties on account of the fact that some nations imposed a veto on the creation of a United Nations force to maintain order in the world. This led some representatives at the United Nations—in prticular Mr. Louis St. Laurent, then Prime Minister of Canada—to try to set up another organization for the same purpose. The result was NATO, which was established to maintain order in the world according to the North Atlantic Treaty Organization.

What surprises me with regard to that organization is that Greece and Turkey, who are in the far end of the Mediterranean Sea, are part of the North Atlantic Treaty Organization.

One question which struck me, however, is this: What did we do for the United Nations and what did we get in return? Another question was: What Canada did for the Commonwealth and what she got in return? And the third: What did Canada do for NATO and what did we get in return?

I asked some questions about this some years ago, and I got an illustrative answer telling us what countries had received grants from Canada. The first question concerned NATO. Apart from Canada, the member countries are:

Belgium	Luxembourg
Denmark	Netherlands
France	Norway
Germany	Portugal
Greece	Turkey
Iceland	United Kingdom
Italy	United States

I was then interested to know how much had been given by Canada to each one of those countries, and I got an answer to that on June 5, 1963. The answer, expressed in millions of dollars, was as follows:

	million
Belgium	$115.0
Denmark	43.0
France	128.5
Germany	46.0
Greece	87.5
Italy	185.0
Luxembourg	1.6
Netherlands	106.0
Norway	34.5
Portugal	82.0
Turkey	156.0
United Kingdom	170.5

Italy, of course, is also in the Mediterranean. Now, that is what Canada had done for each one of those countries—including the Inner Six which are well known.

My third question was, what had each of those countries done for Canada since the creation of that organization? This is the answer I received:

> It is the Canadian view that the defence of the NATO area is vital to the defence of Canada. All members of the Alliance contribute in one form or another to the defensive strength of NATO and, in so doing, make a contribution to the defence of Canada.

It is a very good answer, but not so conclusive as all that. What strikes me also is that the United Nations—and correct me if I am mistaken—sent to the Middle East a force with many Canadians in it who were commanded by a non-Canadian. Another force is still in Cyprus and a third force was sent to Africa as well, but without any satisfactory results.

But in spite of the creation of NATO, it did not act in those matters. It was the United Nations apparently who sent a force there to maintain peace.

I wonder if the Colombo Plan is part of that organization. At any rate, I asked a question which is recorded January 31, in Report No. 3 of the Senate's Standing Committee on External Relations. We have a list of the gifts that we have made to many countries by virtue of the Colombo Plan. The money was loaned, if you can call it a loan, for 50 years, with a delay of 10 more years, either without interest or at a fraction of one per cent of interest. The amounts that were granted were fantastic. Moreover, the method of accounting in the External Aid office is not accurate, because the figures were given in millions of dollars. For instance, the figure for Ceylon was $3,000 million, or $3 billion. For India it was 50,000 times one million, which is $50 billion, and so on. The figures apparently were not right, but it was not checked, and this is the kind of information that we get from the External Aid Office.

In the last Saturday issue of the Ottawa *Journal* there is a headline, "But Who'll Use It—Canada's Colombo Plan Gift is Sparkling Air Terminal". This article was written by David Van Praagh, Special *Journal* Correspondence from Colombo and it says:

> Even the cement is Canadian, shipped 10,000 miles. Almost every bit of material going into one of the plushiest and most modern airport terminals in Asia—from pastel ceramic tile to air conditioning —comes from Canada as part of an impressive Colombo Plan project a few miles outside Colombo.
>
> Ottawa's latest allocation to the $6,250,-000 Katunayake Airport is $150,000 for kitchen and restaurant furnishings, including carpets and a bar in the international terminal building, scheduled to be opened in June or July.
>
> Ambitious Aid Plan
>
> Katunayake is by far the most ambitious aid scheme undertaken by Canada in Ceylon, a tropical Commonwealth island nation in the Indian Ocean. Canada took it over from the United States when Washington cut off aid to Ceylon in 1963 after three United States oil companies were nationalized without compensation.
>
> The Ceylonese stopped short of asking the Canadian government to stock the bar. But they did request funds to equip the control tower on top of the two-storey terminal building. Here Ottawa drew the line.

And so on. I do not intend to read the whole article, but it shows that Canada has taken charge after the United States had good reason to refuse to pay any more for it. It is extravagant and it should stop. There is no sense or reason to it.

I would add, honourable senators, that France got a substantial amount of money from Canada up to 1963—it was $128,500,000 —and when Prime Minister Pearson went to France to see General de Gaulle, I sent him those figures as an introduction to the General, who has not been very grateful since. Mr. Pearson was glad to have that information which, in fact, should not have been supplied to him by me but by the Department of External Affairs.

Hon. Mr. Deschatelets: May I ask the honourable senator a question? What was the nature of these expenditures? He mentioned $128,500,000 to France as a contribution to the NATO agreement, I presume. Is he aware of the nature of the expenditure? Was it as a grant or a gift, or a loan? What was it?

Hon. Mr. Pouliot: I think it was a grant, and if I read my question you will realize what is behind the answer. You will see that something strange has happened. The question was, "What has Canada done for each of those countries since the creation of that organization?" This is what has been done for all of them:

> (2) As part of her contribution to the North Atlantic Alliance, Canada has made direct donations of military equipment and supplies to various members of the Alliance under her Mutual Aid Programme which began in 1950-51. The approximate value of the direct assistance up to the end of the fiscal year 1961-62 was as follows—

This is rather vague. We have no idea as to what was a gift, but we do know that Canada must have paid for it and given certain value to those countries.

Hon. Mr. Deschatelets: That answers my question.

Hon. Mr. Thorvaldson: There is a further question I would like to ask in connection with these various items. These items amount to approximately $1 billion, and I am wondering to what they are charged. Are they charged to our defence expenditures or are they expenditures of the Department of External Affairs? Can the honourable senator

answer that question? Are these so-called gifts to the NATO countries part of our defence expenditures or not?

Hon. Mr. Pouliot: I regret that I am unable to answer that question for a very good reason; namely, that in the House of Commons the minister in charge answers all questions about the expenditures of his department, while in the Senate the answer is given in the name of the leader, and so we do not know what department has made the expenditure. My honourable friend will be interested in the other question which I gave to him some years ago, but he must have forgotten it.

My second series of questions dealt with Commonwealth countries up to 1963. When the Senate resumes after the recess I will ask more questions in more detail, and I may ask my honourable friend to join me in drafting the questions so that we may obtain a satisfactory answer. A further question was asked on June 5, and the answer was given only on June 20. The question was, "What countries are members of the British Commonwealth of Nations and what are the Commonwealth countries which are not members of the Commonwealth?" I will not read the answer. The second question was, "What has Canada done for each of those countries?" The answer was:

> 2. As members of the United Nations, Commonwealth countries have benefited from United Nations multilateral aid programs to which Canada has contributed. As far as Canada's bilateral overseas economic aid programs for developing countries are concerned, these continue to be directed in the main to Commonwealth territories through the Colombo Plan for Co-operative Economic Development in South and Southeast Asia inaugurated in 1951; through the Special Commonwealth Africa Aid Program (SCAAP) inaugurated in 1961; and through the Canada West Indies Aid Program inaugurated in 1958. Canada's total contribution under the Colombo Plan since its inception exceeds $380 million in capital assistance and technical assistance. The aid to the West Indies is expected to reach some $10 million over the period 1958-63 and Canada has pledged aid to Commonwealth countries in Africa through SCAAP to a total of $10,500,000 for the period 1960-63. In 1962 Canada also extended technical assistance to British Guiana and British Honduras amounting to $120,000.

And it goes on.

If my honourable colleagues are interested I will continue reading the answer, but it could be incorporated in my speech, if honourable senators agree. However, there was certainly some extravagance, and whether military equipment was supplied or not, Canada had to pay for it and it represented a certain amount of money which had to be met by the taxpayers of Canada.

Then I asked a third question:

> What has each of those countries done for Canada since "British Commonwealth of Nations" has been substituted for "British Empire" as the designation of them all?

Then there is mention of the Statute of Westminster, etc. If you want the answer to the third question, I would save time by putting it on *Hansard*.

Then there was another series of questions about the United Nations organization. The first was:

> What countries have signed the Charter of the United Nations?

In 1963 there was a certain number.

The second question:

> Since 1945, what has Canada done (a) for each one of them and (b) for the United Nations organization?

Hon. Mr. Choquette: May I suggest that if the honourable senator is going to give a series of figures and more details, which he has available now, I think we could all agree that they be placed on *Hansard*.

Hon. Senators: Agreed.

Hon. Mr. Pouliot: I thank you very much. I will put the material on *Hansard*, and I will leave it at that, with many thanks.

For complete text of material see Appendix, pp. 1029—33.

Hon. Mr. Burchill: I understand that the figures are to the end of 1963 only, and there is nothing later than that?

Hon. Mr. Pouliot: No. I told Senator Thorvaldson that I would meet with him to draft a question for the other years, so that we have the up-to-date information.

Hon. Frank C. Welch: Honourable senators, might I have unanimous consent to speak for a few minutes on matters pertaining to Nova Scotia?

The Hon. the Speaker: Does the honourable senator intend speaking on the subject now before the Senate?

Hon. Mr. Welch: It is on matters pertaining to Nova Scotia.

The Hon. the Speaker: Honourable senators, I do not see how the honourable senator could speak on something pertaining to his native Province of Nova Scotia which is not within the scope or purview of the subject now before the Senate. I suggest to the honourable senator that before the Orders of the Day are called at the next sitting he would have an opportunity of raising the matter he has in mind.

BUSINESS OF THE SENATE

Hon. Jean-Paul Deschatelets: All the remaining items are to stand, honourable senators.

Before moving the adjournment, may I remind honourable senators that there will be a meeting of the Standing Committee on Immigration and Labour at 2.30 o'clock this afternooon in Room 256-S, to consider Bill C-30.

The Senate adjourned during pleasure.

At 8.15 p.m. the sitting was resumed.

RETIREMENT OF HON. F. W. GERSHAW

TRIBUTES

Hon. Jean-Paul Deschatelets: Honourable senators, it is with some sadness that I announce to the house the resignation of our friend, the honourable Senator Gershaw, because ill health prevents his carrying on his duties in this chamber.

I should not like Senator Gershaw's resignation to pass without saying a few words of appreciation of his long and faithful service to the Senate of Canada. He was summoned here in 1945, and during the years since has made an outstanding contribution to our work.

I know that all of his colleagues join me in wishing him improved health, and that some honourable senators will wish to take this opportunity of expressing their own feelings about the honourable Senator F.W. Gershaw.

Hon. Lionel Choquette: Honourable senators, I am taking somebody else's place in rising to speak of Senator Gershaw's work in this house. I see our mutual friend Senator Roebuck preparing to say many words of praise about this great man, a man who was not only sympathetic but who had a sympathetic voice when he spoke in this chamber.

We could always depend upon Senator Gershaw, as we depend upon the other great medical men in this chamber such as Senator Sullivan, Senator McGrand and the former Senator Veniot, to rise and enlighten us on questions of health and welfare. He thought it his duty every time such questions came up to give us the benefit of his medical knowledge. He was a conscientious member of the Standing Committee on Divorce, and made an outstanding contribution to its workings, especially in the days before the commissioner was appointed. He always made it a point to read the evidence given before the committee.

A few years ago I remember sending a brief to Senator Roebuck, the Chairman of the Standing Committee on Divorce, and not long after Senator Gershaw came to me and said, "Senator, we know that you are not a member of this committee, but we do appreciate the brief you have forwarded, with all the points of law it contains. We are making use of it."

We shall miss Senator Gershaw, and I join with the acting Leader of the Government in saying how sorry we are that he will no longer be with us.

Hon. Arthur W. Roebuck: Honourable senators, I suppose in some ways I have had a more intimate contact with Senator Gershaw than any other member of this house. Senator Gershaw and I were appointed to the Senate on the same day, April 18, 1945. When I took over the chairmanship of the Standing Committee on Divorce in 1953 he was already a member. I can look back over the months and the years that have followed and remember the patient, conscientious, efficient and generous work Senator Gershaw has given to that committee.

Let us not be too doleful about this present situation. I join with my friends the Acting Leader of the Government (Hon. Mr. Deschatelets) and the acting Leader of the Opposition (Hon. Mr. Choquette) in the very sincere hope that this resignation is but an interlude in Senator Gershaw's career, and that he will recover from the illness which now afflicts him and which is the cause of his resignation. I would therefore speak in an attitude of hope rather than of sorrow. At the same time, I feel that I am losing a senator

friend, a senator assistant and a fellow worker in the public garden.

Senator Gershaw is a great humanitarian. It has already been said that he is a man of abundant sympathy. He is indeed. He is a skilful, conscientious and efficient physician, holding an exalted position in the hearts of the people of his own locality, where he is worshipped by all who know him. Above all, he is a humanitarian with a sympathetic understanding of other men's problems.

He has been the physician for almost all of us in the Senate. There are few in this chamber who has not consulted him from time to time about personal problems. I have done so numbers of times. His help was, of course, always gratuitous and it was readily and generously given. I join with others in saying that we his colleagues actually loved Senator Gershaw.

He has had a long experience in public life. He was elected to the Commons in 1925, 1926, 1930, and again in 1940 as was I. We went into the Commons together; we came to the Senate together, and we spent much of our time together on the work of the Standing Committee on Divorce. He was generous and free of himself, giving of himself, of his thought, his time and his sympathy to the humanitarian work that we carried on. My friends will join with me in saying that we will miss him very greatly indeed; I will miss his assistance, but above all I will miss his fellowship.

Senator Gershaw is blessed with a wife and four daughters who have stood by him in his illness and will continue to do so, and will, I hope, be successful in nursing him back to health and strength. I join with all my colleagues in wishing Senator Gershaw the very best of good fortune and a speedy return to health and happiness.

Hon. Thomas Vien: Honourable senators, I have known Senator Gershaw for the 30 years in which we have served together in the other place and in this house. I am sorry not to have heard before of his impending resignation. It means that I must speak extemporaneously, and therefore cannot adequately express my feelings caused by his retirement. But on this occasion I must rise to say that I concur in everything that has been said by honourable senators who have spoken before me.

I regret that the honourable senator should have felt it expedient to resign. I respect the reasons which have dictated his decisions, but the Senate will be much the poorer as a result thereof. During the many years that he has been in Parliament, both in the lower house and in the Senate, he has given a valuable contribution to our debates and to the work of our committees, always in a very constructive way. I know that the people of Canada will be grateful to him for his contribution to promote the public welfare of Canada.

I concur in everything which has been said on this subject. Had I had advice of his intended resignation I could have spoken more adequately on this occasion.

I recall one day when Lord Birkenhead, at a convention of the Canadian Bar Association in Winnipeg, spoke extemporaneously for about forty-five minutes with that eloquence which was all his own. After dinner, lawyers congregated around him and asked him how long a notice he needed to make such a speech. Lord Birkenhead replied: "If you wish me to speak for ten minutes, give me a notice of fifteen days. If you wish me to speak for half an hour, give me five days; but if you wish me to speak without a time limit, I need no notice at all."

That is exactly my feeling today. If, without preparation, I were to speak about Senator Gershaw in the way I feel about him, I would speak for a long time indeed; but allow me to confine myself to saying that I agree with those who have preceded me and I concur in their eloquent remarks about him, because he deserves them abundantly.

Hon. J. Harper Prowse: Honourable senators, as an Albertan I feel I have a responsibility to discharge, and this I am pleased to do though the occasion is not a happy one. Indeed, I wish it were not necessary for me to speak at this time.

Senator Gershaw is one of the sons of western Canada. He was born in Emerson, Manitoba, received his education there, and went on and gained his medical degree from the University of Manitoba. Upon graduation he set up a practice in the city of Medicine Hat—then the town of Medicine Hat—in the southwest corner of the province. I do not know the precise year in which he arrived there, but it was shortly after the turn of the century. He was and is a real western oldtimer.

Senator Gershaw first sought election to the Commons in 1921, but without success. Then, as Senator Roebuck has pointed out, he was successful in 1925; and he continued through until 1935, when he was again defeated when

Social Credit swept the province. It is a particular tribute to him, and an indication of the high personal esteem in which he was held by the people, that he was successful in being re-elected in 1940, at a time when only one other person, other than Social Credit nominees, was successful in being elected in the whole province. In 1945 he was called to the Senate.

Senator Gershaw is a man whose life has been devoted to the public. As a doctor in that southern part of the country he has become in effect a legend in his own time. It is not often that you find of men in public life that everyone speaks well of them, but, honourable senators, in the time that I was the leader of the Liberal Party in Alberta and had to travel through the province, Senator Gershaw was one of the very few people of whom no wrong was spoken. Everybody was complimentary and spoke most highly of him.

It was obvious that he had, as has been mentioned, the love and respect of everyone in that part of the country. He had their respect because of the services he had provided people not only as a doctor but as a public servant. Although he was the candidate of a particular party, he always considered that he had a duty to all of the people who lived in his constituency, and that his duty went even beyond that, to represent the people of the entire part of the country from which he came as well as Canada as a whole.

I remember at one political meeting he used a phrase which I might use now, seeing that he is withdrawing from this chamber. At that time we were discussing certain people who, under certain circumstances in which they had held public office, had become very wealthy while in office. Referring to such people he said to me that they would never say of them, as the Indians said of Bishop Rundle, who had established a ministry among the Indians in the Banff area, "Poor he came among us. Poor he went away, leaving us the richer."

Honourable senators, I repeat those lines now on your behalf for Senator Gershaw: "Poor he came among us. Poor he went away, leaving us the richer."

His has been a tremendous contribution to Canada, to Alberta, to the people in his own constituency and to all of us who have been privileged to know him. I know that I am expressing the prayer of everyone of us here, when I say: "May God grant him length of days to enjoy the rest that he has earned so well."

IMMIGRATION ACT

BILL TO AMEND—AUTHORITY TO PRINT

Leave having been given to revert to Reports of Committees:

Hon. Earl W. Urquhart, Chairman of the Standing Committee on Immigration and Labour, presented the following report of the committee on Bill C-30, to amend the Immigration 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. Urquhart: I move, with leave of the Senate, that the report be adopted now.

Report adopted.

REPORT OF COMMITTEE

Hon. Mr. Urquhart reported that the Standing Committee on Immigration and Labour had considered Bill C-30, to amend the Immigration 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. Urquhart moved, with leave of the Senate, that the bill be read the third time now.

Motion agreed to and bill read third time and passed.

ECONOMY OF NOVA SCOTIA

Hon. Frank C. Welch: Honourable senators, may I say a few words about Nova Scotia?

The Hon. the Speaker: It is not my intention to interrupt the honourable senator, but this morning the honourable senator requested leave to address the Senate on a matter relating to his own province. At that time I suggested to him that when the Orders of the Day were called at the next sitting he would be able to make his statement. Since then I have had the opportunity of having a word with the honourable senator and he informed me of the nature of his remarks. I now suggest to him that when the supplementary Estimates bill or the interim supply bill is before us he will have an opportunity to

address the house on the subject he has in mind.

Hon. Mr. Welch: Thank you.

ADJOURNMENT

Leave having been given to revert to Notices of Motions:

Hon. Jean-Paul Deschatelets: Honourable senators, I move, with leave of the Senate, that when the Senate adjourns today it do stand adjourned until tomorrow, March 27, at 2.30 o'clock in the afternoon.

Motion agreed to.

The Senate adjourned until tomorrow at 2.30 p.m.

APPENDIX

(*See page 1024.*)

NATO PARLIAMENTARIANS

QUESTIONS AND ANSWERS AND RELATED MATERIAL RESPECTING CANADA'S FOREIGN AID PROGRAM—REFERRED TO BY HON. MR. POULIOT

Debates of the Senate

Wednesday, June 5, 1963

NORTH ATLANTIC TREATY ORGANIZATION

INQUIRY RE MEMBER NATIONS—ANSWERED

Hon. W. Ross Macdonald: On May 22 last Senator Pouliot asked the following three-part question:

First: What are the member countries of the North Atlantic Treaty Organization?

Secondly: What has Canada done for each of those countries since the creation of that organization?

Thirdly: What has each of those countries done for Canada since the creation of that organization?

I now have the answer to the inquiry and would ask that it be placed on *Hansard*.

Hon. Senators: Agreed.

The text of the reply follows:

(1) Apart from Canada, the members of the North Atlantic Treaty Organization are:

Belgium	Luxembourg
Denmark	Netherlands
France	Norway
Germany	Portugal
Greece	Turkey
Iceland	United Kingdom
Italy	United States

(2) As part of her contribution to the North Atlantic Alliance, Canada has made direct donations of military equipment and supplies to various members of the Alliance under her Mutual Aid Programme which began in 1950-51. The approximate value of this direct assistance up to the end of the fiscal year 1961-62 was as follows:

	million		million
Belgium	—$115.0	Luxembourg	—$ 1.6
Denmark	—$ 43.0	Netherlands	—$106.0
France	—$128.5	Norway	—$ 34.5
Germany	—$ 46.0	Portugal	—$ 82.0
Greece	—$ 87.5	Turkey	—$156.0
Italy	—$185.0	United Kingdom	—$170.5

(3) It is the Canadian view that the defence of the NATO area is vital to the defence of Canada. All members of the Alliance contribute in one form or another to the defensive strength of NATO and, in so doing, make a contribution to the defence of Canada.

Thursday, June 20, 1963

BRITISH COMMONWEALTH OF NATIONS

MEMBER COUNTRIES—INQUIRY ANSWERED

Hon. Jean-François Pouliot inquired of the Government, pursuant to notice:

1. What countries are members of the British Commonwealth of Nations and what are the Commonwealth countries which are not members of the Commonwealth?

2. What has Canada done for each of those countries?

3. What has each of those countries done for Canada since "British Commonwealth of Nations" has been substituted for "British Empire" as the designation of them all?

Hon. W. Ross Macdonald: The answer to the honourable gentleman's inquiry is as follows:

1. The following 16 countries are members of the Commonwealth:

United Kingdom, Canada, Australia, New Zealand, India, Pakistan, Ceylon, Ghana, Malaya, Nigeria, Cyprus, Sierra Leone, Tanganyika, Jamaica, Trinidad and Tobago, Uganda.

The following countries are not members of the Commonwealth but are considered part of the Commonwealth through some form of association with a member:

Western Samoa, Federation of Rhodesia and Nyasaland, Kenya, Singapore, North Borneo, Sarawak and Brunei, Malta, British Guiana, British Honduras, Bahamas, Basutoland, Bechuanaland Protectorate, Bermuda, Fiji, Gambia, Gibraltar, Hong Kong, Mauritius, Papua and New Guinea, Seychelles, South Africa Federation, Swaziland, Tonga, Zanzibar.

In addition to the above mentioned teritories there are various small and scattered islands considered part of the Commonwealth through some form of association with a member.

2. As members of the United Nations, Commonwealth countries have benefited from United Nations multilateral aid programs to which Canada has contributed. As far as Canada's bilateral overseas economic aid programs for developing countries are concerned, these continue to be directed in the main to Commonwealth territories through the Colombo Plan for Co-operative Economic Development in South and Southeast Asia inaugurated in 1951; through the Special Commonwealth Africa Aid Program (SCAAP) inaugurated in 1961; and through the Canada West Indies Aid Program inaugurated in 1958. Canada's total contribution under the Colombo Plan since its inception exceeds $380 million in capital assistance and technical assistance. The aid to the West Indies is expected to reach some $10 million over the period 1958-63 and Canada has pledged aid to Commonwealth countries in Africa through SCAAP to a total of $10,500,000 for the period 1960-63. In 1962 Canada also extended technical assistance to British Guiana and British Honduras amounting to $120,000.

In 1962 Canada gave two other kinds of aid to Commonwealth countries in addition to the economic aid noted above. One took the form of military assistance by providing training programs for the armed forces of Ghana, Nigeria and Trinidad and Tobago; and the other took the form of educational co-operation under the Commonwealth Education Program inaugurated in 1959. By the end of 1962, 219 students from Commonwealth countries were studying in Canada under this plan. At the end of 1962, 119 Canadian teachers were serving under Canadian Government educational aid programs in the less developed Commonwealth countries of Southeast Asia, Africa and the Caribbean.

3. The Statute of Westminster in 1931 gave legal recognition to the independent status of the members of the Commonwealth. It would be very difficult to enumerate what each of the other fifteen members of the Commonwealth has done for Canada since 1931, but any listing would include the advantage for Canada of a broader grasp of world movements which results from constant consultation with the other members; in particular the close contact with Asian and African members counteracts any tendency to insularity and enables Canada to play a more useful and active part in the world peace-keeping organization of the United Nations. Canada also receives trade preferences in the markets of certain other Commonwealth countries. These cover a large proportion of Canada's exports to the countries in question. The value of Canadian trade benefiting by these preferences in 1962 was approximately $580 million. Canada also receives benefits under the Commonwealth Education Program; just as 219 students from other Commonwealth countries won scholarships enabling them to study in Canada in 1962, so did 84 Canadian scholars win Commonwealth Education Program awards enabling them to study in other Commonwealth countries in 1962. There is a continuing benefit accruing to Canada from the large exchange of scientific and technical personnel which takes place among the countries of the Commonwealth.

Tuesday, June 25, 1963

UNITED NATIONS ORGANIZATION

MEMBER COUNTRIES—INQUIRY ANSWERED

Hon. Jean-François Pouliot inquired of the Government, pursuant to notice:

1. What countries have signed the Charter of the United Nations?

2. Since 1945, what has Canada done (a) for each one of them and (b) for the United Nations Organization?

3. During that period, what has each of them done for Canada?

Hon. W. Ross Macdonald: Honourable senators, the answer to the honourable Senator Pouliot's inquiry is as follows:

The Honourable Senator from De la Durantaye on June 5 asked three questions of a far-reaching nature about Canada and the United Nations. Recalling that the honourable Senator has had personal experience of United Nations affairs while serving as an observer at the General Assembly, he will be aware that his questions cannot be answered in detail in the space of a short statement at this time. Accordingly my remarks are intended to indicate in broad terms the Government's position in relation to the questions asked.

As regards the countries which signed the United Nations Charter, the following are listed as signatory: Argentina, Australia, Belgium, Bolivia, Brazil, Byelorussian S.S.R., Canada, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, India, Iran, Iraq, Lebanon, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Philippines, Poland, Saudi Arabia, Syria, South Africa, Turkey, Ukrainian S.S.R., U.S.S.R., United Kingdom, United States, Uruguay, Venezuela, Yugoslavia.

As for the other two questions, I believe that the following remarks are relevant. At San Francisco, Canada readily accepted the United Nations and the specialized agencies as a world-wide system for facilitating the process of international co-operation. Above all, Canadians looked hopefully to the United Nations to provide the institutions and methods for safe-guarding the peace which had been so dearly won. Canada has been in a strong position to give leadership to the middle and small powers and to exert influence in the direction of constructive results. We have enjoyed opportunities which are open to few other countries in the world and Canada has sought to use them wisely in order to strengthen the United Nations and to give real meaning to its purposes and principles. In doing so, Canada has found a satisfactory forum for self-expression far beyond any reasonable expectation based on size of population and developed natural resources. At the same time, Canada has been able in the United Nations to establish and strengthen its relations with most states of the world. This is particularly true of the new states of Africa, whose main interest in international affairs is expressed in the United Nations.

Canada's historical background and national experience have qualified it to assist the emerging nations in meeting some of the problems which they face. While we have placed primary emphasis on the United Nations' role in the maintenance of peace and security, Canada fully recognizes the necessary link between stable peace and improved living standards in the less-fortunate parts of the world.

In practical terms, this has meant that Canada has contributed to United Nations programs of economic and social development. Our contribution has taken the form of technical personnel and financial resources and Canadian facilities have been made available for educational and vocational training. Consequently, Canada has sought to ensure that the United Nations and the specialized agencies were provided with adequate financial resources for their operations which, in the Canadian view, should be based on a collective responsibility shared by all member states. To provide leadership and to set an example, Canada has been prompt in paying its regular assessments and in contributing at a high level to voluntary funds such as the ones established for the United Nations Relief and Works Agency in Palestine, the High Commissioner for Refugees in Europe, the International Children's Emergency Fund, the Special Fund, and the Expanded Program of Technical Assistance.

Honourable Senators will be aware that, in addition to its varied contribution to United Nations programs, Canada has become engaged in bilateral programs of direct assistance for the benefit of less-developed countries and perhaps the most notable examples are to be found under the Colombo Plan.

I hope that these remarks will indicate in a general way the replies to the questions raised. If the Honourable Senator from De la Durantaye would like more detailed information about the various programs and about the size of the financial contribution, this can be provided for him mainly through publications of the Department of External Affairs.

THE COMMONWEALTH: STATUS SYMBOL OR SIGNIFICANT FORCE?

GENEVA PARK, Ont. (CP)—The Commonwealth Wednesday was given contrary descriptions of being a status symbol with little meaning, and of being vibrant grouping of countries responding to the changes of the 20th century.

The descriptions were given at the conference of the Canadian Institute of Public Affairs during discussions of the topic, "is the Commonwealth obsolete?"

G. R. Davy, associate professor of political economy at the University of Alberta, commented that he was reckless enough to take on the unenviable role of attacking the Commonwealth, and gave it the status symbol tab.

Gordon Hawkins, executive director of the Duke of Edinburgh's second Commonwealth study conference, took up the cudgels on the other side.

Need Much 'Will'

David O. Hay, high commissioner for Australia, speaking from the audience, said the Commonwealth requires a good deal of "will" on the behalf of its member governments and people. If there were no such "will" then changes coming about would lead to obsolescence. But given a "will" there was no reason why it shouldn't remain a significant force in the world.

Prof. Davy said obsolescence can come in two ways; negatively through the Commonwealth no longer performing functions attributed to it, and positively in the sense of obstructing the development of other agencies.

The idea that it is a group with common ideals is absurd, he stated, and it is neither a defence nor economic unit.

For older "dominions" it was an excuse to duck certain responsibilities and to avoid making commitments; for newer states it became a status symbol setting them aside from other new states.

Drains Britain

It was also a drain on Britain, with other members adopting the attitude of "let Britain do it" and riding on her coattails. Currently they were showing "unseemly selfishness" in regard to Britain's Common Market discussions.

Relations between member countries are continuing to develop, Mr. Hawkins said, and he felt there was a growing idea of common citizenship.

He aso regarded the British move towards Europe as an indication of Commonwealth strength and as a sign of its supra-national tendencies and its capacity for meeting the demands of the 20th century. It had made a considerable start towards an international society which must be the objective of the world.

—*Chronicle-Herald*
August 10, 1961

FOREIGN AID CO-ORDINATION PLANNED

(By the CP)—The first steps have been taken toward organizing a central body to co-ordinate Canada's entire foreign-aid effort, now a patchwork of activity involving about six government departments and dozens of voluntary agencies.

For two days, about 100 persons from government and social welfare agencies have been meeting here—mostly behind closed doors—to study Canada's foreign aid efforts. Their principal conclusion was that some co-ordinating body is clearly necessary.

—Ottawa *Journal*,
June 20, 1963

BUT, WHO'LL USE IT
CANADA'S COLOMBO PLAN GIFT IS
SPARKLING AIR TERMINAL

COLOMBO—Even the cement is Canadian, shipped 10,000 miles. Almost every bit of material going into one of the plushiest and most modern airport terminals in Asia—from pastel ceramic tile to air conditioning—comes from Canada as part of an impressive Colombo Plan project a few miles outside Colombo.

Ottawa's latest allocation to the $6,250,000 Katunayake Airport is $150,000 for kitchen and restaurant furnishings, including carpets and a bar in the international terminal building, scheduled to be opened in June or July.

Ambitious Aid Plan

Katunayake is by far the most ambitious aid scheme undertaken by Canada in Ceylon, a tropical Commonwealth island nation in the

Indian Ocean. Canada took it over from the United States when Washington cut off aid to Ceylon in 1963 after three U.S. oil companies were nationalized without compensation.

The Ceylonese stopped short of asking the Canadian government to stock the bar. But they did request funds to equip the control tower on top of the two-storey terminal building. Here Ottawa drew the line.

Prime Minister Dudley Senanyake's government hasn't been able to find any other country willing to provide the equipment and is itself deterred by a foreign exchange imbalance. Competitive bids, believed to include at least one from a Canadian firm, have been turned down.

So Canada's sparkling gift to international travel is likely to start life with big jets being guided, as they are now, by old navigational equipment in former RAF Second World War hangars on the other side of the Canadian-built runway.

Good Image

Nevertheless, Katunayake has boosted Canada's already-positive image among 12,000,000 Ceylonese. The great majority are too poor to benefit directly, but an increase in tourist dollars and pounds may help their attractive but economically depressed country. Private funds are being sought for three new international hotels (Ceylon has no truly first class hotel now), but only one, associated with a British airline, is near getting off the ground.

As the largest provider of aid to Ceylon—$58-million worth since 1952, including $4.5-million in this fiscal year—Canada sometimes gets credit it does not deserve. There is a mistaken notion that it does not require components for its aid projects to be bought in Canada. Under present policy, which may be loosened a bit, 80 per cent of manufactured goods for capital aid schemes must in fact be made in Canada. But few if any aid projects anywhere, financed by Canada or any other aid giver, depend so exclusively on materials from the donor country at Katunayake.

Overnight Boon

When the 11,050-foot runway was completed in September, 1965—at about half the cost of the entire Katunayake project—it proved an immediate boon because the war between India, and Pakistan diverted dozens of international flights to Ceylon. The number of planes landing at Katunayake, even without a modern terminal, jumped to 90 from 20 a week. But the number has long since gone down again to 20 or less, and shows no sign of a significant increase soon (smaller airplanes use an oil airfield and teminal near the capital).

It may not be fair to call Katunayake a white elephant. Both Ceylonese and Canadians are rightfully proud of it. But when a Canadian government minister, in all probability is despatched to Colombo soon to help open it, it appears unlikely that the special Canadian rubberized traffic bearing floor in the control tower will be bearing as much traffic as the bar, restaurant, massive lavatories and soft-lit lounges below.

Ottawa *Journal* March 23, 1968

THE SENATE

Wednesday, March 27, 1968

The Senate met at 2.30 p.m., Honourable George S. White, P.C., Speaker *pro tem*, in the Chair.

Prayers.

BUSINESS OF THE SENATE

Hon. Jean-Paul Deschatelets: Honourable senators, I am informed that an all-party agreement has been reached in the other place, and that we may reasonably expect one appropriation bill, that dealing with Supplementary Estimates (C), at about 4 o'clock, and the other appropriation bill providing for interim supply at about 5 o'clock. It is my intention, after we have dealt with the items on our Order Paper, to move that the house recess until the call of the bell at approximately 4 o'clock this afternoon.

DOCUMENTS TABLED

Hon. Jean-Paul Deschatelets tabled:

Copy of an Agreement, dated March 26, 1968, between the Government of Canada and the Government of the Province of New Brunswick with respect to assistance to that Province in connection with the marketing of coal (English text), together with copies of a Press Release relating thereto. (English and French texts).

Copies of a Report of the Committee appointed September 8, 1965, to survey the organization of the Canadian Pension Commission (Volumes I, II and III) (Mr. Justice Marvyn J. Woods, Chairman). (English and French texts).

Report of the Postmaster General for the fiscal year ended March 31, 1967, pursuant to section 77 of the Post Office Act, chapter 212, R.S.C., 1952. (English and French texts).

Copies of communications, dated between January 10 and March 20, 1968, exchanged between the Prime Minister of Canada and the Premiers of the Provinces of Manitoba and Alberta with respect to medicare. (English text).

SCIENCE POLICY

AMENDED TERMS OF REFERENCE

Hon. Maurice Lamontagne, with leave of the Senate, moved:

That the terms of reference of the Special Committee of the Senate appointed to consider and report on the scientific policy of the Federal Government be amended: In the English language version thereof by repealing the words "scientific policy" wherever the same therein appear and substituting therefor the words "science policy"; and in the French language version thereof by repealing the words "le programme scientifique"; wherever the same therein appear and substituting therefor the words "la politique scientifique".

He said: Honourable senators, may I take this occasion to thank very sincerely all those honourable senators who have been attending the meetings of this committee. The attendance has been marvellous, and I think this has been noted by the press, which is following our proceedings closely. I would hope that the attendance may continue to be as impressive in the future.

Honourable senators, as I promised a few weeks ago, I wish now to give notice of the future meetings which we will have in April.

On the morning of April 17 we will hear Dr. Christopher Wright, Director of the Institute for the Study of Science and Human Affairs at Columbia University. In the afternoon we will have Dr. Hans Selye, Director of the Institute of Experimental Medicine and Surgery at the University of Montreal. He is also author of the book entitled *From Dream to Discovery, on Being a Scientist.*

On the next day, April 18, we will have the pleasure of receiving Dr. James H. Killian, Jr., who is at the Massachusetts Institute of Technology. He is the Chairman of the Corporation, and he was the first United States Presidential Science Advisor. In the afternoon, we will again hear the Science Secretariat. We are told that very soon a White Paper will be tabled on behalf of the Government on the whole problem of satellites. I am sure that senators interested in the committee will wish to put questions to the authors of that White Paper.

In the following week, on the morning of April 24, we will receive Mr. Maxwell Mackenzie, former Chairman of the Board of Chemcell Limited, and now Chairman of the

Economic Council of Canada's Advisory Committee on Industrial Research and Technology. In the afternoon of the same day we will hear Dr. Richard R. Nelson, Economist for the Rand Corporation of California. Dr. Nelson is co-author of the book *Technology Economic Growth and Public Policy.*

On the morning of April 25 we will hear Dr. David W. Slater of the Department of Economics at Queen's University. He is the author of the recent book *World Trade and Economic Growth; Trends and Prospects with Application to Canada.* We will also have with us on that morning Dr. Louis Paul Dugal, Vice-rector of Administration, Sherbrooke University. Dr. Dugal is a former member of the Science Secretariat. I believe he was the Assistant Secretary.

In the afternoon of April 25 we will have Dr. Alexander King, the Director for Scientific Affairs, Organization for Economic Cooperation and Development.

This is the list of our meetings for the latter part of the month of April. I hope that all honourable senators have taken notice of these meetings and that all of you will attend even if you are not members of the committee. You will be most welcome at our meetings.

Some Hon. Senators: Hear, hear.

Motion agreed to.

CONSERVATION OF WATER RESOURCES

On the Orders of the Day:

Hon. Norman A. MacKenzie: Honourable senators, before going on to the items listed, I would like to have the opportunity of drawing to the attention of this house a publication which I have before me. It was brought to my mind by the moving references made yesterday to our colleague Senator Gershaw who has just retired. It was on his inquiry into the water resources of Canada that I had the opportunity of making my first intervention in the business of this house.

I want only to say that I continue to believe that our fresh water resources are among the most important resources that we possess, and I believe they will become increasingly more important in the future. We hoped at that time that a Senate committee might have been established to deal with this whole question, but for one reason or another that I need not go into today that did not prove possible. However, I would like to think that in due course the Senate will again consider this matter and will find it within its competence and of sufficient importance and interest to establish such a committee.

What I really wanted to do, apart from paying tribute to Senator Gershaw who originally raised this very important matter through an inquiry, was to bring to the attention of honourable senators a publication of the Royal Society of Canada, entitled *The Water Resources of Canada.* It is a collection of papers presented at the meeting of the Royal Society last year. It was edited by a former friend and colleague of mine, Dr. Claude F. Dolman of the University of British Columbia. To any of you who are interested in this important matter of water resources and how to conserve them, I recommend this publication.

Hon. Mr. Roebuck: Where is it available?

Hon. Mr. MacKenzie: It is available through the University of Toronto Press or direct from the Royal Society of Canada.

Hon. Jean-François Pouliot: Honourable senators, it was very thoughtful of Senator MacKenzie to recall the name of Senator Gershaw, of whom I think every time I come into this chamber. His desk was just in front of mine. I remember when the Science Policy Committee was instituted, I told the sponsor Senator Lamontagne that it was a great honour for him to be seconded by Senator Gershaw who is one of our most illustrous colleagues. He is a well-known medical authority and his knowledge covers every field. He has made speeches in this chamber which will be remembered as being timely, interesting and informative. He has a kindly disposition.

At the present time Senator Gershaw is ill in hospital, and I extend my best wishes to him for his recovery and my warm regards to his wife.

Hon. Jean-Paul Deschatelets: May I be permitted to say a word about the suggestion made by Senator MacKenzie regarding the problem of water resources, which is not only a Canadian problem but is indeed a worldwide problem. I hope Senator MacKenzie will not mind my making this suggestion. It is this: that the best and quickest way to have a committee of the Senate deal with this problem would be for him to put a resolution on the Order Paper when we return.

I may be going out of my way in saying this, but I would add that I do not know of a better choice as a chairman to preside over a committee of that kind than the honourable Senator MacKenzie himself.

DIVORCE

RESOLUTIONS ADOPTED

The Senate proceeded to consideration of Resolutions numbered 726 to 749, inclusive, which were presented yesterday.

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, moved the adoption of the following resolutions:

Resolution 726, for the relief of Maurice Ruel.

Resolution 727, for the relief of Ghislaine Guevremont Rivet.

Resolution 728, for the relief of Françoise Breault Heusdens.

Resolution 729, for the relief of Camille Henry.

Resolution 730, for the relief of Jeanne Decarie Dupont.

Resolution 731, for the relief of Helene Desjardins Dahan.

Resolution 732, for the relief of Diane Kay Douglas Gurinskas.

Resolution 733, for the relief of Irving Karnofsky.

Resolution 734, for the relief of Carol Dorothy Mary Kirkpatrick Pichette.

Resolution 735, for the relief of Joan Dinelle Beaucaire.

Resolution 736, for the relief of Lise Lockhead Belair.

Resolution 737, for the relief of Gisele Cardinal Yung.

Resolution 738, for the relief of Lilian Doreen Stone Richardson.

Resolution 739, for the relief of Barbara Ann Mill Beausoleil.

Resolution 740, for the relief of Jean Noel Julien.

Resolution 741, for the relief of Georges Edouard Fortin.

Resolution 742, for the relief of Frederick Hammond.

Resolution 743, for the relief of Ginette Cyr Bernard.

Resolution 744, for the relief of Joseph Louis Lionel Fournier.

Resolution 745, for the relief of Mary Leila Liddle Floud, otherwise known as Mary Leila Liddle Flood.

Resolution 746, for the relief of Isabelle Gabrielle Vialle Manescau Nossof.

Resolution 747, for the relief of Jacques Pierre Gillet.

Resolution 748, for the relief of Marie Juliana Isabelle Daigle Belisle Piette.

Resolution 749, for the relief of Lorraine Alice Melba Minshull Rock.

Resolutions adopted, on division.

BUSINESS OF THE SENATE

Hon. Mr. Deschatelets: Honourable senators, all the remaining items on the Order Paper will stand. I therefore move that the Senate do now adjourn during pleasure to the call of the bell to await a bill from the House of Commons, at which time the sitting will be resumed.

The Senate adjourned during pleasure.

At 4.20 p.m. the sitting was resumed.

APPROPRIATION BILL NO. 1, 1968

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-211, for granting to Her Majesty certain sums of money for the public service for the financial year ending 31st March, 1968.

Bill read first time.

SECOND READING

Hon. Jean-Paul Deschatelets, with leave of the Senate, moved the second reading of the bill.

He said: Honourable senators, Supplementary Estimates (C) is the third and final supplementary Estimates for the fiscal year terminating March 31, 1968.

I understand that three documents have already been distributed to honourable senators: the financial statement entitled "Supply, 1967-68", Supplementary Estimates (C), and Bill C-211.

If honourable senators will be kind enough to refer to the financial statement which has been distributed, you will note that the budgetary expenditures of the main Estimates amount to $10.1 billion, of which $4.1 billion are statutory expenditures, leaving $5.9 billion to be voted.

To be added to these expenditures covered by the main Estimates are the expenditures covered by Supplementary Estimates (A) and (B) already voted in the following amounts: $95.5 million and $81.2 million, respectively. If we add to this, Supplementary Estimates (C), embodied in Bill C-211, amounting to

$287.9 million, it brings the total to be voted in the fiscal year ending March 31, 1968 to $6.4 billion.

I am leaving aside, at least for the moment, the statutory expenditures amounting to $4.1 billion and the payments from the Old Age Security Fund, amounting to $1.4 billion, which represent for the fiscal year ending March 31, 1968 a total expenditure of $12 billion.

Honourable senators, the form of this bill is the same as that of previous years. May I say at this stage that the Standing Committee on Finance had the opportunity to examine Supplementary Estimates (C), which is Bill C-211, with the assistance of Mr. S. Cloutier, Assistant Secretary of the Treasury Board, and Mr. J. G. Glashan, Director of the Estimates and Supply Procedures Division. The features of this bill have, therefore, been explained in committee, and I think that honourable senators have already received the report of the proceedings of the Finance Committee on the meetings we had—and let us hope that the same procedure will be followed in the future.

I do not think honourable senators would expect me to go into the details of each vote in these supplementary Estimates, but I feel I should give an explanation of some of the larger items that are listed on the first page. I would ask honourable senators to follow the document because I have prepared my notes from it. I would point out that more explanation and detail will be found in Supplementary Estimates (C) than in the bill itself.

Under the heading "Agriculture", details of which will be found on page 3, the amount to be granted is $33.3 million, the bulk of which represents the recouping of the Agricultural Stabilization Board account. In the main Estimates the amount of this vote was $100 million, which at the time was the estimated requirement. This vote of $33.3 million closes the year's business on that account.

The second item to which I should like to draw your attention appears under the heading of "Finance" in the amount of $17.2 million, details of which can be found on page 9. The bulk of this item represents the closing out of the Municipal Development and Loan account that has been in existence for the last four or five years. The amount requested will permit the forgiveness of part of the loans that have been made to the provinces. Again, this amount will mean the closing out of the operation in the next several months.

I draw your attention next to the item on page 15 under "Manpower and Immigration". The amount requried by this department in these supplementary Estimates is $17 million, which is made up of two items. This vote will permit the closing of old accounts submitted by the provinces to the federal Government after the main Estimates were closed last year, under the Vocational Training Act. I understand that the Estimates are usually closed in the fall. There is an additional amount in this vote for the Adult Occupational Training program in respect of accounts that could not be forecast accurately at the time the main Estimates were closed because the legislation had not passed Parliament at that point of time.

Another large item of $59.2 million will be found under the heading "National Defence" on page 16. This amount is required for additional paylist requirements in respect of both civilian employees and military personnel. A large portion of this vote is the result of having on the payroll about 5,000 more men than the number provided in the main Estimates.

A further large item of $15.5 million appears under "Trade and Commerce" on page 21, the bulk of which is required for wheat sales support. Honourable senators will recall that last September the Government approved the support of wheat sales, and the difference between the sale price and the fixed minimum price of wheat, I understand, is the reason for the requirement of this amount of money.

The only other large item of expenditure in the supplementary Estimates appears under "Transport" on page 23, for a total of $21.2 million, which represents the balance of the Canadian National Railways system's deficit for the calendar year 1967, and also the balance of the deficit of two ferry services operated by the C.N.R. as agent for the federal Government. For the year the deficit of the C.N. Railway systems amounts to $36 million, of which $16 million was provided for in the main Estimates. Honourable senators will recall that in the previous year the C.N.R. deficit amounted to about $24 million.

At the last meeting of the Standing Committee on Finance there was an interesting discussion on the auditing of the C.N.R. books. As honourable senators know, the C.N.R. reports to Parliament through the Minister of Transport, and the Treasury Board is informed through the Department of Transport of any deficit by the C.N.R. It emerged during the discussion that a private firm of auditors and not the Auditor General

is auditing the books of this corporation, and it was urged that consideration should be given in at least some cases—for example where we are hiring the C.N.R. as our agent for certain ferry systems—to having the Auditor General of Canada look into this.

The Government proposes a firm of auditors and Parliament approves the appointment specifically in the annual Canadian National Railway Financing and Guarantee Act. I leave this matter for your consideration, honourable senators, and it is hoped that when the Auditor General appears before the Standing Committee on Finance this matter will be pursued further.

When a private firm of auditors is being hired, its terms of reference are not exactly the same as those of the Auditor General. And when we are called on to pay for a deficit on a certain line where we have hired the C.N.R. as our agent I think I am right in saying—and it was generally agreed by the members of the Standing Committee on Finance—that closer scrutiny could be given to it.

Most of the votes included in this Supplementary Estimate concern items already covered in the main Estimates.

Honourable senators will also note that we have in this bill 18 cases of $1 items. In most instances they represent merely a transfer of funds, except in the four following cases. I shall give some explanations now about those four cases, because here the items are new or are different from the main Estimates.

The first case appears at page 13, Vote 30 of the Supplementary Estimates (C). This item results from the Kennedy Round Agreements. Honourable senators will recall that on two occasions we discussed at the Finance Committee the features of these agreements and tariff reductions. Vote 30c provides for the insurance scheme in order that Canadian manufacturers may be put in a better position to meet foreign competition. A reading of Vote 30c will give senators a better comprehension of the purpose of this vote.

In this case the money provided is for loans, to be made by the banks. The device of the $1 item in this case is to give the Government the authority to proceed with this insurance scheme.

The second item to which I would draw your attention deals with the Central Mortgage and Housing Corporation, page 31, Vote L71c. The purpose of this item is to increase the total amount authorized by section 22 of the National Housing Act as advances to the C.M.H.C. for making housing loans in order to stimulate housing construction. Vote L71c of this year's Supplementary Estimates (B) increased that amount by $225 million. This present item seeks to add another $375 million. That will bring the total authorized advances to the C.M.H.C. up to $4.6 billion. In other words, this year $225 million has been voted, and this is a vote for $375 million, which brings the total to $600 million.

Because of the terms of reference, this authority will stand until this amount of $600 million is completely used. I say this because if the order of reference did not give authority to the Government to make the expenditure after the end of the present fiscal year, the Government would not be able to use the money then. In this case, if this item is voted, this amount may be used at any time and it may extend into the next fiscal year.

Honourable senators, the third case appears on page 31, Indian Affairs, Vote L45c. The purpose of this item is to authorize the making of loans to the Yukon Territory, in future years, from funds appropriated by Vote L45 of the main Estimates for loans totalling $5 million to the Yukon Territory in the current fiscal year.

At the time the main Estimates were made up it was not known when the tax rental agreement with the Yukon Territory would be signed or what the detailed terms of the agreement would be. In fact, there were delays in the signing of the agreement, and it is therefore proposed in this vote, L45c, to make the loans available to be drawn upon in future years.

If the Yukon Territory asks for it, as much money as they need will be available to them within the limits of the amount we are voting. I am told that if they were to ask for the full amount now to be spent later on, the money would bear certain interest, and therefore they would not likely be anxious to get it now for future expenditures only.

So far we have spent $1.9 million and we are now asking for authority to use the balance after the present fiscal year. This is the normal practice with loans of this kind. Otherwise it would be impossible to use the balance of this vote after the present fiscal year.

Honourable senators, I am going to deal rapidly with the fourth vote that I want to bring to your attention. It has to do with Treasury Vote L117c at page 32, the last page. Just for an exercise I would like you to go

over the terms of this vote. With all due respect for those who drafted this vote, I do not know of a better, legal charabia. At any rate it means that in the Government we have some departments which have the use of or have in their possession a computer service. In some cases it is owned by the department and in other cases it is rented. The value of these machines varies from $\frac{1}{4}$ million to $1\frac{1}{2}$ million. When a department which has no computer service wishes to use that of another department, it is charged for the service. Therefore, in this vote we are not asking for expenditure. The $1 item is only for the purpose of facilitating interdepartmental bookkeeping. I will not insist on this, therefore, as long as there are no expenditures involved. By the way, compared with the other departments, the Department of National Revenue has the best machine of all.

Honourable senators will notice that we have in these supplementary Estimates 18 cases of $1 items. I have already dealt with four of those because they were new topics, without particular, special, direct relation to particular items in the main Estimates.

There remain 14 cases of $1 items, therefore, and in all these 14 cases it is merely a transfer of money. In other words, the money is available and all we are seeking here is the authority to make the expenditures. We have had in the past, I know, strong reservations expressed by honourable senators about the propriety of using too often this $1 device in appropriation bills, and I readily agree with those views, if such a device were to be used as a back door for avoiding legislation. But I wish to assure honourable senators that in these 14 cases of $1 items which consist of a grant of a subsidy, the money is there and it is merely a transfer of funds already appropriated by Parliament, and I do not know of any other way we can proceed. It would be unthinkable in my view to deal with these 14 cases where we have already voted the funds by introducing 14 different bills. I assure you again that I have available and am ready to give you information regarding any of these 14 cases. However, at the moment, I do not wish to take too much of your time. If you should be interested in any one or two specific items I am prepared to supply the information at your request.

I have one or two matters to deal with which I think will not take long. On page 27, Vote 7c—Treasury Board—Supplementary Estimates (C), you will note that the vote authorizes Treasury Board to delete from the accounts certain debts due and uncollectible, the whole amounting to $19 million, involving 1,280 different claims. This concerns taxpayers now deceased without an estate, or bankrupt or who cannot be traced. The write-off of bad debts is done, I understand, every year in the supplementary Estimates and last year it amounted to about $15 million.

May I say that a meeting of the Finance Committee on the supplementary Estimates, Mr. Cloutier from the Treasury Board was asked to produce a list of all write-offs over $100,000 and also to supply information as to the original date of the claim and the reason for the write-off. This has been done, and if you refer to report No. 8 of Proceedings of the Standing Committee on Finance, dated March 7, 1968, you will see as an appendix to the proceedings a list of all these cases with the name of the debtor, statement of account, and the collection history, together with the reason for the deletion. If honourable senators would like to have further information—there are more than 1,000 cases—this can be supplied on request.

Honourable senators, I would like to deal with one clause of Bill C-211, clause 7 on page 2, where power to raise a loan of $2 billion is requested for public works and general purposes. I would like to give you some explanation of this clause before I conclude my remarks.

Appropriation Acts Nos. 3 and 6 of 1967 provided borrowing authority for $1,750 million. At the present time this authority has been used to the extent of approximately $1,250 million. Therefore, at this time we have a balance available of borrowing authority of about half a billion dollars. It is customary at the beginning of the new fiscal year to request $1 billion in net borrowing authority. The bill before you requests $2 billion.

The additional amount of $1 billion is being sought at this time to enable the Government, if circumstances require it, to borrow substantial sums in terms of foreign currencies. The full amount of this authority may not be required; however, it is important for the Government to have flexibility in its debt management planning and operations. I do not want to leave you with the impression that the half-billion-dollar borrowing authority we have at this time will not be used; it will be used. It might be used in the next few days, before the end of the present month, or it might be used after the termination of the fiscal year, in view of the terms of reference when voted this amount of money. Therefore,

if the Government, in the next fiscal year, uses this $2 billion, with the balance of the half-billion dollars it would mean that in the next fiscal year the Government might use $2,500 million. Some honourable senators might feel that this is a large amount of money, that we are giving a borrowing authority that might go well beyond what was done in past years. I say no, that it has been done before. I will just give a few examples of earlier authorities:

1960-61	$1,500 million
1961-62	$2 billion
1962-63	$2,500 million
1963-64	$2 billion
1964-65	$1,750 million

Exactly the same amount was provided for 1965-66 and 1966-67.

The bill also provides that the additional borrowing authority be made available immediately and carry forward into the next fiscal year. This will make it unnecessary to seek this authority again in the first appropriation bill in respect of the new fiscal year.

Honourable senators, I think I have covered the important features of this bill. As I said previously, if any one needs further explanation it can be supplied immediately.

Hon. Norman A. MacKenzie: Honourable senators, before the debate on the matters before us proceeds I should like to mention an interesting fact that should be brought to the attention of this house.

On page 20 of Supplementary Estimates (C) under the heading "Secretary of State" there is an amount of $274,400, which is to be made available for the winding up of the affairs of the Centennial Commission. As most honourable senators know, I have been personally involved in centennial matters for the last eight years. I was very happy to learn at the last meeting of the Centennial Commission, of which I am a director, that the commission is not spending an estimated $3,400,000, which was voted for the work of the commission and which might have been spent. I suspect that this situation does not frequently occur in respect of government business.

In my view, the commission is to be commended for the excellent programs it has provided across the country, and also for the care it has exercised in looking after its finances, which in turn are the finances of the country.

Hon. Lionel Choquette: Honourable senators, the honourable Acting Leader of the Government (Hon. Mr. Deschatelets) deserves our congratulations for having on such short notice synopsized and clarified this complicated bill.

At long last, and after some uncertainties, the first of two appropriation bills is now before the Senate for consideration. The members on this side of the house have often protested the arrangement, which somehow seems to have become traditional, whereby such bills are presented to us on the very brink of adjournment or prorogation. These have been legitimate complaints, but I am not going to reiterate them now.

A great deal of consideration has been accorded this bill in the other place, and it has also been studied by the Senate Standing Committee on Finance. If the Senate were to consume the time necessary to deal fully with the important matters and the large sums of money involved in this and other bills, we would be considering them until at least the eve of the Liberal party's leadership convention.

Some honourable senators on this side may have some specific observations to make on certain aspects of these bills, but for my part—and I believe I am speaking for most honourable senators on this side—I consider that Parliament should adjourn as quickly as possible. I need hardly remind honourable senators that in less than two weeks the Liberal party, in convention assembled, will select not only the party leader but the next Prime Minister of Canada.

The Progressive Conservative party had the good fortune of being able to hold a magnificent convention in relative peace and quiet, with the result that the party emerged with a new leader and a new image. It is not now possible to give the Liberal party equal time in which to prepare for its convention. For our part, however, we are satisfied that they should at the very least have the few days remaining for this purpose, whether or not they produce a new image or a new leader with the broad support that Bob Stanfield has throughout this country.

Having said that, honourable senators, I will not resist the second reading either of this bill or the one to follow.

Hon. Mr. Fournier (Madawaska-Restigouche): I have two questions I should like to ask the Acting Leader of the Government (Hon. Mr. Deschatelets). The first concerns Vote L114c on page 32, the Department

of Transport. There is an item of $1,000 for the acquisition of a Twin-Otter aircraft. It seems to me that $1,000 is a very small amount for the acquisition of an aircraft.

Hon. Mr. Deschatelets: The purpose of this item is to seek the authority of Parliament for an increase of $30,000 in grants to flying clubs, flying schools, in which I know my honourable friend is interested, for instructors, students and pilots. This will bring the total authorized for 1967-68 to $655,000. Funds are available within the main Estimates on Vote 40, and in this case also this is a transfer of funds. The money is available and it is being sought here for a new purpose. There is here an increase in a grant. I hope that answers the honourable senator's question.

Hon. Mr. Fournier (Madawaska-Restigouche): I accept the answer of my honourable colleague, but what I read here does not seem to be in line with the information he has given me.

Hon. Mr. Prowse: You are talking about two different grants.

Hon. Mr. Deschatelets: Would you read the vote?

Hon. Mr. Fournier (Madawaska-Restigouche): It is the Department of Transport, page 32, Vote L114c, the acquisition of Twin-Otter aircraft in an amount of $1,000.

Hon. Mr. Prowse: For leasing.

Hon. Mr. Deschatelets: This is not a $1 item, of course. It is $1,000 for the acquisition of equipment for leasing to Leeward Islands Air Transport Services Limited on a cost recovery basis provided in Supplementary Estimates (B), which is the previous Supplementary Estimates that we had. The total costs are forecast at $530,000, leaving an amount of approximately $1,000 to be voted. There is a difference of $1,000.

It might be of interest to honourable senators to remind them that all the money we are asked to vote in this Supplementary Estimate (C) must be spent before April 30, 1968. If the money is not spent before then it cannot be spent. Parliament is now granting authorization to the Government to spend this money, but it will have to be spent before the last day of April, 1968, including the $1,000 referred to by my honourable friend.

Hon. Mr. Fournier (Madawaska-Restigouche): I am very satisfied with the answer.

I have another question on a matter which intrigues me. This is not of a political nature. It concerns the Department of Public Works and seems to have happened for a number of years past. I am always intrigued and surprised at the time the Estimates are made by the Department of Public Works, and I think my honourable friend might be the proper authority to answer my question.

It seems to me that on any large project for which estimates are made by the Department of Public Works, the estimate is always wrong and during the construction it is increased and in many cases doubled. For instance, the estimate of the Prince Edward Island Causeway, as we all know, has about doubled, and that is not the end of it.

In the early 1960s, when I was in the other place, we were talking about building a new airport at Dorval. The estimate for that almost doubled while the work was being done.

We have heard of what I would call the "national white elephant" which is being built here, a few thousand feet down the road. The estimate cost of the structure is now just about double the original estimate.

Hon. Mr. Deschatelets: Is the senator referring to the Arts Centre?

Hon. Mr. Fournier (Madawaska-Restigouche): Yes. Why is it that these estimates in the Department of Public Works are so far off? My own experience in construction has always been that estimates are usually something you can depend on, that you can build on; and if more money is spent, the estimate has to be verified by the engineers or by qualified people. Perhaps I am making my story too long. However, I ask why it is that the Department of Public Works estimates so often are increased while the buildings are being erected.

Hon. Mr. Deschatelets: Honourable senators, I hope I can answer this question satisfactorily. First of all, there is quite a difference between a preliminary estimate and a final estimate on any project. When ministers are making an announcement they should be more careful than they usually are. The Department of Public Works acts as agent for most Government departments and provides a preliminary estimate. The amount of that preliminary estimate should never be made public, as it does not include all the costs. If the final estimate of the Department of Public Works were taken for the project, it would be

found that there is never much difference between that and the amount of the lowest public tender. Usually, as soon as the Department of Public Works has arrived at a final estimate, the work goes to public tender.

There is another factor also. There is a danger in announcing a project which is agreed to in principle by the cabinet, where three years on even up to six years may elapse before the work starts. There is of course a difference between the two prices.

There is also the law of supply and demand. In the past few years, because of Expo and the expansion in the construction field—I am not speaking of the present year—the lowest tenders have been at a much higher level than usual. Here the law of supply and demand has come into play.

The honourable senator mentioned the Prince Edward Island Causeway, the airport building at Dorval and the Arts Centre. May I repeat what I said at the beginning, that the officials of the Government and, may I say, the ministers themselves, must be very careful not to make estimates out of thin air and then find themselves confronted with higher expenditures.

This reminds me of a good example. When we announced the construction of an estacade near the Champlain Bridge in Montreal, we had two sets of plans and two sets of estimates. One set of plans called for a mobile estacade. The other called for an estacade with piers. I remember that when a minister was asked—and I was there—what the price would be, he replied $6 million. Well, $6 million was the price for the mobile structure, but we proceeded with the structure which had piers and the cost came to $22 million.

Thus it is that I say that departmental officials, including ministers, should be very careful in what they say. If they were to mention the final estimates supplied by the Department of Public Works just before sending a project out for public tenders, there would not be very much difference.

Hon. Frank C. Welch: Honourable senators, as the hour is getting late I promise to be brief.

As you are possibly aware, the winds of discontent are blowing over the western part of my province, the Annapolis Valley. One problem concerns transportation and the other concerns the transfer of personnel from the Canadian Forces Base, Greenwood, Nova Scotia, to the Canadian Forces Base, Summerside, Prince Edward Island.

I shall deal with the latter first. Civic governments, boards of trade and other citizens of the area are up in arms over the proposed move from the R.C.A.F. Base, Greenwood—excuse me, honourable senators, I should have said the Canadian Forces Base, Greenwood, to the Canadian Forces Base, Summerside. It is difficult for me to get used to the fact that it is no longer R.C.A.F. since the former Minister of National Defence, the Honourable Paul Hellyer, put all service personnel into those "jolly green jumpers" and then turned them over to his partner in crime, the Honourable Mr. Cadieux. So if you will forgive me a simple mistake we shall continue.

As I mentioned, local citizens are disturbed—and well they might be. Even the personnel who are to make the proposed move do not like the idea. Even I am disturbed, but not so much from an economic point of view of those of my area, because the honourable minister told us in the press that there will still be approximately 2,100 men at the Canadian Forces Base, Greenwood, with some 250 personnel. If the move is made it really does not involve a large body of men.

Many of you in this chamber will remember the cry that went up when it was announced some years ago that the army camp at Aldershot, Nova Scotia, would be phased out with the opening of the Canadian Forces Base at Gagetown, New Brunswick. This move resulted in a tremendous loss to our region and did present considerable financial burdens, but we managed to survive. Now we must suffer again, in order to bolster the economy of Prince Edward Island.

However, what I am concerned about is that I can see no military or defence need to transfer 103 personnel of the Search and rescue unit from the Canadian Forces Base, Greenwood, to the Canadian Forces Base, Summerside. It is true that the base at Summerside has been in difficulties and, with the phasing out of the Neptune aircraft stationed there, it will mean a loss of personnel. But for the life of me I cannot see why Greenwood should be punished to favour Summerside.

Honourable senators, I have often wished that politics could be something other than playing both ends against the middle. I hardly think it is any secret that Premier Alex Campbell and a delegation, when they realized that the base at Summerside might be phased out, came to Ottawa with cap in hand

to ask the Defence Department to have second thoughts and so save a dangerously lagging economy in the area of Summerside, Prince Edward Island.

Here I must pause to say a few words for the benefit of my fellow senators from Prince Edward Island. I am not opposed to the people of that province enjoying a growing economy along with those of my Province of Nova Scotia, but the move is simply a matter of economics. Canada, in my estimation, simply cannot afford the extra expense involved in the move.

On March 12 Prime Minister Pearson was quite indignant in the House of Commons when questioned by the Opposition on Government spending, and it was pointed out to him that this spending had become excessive and out of control. The Prime Minister wished to know what part of the $9,885 million was classed as extravagant. A few days ago a friend and I were talking and he did something with this figure which made me wonder just where so much was being spent and why. Let us examine this figure of $9,885 million for a moment. With 60 minutes in an hour and 24 hours in a day we have a total of 1,440 minutes. Now, let us multiply this figure by 365 for the number of days in a year, excluding this year which happens to be Leap Year, and it gives us 525,600 minutes. Now, divide this into $9,885 million and you get a figure of $18,807 and some cents. This $18,807 is the amount being spent per minute in Canada by the Government. So you will see why I have said that we cannot afford the extra expense. Already $1,800 million or 18.2 per cent of the budget is being spent on defence.

The Premier of Prince Edward Island, Mr. Campbell, in a statement to the Halifax *Chronicle-Herald*, of February 27 said:

> A survey of comparison of the number of military establishments in P.E.I. compared with other Atlantic provinces clearly illustrates the province is deserving of an enlarged military establishment and more defence spending than presently exists.

Does the Canadian Forces Base at Summerside have any physical advantages over the base at Greenwood? It does not. In fact, everything seems to be against justifying it as a practical move. Hangar space is not available at Summerside. A new hangar would have to be constructed to house a squadron of six to eight Argus aircraft. This, it is true, would provide employment for civilians and help the economy, but it would leave existing hangar space at the Greenwood base unoccupied.

When you consider the difficulties and the advantages you will find that Greenwood is the more favoured. Weather conditions at Summerside are uncertain; fog can reduce visibility at short notice. This likelihood is almost nonexistent at Greenwood. Is it not the ability to become airborne at short notice which makes 103 Search and Rescue personnel so important? I understand, too, that the majority of patrol work is carried out over the Atlantic and not over the Gulf of St. Lawrence, so squadrons transferred to Summerside must almost fly over their old base to reach their target area. From the evidence given so far there is nothing to be gained by the move from a military point of view and much less from a financial point of view.

I would now like to take a few minutes to speak to you on transportation, or perhaps the lack of transportation, having regard to the federal Government's attitude towards a matter of great importance, the Digby-to-Saint John ferry service. Interested people have been pressing the Government for an updating of the transportation facilities in this area, and all they have received are promises and more promises. It seems rather ironical that all Transport ministers seem to be able to wear the same shoes, and Transport Minister Hellyer is following true to form, with all the right answers at the right time. At first he began with, "We're studying your transportation problem." Then he advanced to, "I'm very optimistic," and now he has reached the stage where he says he is "even more optimistic". What this double talk means I have no idea. We have been badgering the Government for many years now to give us adequate transportation in western Nova Scotia, and for just as long the Government has turned a deaf ear to our pleas.

Could it be that the Government is using the situation to make some political hay with the hope of using it later on when the time is ripe to do so? I am inclined to think this might be so, for it hardly seems possible that the problems of transportation have not been pressed upon the Government enough for it to sink in, but then I have noticed that it is rather hard to impress upon the Government anything which is really desperately needed, as is the upgrading of transportation from Digby to Saint John.

Perhaps the honourable minister thinks there is no need for improved facilities at the present time, and is not aware of the inadequate facilities already in existence. Just to give you a brief idea of our present service I would like to quote from the Affiliated Boards of Trade Newsletter for the Annapolis Valley as it describes the situation fully:

> (1) Present conditions make it necessary to handle all goods by hand from railway cars to the boat at Digby and from the boat to the docks at Saint John to be loaded again on railway cars, a distance of approximately one-half mile from the boat. This operation requires extra time, labour and expense, as well as extra damage.
>
> (2) There is no provision for handling of frozen products or perishable products that require proper refrigeration.
>
> (3) Weight restrictions of any article cannot exceed 5 tons due to capacity of elevators at Digby.
>
> (4) Size of any one article cannot exceed 21 feet in length due to the outmoded elevator at the Digby wharf.
>
> (5) Height of any one article not to exceed 7 feet due to height of door on the side of ship.
>
> (6) Wharf facilities inadequate.
>
> (7) No rest room facilities on the wharf.
>
> (8) Construction of wharf not solid, consequently not satisfactory for docking of ship.
>
> (9) Ship is prevented from docking during unfavourable weather conditions.
>
> (10) No replacement of boat during annual inspection and repairs.
>
> (11) During peak periods reservations for automobiles must be made weeks in advance. Since 1945 thousands of automobiles have arrived at the wharf at Digby and Saint John to discover it was impossible to obtain passage due to lack of space and services rendered.

Again quoting from the Newsletter:

> Two important factors of travel most important to people are the cost and the time to travel; either factor which is not favourable to the public can delay traffic which normally would be available. Here are some figures and rates charged to the traffic which use the present service:
>
> (1) Passenger car—one way $16 plus $3.25 per passenger.
>
> (2) Passenger car—one way with tenting trailer—$32.
>
> (3) A panel truck or one-half ton—$27 (under commercial registry).
>
> (4) A ¾-ton truck and a one-ton truck, length of truck between 16-18 feet, $41.25. If the truck is over 18 feet an additional charge of $3.86 per lineal foot.
>
> (5) If the truck is loaded with goods, —this is a good one—
>
> freight is then charged on these goods at the rate of $1.15 per cwt. for first class goods and third class goods at the rate of 85 cents per cwt.
>
> An example of this—a person wishing to trade with Saint John or other areas of New Brunswick having a truck loaded with two tons of first-class merchandise both ways would cost approximately $181.

Honourable senators, if these facts do not impress upon the Government the reasons why transportation is of prime importance between Digby and Saint John, then I fail to see what will. And then the transport minister tells us he is very optimistic.

Without improved transportation facilities for the western part of Nova Scotia its economy will continue to lag far behind that of the remainder of the province, and under present conditions it is impossible for trade and commerce to prosper.

The Hon. the Speaker *pro tem* (Hon. Mr. White) left the Chair.

Hon. Leopold Langlois, in the Chair.

Hon. Mr. Deschatelets: Honourable senators, may I add a word? I am not in a position, of course, to make any comment on the problems raised by the honourable senator. His observations are on the record, and we will see that this matter is brought to the attention of the minister concerned.

Hon. George S. White: Honourable senators, I hesitate at this late hour to speak, but I really wish to make one brief comment on an item in the supplementary Estimates, at page 28, in regard to Veterans Affairs. I wish to refer to two notices which appeared in *The Legionary* magazine. In the February issue, in a half-page advertisement issued under the authority of the Minister of Veterans Affairs, the following appeared:

> Pensions paid under the Pension Act are not subject to income tax; but pensions awarded to widows, children and

orphans, following the death of a veteran, are taken into account when calculating the value of an estate for succession duty purposes.

In the March issue of the same magazine the following notice appeared:

CLARIFICATION

The "Veterans Affairs" advertisement in the February issue of *The Legionary* conveyed the impression that the value of pensions awarded under the pension Act to widows and orphans, following the death of a disability pensioner, is subject to estate taxes.

Although the value of such pensions is included in the computation of the gross value of such a pensioner's estate, it is disregarded when calculating the taxes on that estate.

As soon as I saw the first notice I wrote to the minister, and I received his reply yesterday in which he referred me to the notice which appeared in the March issue. I simply cannot understand how such a notice, which is so inaccurate, could appear. Any notice of that nature, I would think, should have been most carefully and accurately checked by competent solicitors. Its publication has caused considerable worry to a great many veterans.

I am asking the honourable acting Leader of the Government (Hon. Mr. Deschatelets) to be kind enough to obtain certain information to me, and place it on the record after the house adjourns. I am quite aware that the Estate Tax Act provides that the value of a pension is deducted from the gross value of the estate, but I should like to know the answers to the following questions.

First, is it possible that by adding the capitalized value of a pension to the value of the estate of a veteran, to bring the gross value of the estate into a bracket that is taxable for estate tax purposes?

Secondly, is the rate of tax in such a case computed on the gross value of the estate which includes the capitalized value of the pension?

Thirdly, will the honourable acting Leader of the Government place on *Hansard* a statement to the effect that the adding of the capitalized value of the pension to the gross value of a veteran's estate will not make taxable an estate that otherwise would be exempt from tax, or make the estate taxable at a higher rate? I am sure if the honourable acting Leader of the Government would place such a statement on *Hansard* it would be very satisfactory to the veterans, because all veterans do not read *The Legionary*, and this has naturally caused them much anxiety.

Hon. Mr. Deschatelets: Honourable senators, I shall obtain and supply the information requested. I take it for granted that a bill has been introduced and read the first time in the other place providing for an increase in the overall pensions of veterans.

Hon. Mr. White: The amount is included in the bill we are considering now.

Hon. Mr. Deschatelets: But, that has nothing to do with the points raised by Senator White.

Hon. Mr. White: No.

Hon. Mr. Deschatelets: I shall get you the information, senator.

Hon. Mr. White: Thank you.

The Hon. the Speaker *pro tem* (Hon. Mr. White) resumed the Chair.

Hon. Sarto Fournier: Honourable senators, I should like first of all to associate myself with the remarks of the honourable acting Leader of the Opposition (Hon. Mr. Choquette) in congratulating the honourable acting Leader of the Government (Hon. Mr. Deschatelets) for the brilliant way in which he has undertaken the difficult task of explaining the rather arid picture of the business of the Government.

At page 20 of Supplementary Estimates (C), under the heading "Secretary of State" I notice that there is a grant in the amount of $100,000 for the Cultural Centre of Old Montreal. I should like to know from the honourable acting Leader of the Government if this is the only grant that will, or has been, made to this organization, and to have an official statement from the Government of the details concerning that cultural centre in Montreal.

I ask this question because I have read in the newspapers so many different versions that I am worried as to the use to which the Government's money is being put. May I be informed as to whether this is an additional grant, or the only one, and also as to what has happened to the money that was provided by the Government out of the pockets of the taxpayers of the country.

Hon. Mr. Deschatelets: Honourable senators, first of all, I thank my honourable colleague, Senator Fournier (De Lanaudière), for his remarks. Through all the years he has been very kind to his successor in the riding of Maisonneuve-Rosemont in Montreal.

I am aware of the implications of the point Senator Fournier has raised. The Cultural Centre of Old Montreal is in more than trouble—I understand it is in a state of bankruptcy. I shall endeavour to obtain additional information to what is supplied here, but as far as my understanding goes, this is a cold grant of $100,000, and there has been only one grant. There is little or no explanation in Supplementary Estimates (C), and I shall endeavour to obtain the information requested.

I should point out that under same heading there is a grant of $70,000 to the Toronto International Sculpture Symposium, a grant of $100,000 to the Cultural Centre of Old Montreal—and this is the only one—a grant of $20,000 to the Association Canadienne des Éducateurs de Langue Française, and one of $84,400 to the Association of Universities and Colleges of Canada. I note that the point that interests Senator Fournier (De Lanaudière) concerns the Cultural Centre of Old Montreal, and I shall get more information for him.

Hon. Mr. Fournier (De Lanaudière): Thank you.

Motion agreed to, and bill read second time.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Deschatelets: 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.

APPROPRIATION BILL NO. 2, 1968

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-212 for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1969.

Bill read first time.

SECOND READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Jean-Paul Deschatelets: Honourable senators, before I move, with leave of the Senate, that this bill be read a second time I should like to tell you what the situation is. I am ready to proceed and if honourable senators think we can complete our study of this bill by about 6.30 I am told that we might have Royal Assent tonight. If so, I will move, with leave, that we proceed immediately with the interim supply bill.

Hon. Mr. Choquette: As far as we on this side are concerned, we are quite agreeable to that.

Hon. Mr. Deschatelets, with leave of the Senate, moved the second reading of the bill.

He said: Honourable senators, I think the financial sheets on this bill headed "Estimates 1968-69" have been distributed. This is in fact the Blue Book of budgetary expenditures for the coming fiscal year. If honourable senators would be good enough to refer to these financial sheets they will note that for the coming fiscal year, 1968-69, the main Estimates amount to $10.7 billion, the statutory expenditures $4.4 billion and expenditures to be voted by Parliament $6.3 billion. To this we have to add payments from the Old Age Security Fund amounting to $1.5 billion, giving a grand total of $12.3 billion, being the total estimated expenditures for the coming fiscal year.

In this bill C-212, which is the Appropriation Act No. 2, we are being asked to vote two-twelfths or one-sixth generally of all the items and votes in the Blue Book, plus additional proportions for nine special items where we feel that more than two-twelfths will be needed in the immediate coming months when the good weather will permit us to start many important projects. This bill therefore calls for expenditures amounting to $1.1 billion, and the balance to be voted later will amount to $5.1 billion.

I am sure that one question will arise in the minds of honourable senators: how to reconcile the expenditures covered by the Blue Book with the statement by the Minister of Finance that these Estimates will be reduced by $75 million. This reduction, which the Government of course intends to make, does not apply at all to the expenditures covered by this bill. Therefore, when I say the Senate is being asked to vote two-twelfths or

one-sixth of all the items covered in the Blue Book it really is two-twelfths or one-sixth and is not affected at all by the reduction of $75 million which will take place later on.

I must inform honourable senators that because of the announcement by the Minister of Finance that a reduction of $75 million will take place, it is planned to reprint the Blue Book of Estimates to reflect the deductions as finally determined and to table revised Estimates later on, in the same manner as was done in 1962-63. I do not recall this, but I am told that exactly the same procedure was followed in 1962-63. After the revised Blue Book is tabled these deductions will appear in the first interim supply bill to be sought after the revised Estimates are tabled.

The proportions being asked in this bill of two-twelfths or one-sixth are intended to provide for all necessary requirements of the Public Service up to May 31, 1968, and honourable senators will note that in no instance is the total amount of an item being released by this bill. This means that these Estimates have been referred to us and will remain in the Standing Committee on Finance until the full amount of twelfth-twelfths is passed. This is the usual form for an interim supply bill.

Up to now there is no difficulty: these votes remain with the Standing Committee on Finance to whom they have been referred. We have already met and I think the report of proceedings of that meeting dealing with the interim supply bill has been distributed to honourable senators. The only remaining problem lies in the fact that in some cases we are asking for more than two-twelfths or one-sixth. I should like as quickly as possible to give you some explanation of these items because there is a specific reason for asking for more than the two-twelfths or one-sixth.

Vote No. 5 concerns Atomic Energy, $4 million. This vote provides for scholarships and grants in aid for research and investigations with respect to atomic energy. The research projects are carried out by universities, and the additional proportions are required to cover the customary payments of 50 per cent of the grants and scholarships early in the fiscal year.

Vote No. 10 concerns scholarships and grants in aid of research. The additional proportions are requested here to meet the customary payments of grants, scholarships and fellowships authorized early in the fiscal year so that the recipients may begin work.

External Affairs, Vote 35, deals with the purchase and shipping of wheat and flour under the Food Aid program. The balance, $4.6 million, will be used to meet payments under the International Emergency Relief Program and the payment of grants to non-governmental agencies for development assistance projects.

In Vote No. 1, Office of the Chief Electoral Officer, the additional proportion is requested to finance the purchase of shelving required because of the moving of the office of the Chief Electoral Officer. Apparently it has no relation to any prospective election which might be held. I wish senators to be assured about this.

In regard to Vote 25, Consumer and Corporate Affairs, the additional proportion is requested to meet anticipated billings totalling $70,000, which will be received during April and May for a study being carried out by consultants on the objectives of the federal Government in the area of consumer affairs.

Vote 20, Indian Affairs and Northern Development, provides for the administration cost of the northern program. This concerns education, the operation of elementary, secondary and vocational schools for all residents of the Northwest Territories and the Eskimos in Arctic Quebec, and for advising on matters of the Yukon. It is also for regional development, for new and small business development, for welfare, for the management of surface resources and administration of northern housing programs. An additional proportion is required to provide for the purchase in advance of school supplies on a recovery basis.

In all of these votes, the reason for this additional portion is the fact that this money is urgently needed.

There is a vote here concerning the Senate, No. 5. This vote provides for the administration expenses of the office of the Clerk of the Senate. An additional proportion is required as the expenditures are in excess of the one-twelfth proportion per month while the Senate is in session. The sessional year is usually of eight months' duration, thus the customary additional proportion is required. There is nothing unusual here. I think the same procedure applies in every interim supply bill.

The same thing applies to the House of Commons, for the same reason, in Vote 20.

In regard to Vote 30, Transport, unless honourable senators ask me to go through the details, I will merely say that there is nothing special or extraordinary in this vote.

Some honourable senators may be concerned regarding the size of the amount of

Government spending. I shall not go very deeply in my explanations, as time is running out; but if time had permitted, I would have given some explanations which might put these expenditures in a better perspective.

I might be allowed to say that the Government spending for the fiscal year 1968-69 represents less of the country's gross national product than it did fourteen years ago. In 1954 federal spending amounted to 16.9 per cent of the gross national product. In 1966 it was down to 13.7 per cent. Provincial and municipal spending combined, in the same period, rose from 10.7 to 19.4 per cent of the gross national product. By 1966, the federal share was 43 per cent and that of the provinces and municipalities combined had risen to 57 per cent.

May I add that the Minister of Finance has forecast a balanced budget for the fiscal year 1968-69.

Honourable senators, there is one further point I should like to deal with. I shall not take long, as I do not wish to abuse your co-operation. This is an important point, dealing with the Auditor General's report, which has been tabled here, as were the interim supply bills and the main Estimates. While the Estimates are referred to the Standing Committee on Finance, for one reason or another the Auditor General's report is not. My view is that, if we have jurisdiction to discuss Estimates and appropriation bills for the protection of the taxpayer's money, we should also look into how the money is spent by the departments and agencies of Government under the supervision of the Auditor General.

I say this because there was a question on the Order Paper from Senator Fournier (Madawaska-Restigouche), dealing with a certain amount of money spent in Montreal by the C.B.C. during Expo which amounted to $104,000 in renting rooms. We cannot easily deal with this matter, because the Auditor General's Report has not been referred to the Standing Committee on Finance.

This is a peculiar situation and I asked the legal officers of the Senate to examine it, to see if there were any precedents in previous years. They have found at least one. In the *Journals of the Senate*, 1920, page 190, I read as follows:

> With leave of the Senate,
>
> On motion of the Honourable Mr. Nicholls, it was
>
> Ordered, That the Public Accounts, which were laid on the Table of the Senate on the 13th April last, and the Auditor General's Report for the fiscal year ended March 31, 1919, be referred to the Standing Committee on Finance.

Therefore, we have a precedent. My view is that in the Senate we have a certain job to do. Since we examine the Estimates, the interim supply bills and appropriation bills, we are not doing a complete job if we do not examine the way the money is being spent. This brings us to the Auditor General's Report. The House of Commons has its own Public Accounts Committee. The fact that that committee has not been sitting for a while has nothing to do with our obligation, in my view, to look at the way the money is being spent.

The fact is that when we come back it is our intention to ask the Auditor General to come before the Finance Committee. We will then deal with this problem. But so far as the legal aspects are concerned, I am not at all worried, because we have a precedent. It has been done before. Immediately after the Auditor General's report is tabled it should automatically be referred to the Finance Committee, as is the case with all appropriation bills and estimates.

Some hon. Senators: Hear, hear.

Hon. Mr. Deschatelets: Honourable senators, at the present time I am leaving this for your consideration and let up hope that when we come back we will be able to deal with this matter.

Hon. Norman McL. Paterson: Honourable senators, I would suggest to the acting Leader that when we come back and are discussing this matter we should take the opportunity to look at the other side of the coin. What he has pointed out to us is really the cash flow. Some of these departments have a very nice revenue. It might be interesting to see just what those revenues are.

Just taking one instance, in the grain business the Government supports a good many weighmen and grain inspectors. They all bring revenue in. The grain cars are all charged for that service. While we are voting the salaries and costs of running that department, we will have the chance to look at the revenue involved.

Take another instance. The Government of Canada supports customs all over Canada. We vote the salaries and expenses of running customs offices. There is a very big revenue from that, and would it not be helpful to have a

look at the other side of the ledger and just see what that revenue is? If we could have a proper balance sheet, it would be very interesting to look at it after we come back.

Hon. Mr. Deschatelets: I thank the honourable senator for the suggestion.

Hon. Edgar Fournier: I would like to thank my honourable colleague for mentioning the possibility of looking over the Auditor General's report. I am quite happy about this, because I believe it is a step in the right direction and one which should have been taken earlier. I will leave it at that, and add only that we wish you success in your undertaking and will do our best to assist you in it.

I have just one question to ask. On page 5, Schedule C, there is an item of $30,000 for Consumer and Corporate Affairs. Is that a new grant or was this in existence before?

Hon. Mr. McDonald: Do you mean Vote 25, the $394,400?

Hon. Mr. Fournier (Madawaska-Restigouche): Yes. Is that grant for consumer affairs something new?

Hon. Mr. Deschatelets: Apparently it is a new item, senator.

Hon. Mr. Fournier (Madawaska-Restigouche): Thank you.

Motion agreed to and bill read second time.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Deschatelets: 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.

ROYAL ASSENT

NOTICE

The Hon. the Speaker informed the Senate that he had received the following communication:

GOVERNMENT HOUSE

Ottawa 27 March 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, 27 March, at 6.30 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.

The Senate adjourned during pleasure.

At 6.30 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 bills:

An Act to amend the National Housing Act, 1954.

An Act to amend the Canada Deposit Insurance Corporation Act.

An Act to amend the Income Tax Act.

An Act to amend the Immigration 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 bills:

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1968.

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 bills 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 bills.

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.

ADJOURNMENT

Leave having been given to revert to Notices of Motions:

Hon. A. Hamilton McDonald: Honourable senators, I move, with leave of the Senate, that when the Senate adjourns today it do stand adjourned until Tuesday, May 7, 1968, at 8 o'clock in the evening.

Honourable senators, may I be allowed to thank the Acting Leader of the Opposition (Hon. Mr. Choquette) and his colleagues for the co-operation they have displayed in this chamber this afternoon. This is not unusual co-operation, but I felt his words earlier this afternoon were very appropriate, when he said that he thought that Parliament ought to adjourn to give one of the major parties of our country an opportunity to conduct its leadership campaign, to let the candidates seeking the leadership have the privilege of meeting Canadians from coast to coast, and to let the delegates learn at first hand the qualities of the candidates.

I want to thank the Acting Leader of the Opposition for this attitude. It seems to me a responsible one. I only wish we could have had similar co-operation in the other place, so that our leadership candidates would have had the opportunity to spend more time in this endeavour. Surely, this is in the best interests of the nation as a whole, whether it be with regard to the party to which I belong or any other party. Again, I thank him for this co-operation.

I hope that the leader my party selects will be equally as popular, if not more popular than his leader—and time will tell.

Hon. Senators: Hear, hear.

Hon. Mr. McDonald: I am sure I express the thanks of all honourable senators for this co-operation, and I wish you all a very happy Easter.

The Senate adjourned until Tuesday, May 7, 1968, at 8 p.m.

The Twenty-Seventh Parliament was dissolved by Proclamation of His Excellency the Governor General April 23, 1968.

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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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