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VERBATIM REPORT

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SPEAKER: THE HONOURABLE GEORGE W. CLARKE

The House met at 11:00 A.M..

Mr. Speaker in the Chair.

HON. F..W. ROWE (MINISTER OF EDUCATION): Mr. Speaker. I rise on a matter of personal privilege. Mr. Speaker, in recent weeks attempts have been made both inside the House, and outside, to link me personally with a column which appeared in the Daily News on February 20, 1971, entitled "A Column of Liberal Propaganda written by Liberal Propagandists". Here are the facts on this matter:

This column appeared while the Honourable the Premier was in Europe and while I was in Central Newfoundland. It did not, therefore, come to my attention until several days after its publication, and this coincided with the Premier's return to the Province.

I immediately contacted the Premier to state that, in my opinion, whoever had written the column must have been drunk or sick, and that I could not be associated with it. The Premier was equally disturbed and, in fact, had already, as Head of the Government, publicly denounced and repudiated this particular column. He did this again on a second occasion, thus making it unnecessary for me, and for others of my colleagues, who were equally concerned, to make individual statements on the matter.

Mr. Speaker, when repudication of this kind becomes necessary it has never been the custom for each individual Minister of the Crown to come out publicly and express his personal feelings on the matter involved, any more, for example, than when the President of the N.T.A. makes a statement on N.T.A. policy it then becomes necessary for all the Vice Presidents and the Directors, or other members of the Executive to come out and make individual public statements supporting the President's statement.

Apparently the Premier's actions on two distinct occasions have not had the necessary effect. I deem it my duty, therefore, to state that I did not know the column was being written, I did not know who wrote it and that the Honourable the Premier in denouncing and repudiating the sentiments expressed in it did so in my behalf, as well as in behalf of others of my colleagues in the Government.

MR. ROWE, F.W. Perhaps, I do not need to add, Mr. Speaker, that columns of this kind are normally written by a large number of individual persons, many of whom have no direct connection with the Government. Such columns are what they are entitled to be, propoganda statements in behalf of a political party. It is enevitable that such columns will from time to time contain sentiments or opinions which are not necessarily shared by the Government of the Province.

Mr. Speaker, I have copies of the statement available for all members of the House and for the press.

ANSWERS TO QUESTIONS

HON. H. STARKES: (MINISTER OF HIGHWAYS): Mr. Speaker, I have the answer to Question No. 535, asked by the hon. the member for Fortune Bay. The Question; what work has been done which requires pavement of \$78,780.12 on the five mile contract Hermitage towards Harbour Bretton Road? The answer, excavation of solid rock, 1985 cubic yards; excavation of other material 24,664 cubic yards; overall 149,228 units; clearing 2582 units; grubbing 4.1108 acres; excavation foundation and other material 22.2 acres; installation of 24 inch pipe forty-two feet; installation of twenty-four inch pipe seventy-two feet. Total payment to contractor \$49,936.50. Engineering \$3,668.82; other charges, which include the preliminary survey, \$25,174.80, the total \$78,780.12. (2) Have surveys been completed on the remainder of the road? The answer is "yes, this is included in the \$25,000. (3) When is it anticipated that tenders will be called for the remainder of this road? Now in connection with this, Mr. Speaker, tenders may not be called for the remainder. If the contractor presently working in the area will accept an extension of his present contract at the same units prices, this is what we intend to do.

MR. EARLE: Mr. Speaker, on the figures given on the so many cubic yards and so on, the work that is done; how many miles of rough based road is constructed? It was given in cubic yards and so on of removal of dirt, how many miles does that cover?

MR. STARKES: Now, Mr. Speaker, I cannot tell you exactly, I think that at the present moment, he is working on the third mile.

ORDERS OF THE DAY

MR. EARLE: Before we go to Orders of the Day, May I direct a question to the hon. the Minister of Finance? In view of the present monetary situation in Europe, where there is a run on American dollars, has the Government taken the precaution of buying forward Deutschmarks at the current rate to protect our loans, the cost of our loans from Germany, which have to be repaid this year?

HON. E.S. JONES:(MINISTER OF FINANCE): Yes, Mr. Speaker,

MR. SMALLWOOD: I cannot resist informing the hon. gentleman that not only did we do so, but we made the best part of a million dollars profit in doing so. A bit over \$1 million, not the best part of \$1 million, but a bit over \$1 million profit we made yesterday. The Newfoundland Government yesterday made a bit over \$1 million profit on the financial transactions that occurred in Europe. Because we had been advised by our financial advisers and we had taken the precaution to obtain the Deutschmarks and made that, a very good profit.

MR. EARLE: A supplementary question, Mr. Speaker, if that is the case, what is the cost -

AN HON. MEMBER: Inaudible.

MR. SMALLWOOD: I do not know the details.

ORDERS OF THE DAY

HON. L. R. CURTIS: (MINISTER OF JUSTICE): Order 18.

Motion: Second reading of a Bill, "An Act Further To Amend The Education Teachers Pensions Act, 1962." (Bill No. 59)

MR. ROWE,(F.W.): Mr. Speaker, this amendment to the Education Teachers Pension Act, 1962 is not a very complicated amendment, but it is important in three respects. It will be recalled that the original Bill seeks to protect the interest of wives and children of pensioners. This has been done fairly effectively except in one instance, and that is the children of broken marriages.

I am sure that everybody realized, everybody feels that the children of broken marriages should not be penalized through accidents entirely beyond their control any more than the children who are the unfortunate

MR. ROWE: F.W. victims of death on the part of one or both of their parents.

So this Amendment here seeks to protect the interest of those children and gives the parent concerned the right to elect, as is the case in other cases, the right to elect one of the two schemes available either the three percent or the four percent. That is the first amendment here.

The second amendment is indigitive of the changes that are taking place in our international relations. At one time there was a protection and as a matter of fact there still is at this moment protection for teachers who teach temporarily in other parts of the British Commonwealth. This was brought into effect because there were schemes of one kind and other whereby teachers from Newfoundland would go to England and teach in exchange or would go to Australia, theoretically at any rate their rights were protected during their temporary absence. In recent years, Mr. Speaker, there have been many more international arrangements of this kind, whereby teachers from Canada would go to other non-Commonwealth countries, as cultural exchange programmes or as aid to underdeveloped countries and the like. There has been up until now no protection for such teachers and this amendment seeks to protect them as well. This is particularly important because you have the Armed Forces, in some cases stationed say in Germany, Canadian Armed Forces in Germany, and among those Canadian Armed Forces there would be, by the law of averages, some Newfoundlanders and this would protect any Newfoundland teachers who might get involved in that regard.

And, the third amendment of the three principal amendments here, the third one takes cognizance of a new development with regard to the N.T.A. That is the decision of that body to appoint a permanent salaried president. In the past it is well known that the presidents have been active in teachers or active in the education field. Their rights have been protected of course, during their temporary term of office. Now with

MR. ROWE (F.W.): this new development the N.T.A. wishes, we, and the Government concur in this, that, in the event that a permanent teacher as has already happened, the principal of one of our West Coast schools has been made the permanent president of the N.T.A., and it is important of course that that gentleman and anyone else so concerned might have his pension rights protected, so that the new president, the permanent president will have the right to make his contributions in the same way as if he had remained in the teaching profession.

There are perhaps a half dozen or so very minute form, of technical amendments here and there, they are not worth even referring to really, they are the sort of thing that lawyers and others detect after a year or two or three years after the original legislation has been adopted. In some cases, they amount to the placing of a comma, and in some cases the use of the semi colon. In other words, all these things that lawyers think are important. There may be some questions on these in Committee, and at that point we could deal with them. I have much pleasure Mr. Speaker in moving second reading of this Bill.

MR. CROSBIE: Mr. Speaker, there does not appear to be anything objectionable in the Bill. I have not had a chance because of the regime we are working under here to compare it with the original Bill, but, the minister has explained it as best he can. There is a point however, Mr. Speaker, in connection with teachers' pensions that I have stressed in this House before, and that I think should be made again. That is, that the teachers' pensions are contributory. The teachers, as the minister knows, are contributing six percent of their salary to their pensions and the Government persists, Mr. Speaker, in taking the teachers' money, the six percent of their salary, and putting it in the general revenue. If the members of the House will look at the estimates for this year they will see that it is estimated that teachers of Newfoundland are going to pay in \$1,200,000.00 in contributions towards their pensions this year. The Government shows that as revenue to the Government, on page (7) of the estimates. In other words, this \$1,200,000. in trust funds, are going to go into the general

revenue for the Government to spend as they wish.

This year, according to the estimates, the Government is going to pay out in teachers' pensions, \$760,000. and is going to pay out in refunds to teachers \$150,000. which means, that the Government, if these estimates are correct, will receive \$1,200,000. from the teachers this year and will pay out to teachers as refunds or pensions \$910,000. leaving the Government in, and amount of \$290,000.

Mr. Chairman, we had two Royal Commissions in the last ten, twelve, thirteen years on civil service and teachers' pensions. Each one of those Royal Commissions recommended that the contributions of the teachers and the contributions of the civil servants be paid into a fund, a fund from which only the monies contributed could only be used to pay pensions. Both commissions recommended that the Government make an equivalent contribution each year to this fund, so that the fund would be available to meet pensions in later years. In other words, what should be happening this year is that the teachers' \$1,200,000. should be matched by \$1,200,000. from the Government, should be going into a fund, and the part of the fund not used for pension payments invested and the income used in future years to meet pensions.

Instead of that, we have the Government taking the teachers' contributions, it is their money, it is part of their salary, putting it in the general revenue, using it for any purpose whatsoever. It is not restricted to be used for teachers' pensions, and this is entirely wrong. If the Government will not make a contribution each year to meet this cost, if the Government does not want to do that, at the very least it should put the teachers' contributions into a special trust fund.

The same with civil service contributions, This years there is \$3,300,000. going to be contributed by the civil servants of the Province, \$3,300,000. and only \$835,000. is going to be spent on public service pensions and retiring gratuities. Death gratuities \$10,000., marriage gratuities \$55,000., that is about \$900,000. so the civil servants of this Province, Mr. Speaker, are going to contribute this year \$3,300,000. and

the Government is only going to spend \$900 thousand of that on civil service pensions, meaning that the Government will retain and use \$2,400,000. of the contributions of the civil servants.

MR. SMALLWOOD (J.R.): Mr. Speaker, to a Point of Order. My Point of Order is. that when an amendment to an Act is brought before the House for second reading to amend an Act that already exists, it is quite out of order to discuss the Act, but only the part of the Act that is to be amended, but not the principle of the main Act. Otherwise, the House of course can debate a Bill and make it an Act. Passed, it becomes the law of the land, and then thereafter, forever, as long as amendments are brought before the House, subsequently, the principle of the Bill itself can be the Act, not the amending Bill, but the Act. It was settled and disposed of by the House previously, can it then be discussed every time there is an amendment, no matter how minor? A comma, bring in an amending Bill to change a comma, to change a punctuation mark. Any kind of an amendment, and then the Act itself, passed maybe five years, three years, two years ago, ten years ago, is open for discussion. This of course is completely, it seems to me, completely contrary to Parliamentary practice and is therefore out of order.

MR. CROSBIE: Mr. Speaker, on that Point of Order.

MR. SPEAKER: Order please! I think the hon. member for Burin wants to comment.

MR. HICKMAN: On that Point of Order Mr. Speaker. It has been my understanding and certainly it has been the practice of this House during the last four or five years, that on second reading of any Bill a pretty wide-ranging debate is permitted. Mr. Speaker will recall, I am sure very vividly, that at the last sitting of this House there was a Bill introduced by the hon. the Minister of Education simply to change the name of the Department of Education to the Department of Education and Youth. That is all that was in the Bill, nothing else.

The hon. the Premier launched into a great debate on that

principal Bill just last year. Now Mr. Speaker, I am not suggesting that two wrongs make a right, but what I do suggest, Mr. Speaker, is that it is not wrong. It was not wrong then, it is not wrong now. How can you possibly debate this Bill without referring to the main Act that is being amended. That is what the Bill is all about. The principle of this Bill, Bill no. (59), is an Act further to amend the Education (Teachers' pensions) Act. Surely, if you are going to sensibly debate this Bill then obviously up to this point at least the hon. member for St. John's West has not broken any rule and has not strayed beyond - in fact he has not gone close to straying beyond the rules of debate that permit him, - and that he is now following.

MR. ROWE (F.W.): Mr. Speaker, on that Point of Order. I recall very well the debate last year to which the hon. gentleman refers. It was an amendment to two Acts. It had to be an amendment to two Acts. because it took the Division of Recreation and Youth and Physical Activities from the Department of Provincial Affairs and transferred them to the Department of Education. The hon. the Premier did speak at some length on that, and he confined himself entirely to the amendment. The amendment was that we would transfer youth with all its implications from one department into education. The hon. the Premier spoke on the significance of that transfer. The idea of linking up youth activities with education with all that meant, I would suggest, Your Honour, that the hon. the Premier was not breaking the principal which he has just announced with regard to amendments when he did discuss that matter at some length last year.

MR. CROSBIE: Mr. Speaker, the hon. the Premier has risen on a Point of Order. He has cited no authority for Your Honour whatsoever. Whenever an amendment to a piece of legislation is brought before this House, it is quite clear, in my submission, that we can debate the principle of the Bill - the Act which is being amended. Quite clear.

MR. SMALLWOOD: No, no.

MR. CROSBIE: In committee we can only debate...

MR. SMALLWOOD: No.

MR. SPEAKER: Order please!

MR. CROSBIE: If I can be heard, we can only debate the various clauses as the clauses come up. When a piece of legislation, a Bill is brought before this House to amend any previous Act, we are entitled to discuss the previous Act.

MR. SMALLWOOD: No, no.

MR. CROSBIE: We are entitled to discuss the principle of it.

MR. SMALLWOOD: Not in this case.

MR. CROSBIE: The Premier does not want to hear about the contributions he is taking into the general revenue. In this case, Mr. Speaker, we are discussing pensions, teachers' pensions. We are discussing increasing certain benefits for those pensions, and I am discussing the fact that these teachers are contributing money to the treasury and it is not going into a trust fund. It is quite relevant, even to this amendment. I submit to Your Honour that the Point of Order should be overruled.

MR. SMALLWOOD: Before Your Honour rules, may I remind the House and Your Honour that this Bill now before the House has a principle, that the Act...

MR. CROSBIE: What is it? Tell us what it is.

MR. SMALLWOOD: That the Act had a principle, and what is before the House is not the principle of the Act, but the principle of this Bill.

MR. CROSBIE: That is right.

MR. SMALLWOOD: In debating this Bill we are not permitted by all the rules, and every ruling that any Speaker has ever made in any House...

MR. CROSBIE: Cite one, cite one, Where are they?

MR. SMALLWOOD: In hundreds they have been made.

MR. CROSBIE: Oh yes, sure.

MR. SMALLWOOD: Ah, be quiet!

MR. CROSBIE: It is a...

MR. SMALLWOOD: The rulings have been made...

MR. SPEAKER: I can only listen to one person at a time.

MR. SMALLWOOD: The rulings have been made, Mr. Speaker, times beyond number, that when an amending Bill is before the House it is out of order to discuss the principle of the Act which it would amend, unless there is a Bill brought before the House to amend that principle, to repeal the Act for example, or to change the principle altogether of the Act. When a simple amendment is brought in, it is entirely wrong to discuss the principle of the Act itself.

This Bill does not change the principle of the Act.

MR. CROSBIE: Mr. Speaker, I have been in the House five years and I have never yet heard this ruling, of which there has been hundreds the Premier says, that you cannot discuss the principle of a Bill when an amendment is before the House. It has never been ruled in this House.

MR. SMALLWOOD: The principle of an Act.

MR. CROSBIE: The hon. the Premier does not cite any authority for it. He has not cited Beauchesne or any other Parliamentary authority to that effect.

MR. SPEAKER: Before the hon. the Premier goes on with this Point of Order, I was about to interject and have asked the Clerk if he would be good enough to pass me a copy of the Bill.

As I see it - and I have said this before - it is plainly laid down in the rules and precedents that, when there is a piece of amending legislation before the House, reference can be made to the Act, obviously, but it must be in a relevant manner, relevant to the amendment which is before the House. All debate must be relevant to the principle and to the items contained in the amending legislation. A wide-ranging debate on the principle of the Act which the Bill seeks to amend is not permitted.

I think that is clear or it should be and be fairly understood by everyone. The debate must be relevant to the Bill, the

amendment itself, therefore, reference can be made to the Act, but not to go into wide-ranging debate on the principle of the Act which the Bill seeks to amend. I think that that is clear. I do not think there is any further debate or anything further that I can say on it. It is clear that we must speak within the principle of the amending legislation and if reference is made to the principal Act, it must be relevant to the amending section of the Bill that is now before the House.

MR. CROSBIE: Mr. Speaker, that is exactly what I am doing. Here we have amendments to the principal Bill. The principal Bill is the teachers' pension Act, 1962. Each one of the persons concerned in this Bill, the teacher who marries, the teacher who becomes a widow, or a widower, a person who commences or resumes employment as a teacher, each one of those teachers is making that pension contribution of six percent. What is the Government doing with their contributions? It is putting it in the general revenue and using it to pay all kinds of bills and this is wrong, Mr. Speaker,

MR. SMALLWOOD: Point of Order Mr. Speaker.

MR. CROSBIE: Point of Order again?

MR. SMALLWOOD: Yes.

MR. CROSBIE: Do not let the facts come out, if you can avoid it.

MR. SMALLWOOD: The principle of the Act is now being attacked by the hon. member, not the principle of the Bill. He is now attacking the principle of the Act itself, which is the law of the land, and which is not debatable, except by proper procedure.

Mr. Speaker, the principle of the Act is that there shall not be a fund.

MR. CROSBIE: That is right.

MR. SMALLWOOD: Now he is attacking that principle.

MR. SPEAKER: I have already said that we must confine ourselves to the amending legislation, or the amending Bill, and not go into the

May 6, 1971, Tape 502, Page 8 -- apb

details and the principle of the main Act itself. This Bill sets out,
to read the explanatory note, what the Bill seeks to do, let us
confine our remarks to

what this Bill is seeking to do, without debating the principle of how monies should be distributed or how they should be handled. It is a different principle altogether.

MR. CROSBIE: Mr. Speaker, the ruling you are just making is a bit different from the ruling that you made before. There is a section of this Bill Mr. Speaker, that says, "if any monies are payable to the Crown by any person, the Minister may reduce the spend or withdrawal of future payments of pension or other monies payable to that person under this Act, until the amount payable has been recovered. Now, this provides for certain payments out in pensions to teachers who go on pension or otherwise pensionable. Similar monies are being paid out this year, Mr. Speaker, A total is going to be paid out of \$910,000 in teachers contributions this year. Or the Government is going to receive from teachers \$1,200,000 in contributions. The difference of \$290,000 the Government is going to spend on other items, it is going to spend on roads or it is going to spend on Mothers' Allowance -

MR. SMALLWOOD: Mr. Speaker, to a point of order. The hon. gentleman is defying Your Honour's ruling completely. he insists on debating the principle of the Act. That is what he is debating. That matter was settled by this House. The Act is the law of the land and it is being amended now not in the principle of that Act but in a minor, relatively minor detail. He is ignoring Your Honour's ruling and he insists on debating here now, on this occasion, the principle of the main Act. He is attacking the principle of the main Act and the principle of the main Act is not before the House today.

MR. HICKMAN: Mr. Speaker, on that point of Order. May I direct Your Honour's attention to section 6, the Bill that is presently before the House. Section 6, of the Bill that is before this House deals with monies coming into the hands of the Crown and deals with the setting up of cross claims or cross charges of monies coming into the hands of the

Crown and this is the principle that is before this House right now.

Monies going into the Crown.

MR. CROSBIE: In addition Mr. Speaker, under Section 4 of the amendment, section 4 of the amendment discusses the premiums paid by teachers and it says, In respect of pensionable service counted under paragraph (m) of section 1, of Section 10, the person concerned shall pay all premiums due under this Act into the Government and a sum equal to all such premiums into the Government if he transfers from other pensionable service. That is what I am talking about, Mr. Speaker, the premiums that the teachers are being required to pay under this amendment and under the original Bill are being lumped into the general Treasury into the general revenue of the Province and not into a Trust Fund to be used only for teachers pensions.

MR. SMALLWOOD: Mr. Speaker, to a Point of Order. Again, he is debating the principle of the main Act which does not fund the income the premium payment. He is demanding that they be so funded, which is an attack on the main Act which is not before the House. Mr. Speaker, it is as clear as the daylight. The hon. gentleman has no intention of obeying Your Honour's ruling, none -

MR. CROSBIE: Mr. Speaker, on that point of Order, I had just explained what I am discussing, the premiums that this amendment provides and the monies payable to the Crown and what happens to it; and complete obedience to the rulings of the Speaker, and this silly series of points of Order is getting boring -

MR. SPEAKER: Will the hon. member continue?

MR. CROSBIE: Thank you.

MR. SPEAKER: I would suggest that in this matter of the section that he has just quoted, when we should not be dealing with the Bill section by section anyway - "shall pay a sum equal to all such premiums" and so on, confine it to the matter of payment but not on the principle of what the

Government does with the money or whether it is funded or unfunded.

MR.CROSBIE: Mr. Speaker, this Bill provides for payments for premiums to be paid to the Government and there is absolutely no reason why we cannot discuss what the Government does with those premiums. No reason in the world - no parliamentary rule in the world - what the Government is doing with these premiums is using them for all kinds of purposes not just for purposes of the teachers pensions, and that is quite relevant to this piece of legislation.

MR.SMALLWOOD: Mr. Speaker, to a point of Order. He is not going to get away with it. The principle Act which is not presently before the House, only an amendment to it a minor amendment, the principle Act sets forth precisely what is to happen or not to happen with the premium receipts. They are not funded. That is the principle of the main Act. Now he is complaining that they are not funded. He wants them to be funded. That was a proper argument for him to use when the Act was before the House, that is not a principle that is before the House today and he is out of order in discussing it. Apart from Your Honour's point that what has to be discussed in second reading is not a clause by clause debate but the general principle of the Bill that is before the House - and the general principle of the Bill that is before the House today has nothing to do with funding or not funding. That matter was settled in the main Act.

MR.HICKMAN: Mr. Speaker, on that Point of Order there is a principle in this Bill that has a great deal to do with funding, and I direct again to the principle that is set forth in Clause 6 of this Bill, that whole principle, and it is a new one, that says, "that debt due to the Crown by any teacher in this Province shall be set off against any monies received into the General Exchequer Account which are payable to the teachers." This is a new principle on the funding of the teachers pension, and I

could submit that there is nothing more relevant to this particular Bill than what the hon. member for St. John's West is now saying.

MR.SPEAKER: The hon. member may continue -

MR.WORNELL: May I -

MR.SPEAKER: The hon. member may.

MR.WORNELL: Mr. Speaker, I humbly submit, Sir, if there is any reason at all for arguments in debate the arguments must be relevant. The arguments must help those who have to vote to make up their minds how to vote. As I see it Sir, the argument put forth by the hon. member for St. John's West, I very humbly state this, I do not think that that argument or that reference is relevant. I think, myself, that it would have no bearing whatsoever in helping make a judgement as to whether or not one should vote for this amendment.

MR.SPEAKER: Will the hon. member continue. We have had I think and I have had enough assistance from various members of the House in this matter. Will the hon. member please continue and keep his remarks as relevant as is possible. It is a difficult thing to draw the line when you are talking about pensions and how the funds are being distributed and so on and so on, It is extremely difficult to be exactly relevant at times, but I would ask the hon. member to continue and to keep it as relevant as he possibly can to the principle contained in this amending legislation.

MR.CROSBIE: Mr. Speaker, I would have concluded my remark long ago if it had not been for this constant silly interruptions. Obviously it is a very sore point with the Government that they are taking these contributions and keeping them, not keeping them in trust. Now, Mr. Speaker, the Bill deals with, as I see it, improving certain benefits under the Education (Teachers Pensions) Act, It deals with allowing certain time spent by a teacher not in actual teaching to be included as pensionable time. It deals with allowing the full-time president

as
of the N.T.A. to have his services, full-time president included as a teacher. It deals with, including pensionable service, if you move from some other service like the Civil Service you pay in and make up your contribution— all of these contributions, for example, the contributions of the President of the Newfoundland Teachers' Association go in the general revenue. Instead of being used just to pay his pension, be kept to pay his pension in future years, to earn interest in the fund and to be used to pay his pension and others in future years, it will earn no interest, it will go in the general revenue and can be used for any purpose of the Government. That is a completely objectionable principle.

There is a further part of this Bill, which the hon. member for Burin has referred to, which appears to me to be obnoxious. Perhaps the minister has some explanation for it. That is the statement that if any monies are owed to, payable to the Crown by any person who is going to get a pension, the minister can reduce the pension or suspend or withdraw future payments of that pension payable to that person. Under the Act, the amount payable is being recovered. Why this is being introduced I do not know, but certainly, Mr. Speaker, a pension is based on what a person can live on in relation to the salary he got when he was in active service. If there is to be a wholesale or even if there are to be many pensions reduced because those persons owe the Crown some monies, it is going to work a considerable hardship.

Not only that, Mr. Speaker, but supposing that the pension is not going to the actual teacher, suppose it is going to his widow, or suppose it is going to other dependants, as I see this section here, the pension that goes to the widow or to these other dependants can be reduced because there a father or mother or whatever the case might be owes the Crown some money, or is alleged to owe the Crown some money. Why

is the minister insisting on that? The position is, Mr. Speaker, that these people who pay their six per cent all through their working life are lending that money to the Government without getting any interest back. Their six per cent of their salary is going to be taken by the Government, the Government is not even paying them interest on it. Now the Government has a clause in this amendment saying that if they owe the Government any money their pension is going to be reduced when they become pensionable. No mention at all of the Government paying them more because they have had the use of their money for twenty or thirty or forty years. The teacher who starts teaching now at eighteen and teaches for forty years will contribute six per cent of his salary all for those forty years and the Government will take it for those forty years and use the money and not pay him a cent of interest on his six per cent. His salary is being reduced by six per cent a year to pay this contribution and the Government is going to take his money, use it and not even pay him any interest on it, and use the money to pay past pensions.

It is a bad principle, Mr. Speaker, These monies should be kept in a trust fund and interest paid on them at the very least interest paid on these contributions. The Bill itself, with the exception of the clause I mentioned, which I question, I would accept but the section here, Section 6, would certainly have to be explained in more detail before I would vote for that in committee.

MR. HICKMAN: Mr. Speaker, most of this Bill obviously should commend itself to hon. members. I suspect the Bill and most of the provisions contained therein came as a result of recommendations of the Newfoundland Teachers Association. There is one section that has already been referred to by the hon. member for St. John's West, which is quite unprecedented and is hard to understand how or why it got in there, if we try, and looking at that principle Mr. Speaker, to extend it to see how it can work. As I see it, if, for instance, some Newfoundlander

today, say he is operating a bulls-eye shop or he is in business and he finds himself indebted for SSA Tax to the Crown, then he becomes a teacher and one of the inducements for him to enter the teaching profession is that he shall be paid a pension. But he finds that under this principle, this new principle that is advocated in this Bill, that should any of his dependants seek a pension in the future and some alert person in the department of finance discovers that there is an outstanding SSA Tax from years past and the statutes of limitations does not run against the Crown, the deputy-minister of Finance is obligated then, under the Revenue and Audit Act, to withhold payment of these pensions, This is contrary to every pension principle that has ever been enunciated even the principles that were contained in the main Act, affected and greatly affected by this section.

The other thing, Mr. Speaker, and as I say this has already been covered by the hon. member for St. John's West. The other thing in this Bill that should be of great concern to hon. members is that this Bill is a very discriminatory piece of legislation. This Bill very deliberately, and I use the word "deliberately" because it was brought to the attention of Government when the Bill was being prepared, this Bill very deliberately discriminates against veterans of World War 11 who are now in the teaching profession and the veterans of World War 11 are very concerned over the discrimination contained in this Bill and they have asked me to bring it to the attention of hon. members. They have also, not the Boer War, World War 11 I am talking about, and it is a very discriminatory Bill. Now, we have in this Province, Mr. Speaker, about, I think the figure that was given to me was fourteen, certainly not more than twenty teachers, who fall into that category. These are men who were not in the teaching profession prior to -

MR. HICKMAN.

World War II. The law now is that if a man taught for one day in 1939 or any time during World War II, then joined the Armed Forces and served for six years, when he comes back his six years of service are counted towards his pension. But if a man did not serve that one day but rather when he came back he availed of the veterans' benefits, as so many did, and grants that are available and immediately entered Memorial University and embarked upon his teaching education and completed it and then entered the teaching profession, he is not entitled to any credit or any pension for the years that he served overseas. If you accept the principle that runs through so many of these pensionable Bills that have been passed by Canadian Parliaments, Provincial Parliaments, the Parliament of Canada since World War II, all of these Bills take care of that group of loyal Canadians or loyal Newfoundlanders. We are talking about a small number. It will not affect - it has no real political effect. But it has a very serious fundamental effect when you realize that this constitutes gross discrimination against these people. These men have made formal representation to the Newfoundland Teachers' Association to have their time in active service counted toward a pension.

The Newfoundland Teachers' Association in turn have made similar representation to the Government of this Province. It has been rejected. It is wrong. It is totally wrong. This is a very discriminatory Bill against a group of individuals who, through no fault of their own - I should not put it that way, because in one sense it was of their own initiative - they spent anywhere from one to six years serving this country in World War II and now they find that they are being penalized as a result of it. They want to be included in this Bill. They should be included in this Bill. They are discriminated against by not being included in this Bill. Their wishes were made known to Government. Their wishes were made known to the Newfoundland Teachers' Association. It has the approbation, I am sure of the veterans throughout Newfoundland. It most definitely has the approbation of the

Mr. Hickman

Newfoundland Teachers' Association.

I would like to see, when we get into committee stage, I would like to have a firm undertaking from the Minister of Education now that when this Bill goes into committee stage that these fourteen to twenty or whatever the number is that these veterans will have their service recognized, regardless of the fact that they did not start teaching until after they came back from overseas.

MR. SPEAKER: If the hon. member speaks now, he closes the debate.

MR. ROWE (F.W.): Mr. Speaker, if no one else wishes to speak, I just have one or two comments to make. There have been two principle points that have been raised legitimately in this debate. One is the Section (6) which refers to money. Perhaps in introducing the Bill I should have explained this point or at least I should have given this background. We, too have a standing committee. I say, we, the Government and the N. T. A. do have a standing committee on teachers' pensions. In fact it is no secret at all. The N. T. A. members of that committee are Mr. O'Driscoll, who is a permanent officer of the N. T. A., and Mr. Buffett - Mr. Lloyd Buffett who I believe, speaking from memory now, is or was a Vice-President in the N. T. A. Certainly he is a senior member of the executive. He was, in fact, on the salary negotiating team as well.

We have two other members who represent, I suppose, the Department of Education and the Government's point of view, in the person of Mr. Robart and then Mr. Jones. Mr. Robart being the Associate Deputy Minister. They make up the committee. They, in turn, have the advice and consult with officials in the Department of Finance and in the Auditor General's Department and particularly the Department of Justice. They are not alone. They proceed very carefully and very cautiously. They do not come with recommendations until usually they are unanimous. I can report to the committee that all the measures in this amendment here now have the unanimous approval of that committee. They are recommended without dissent by that committee, half of which represents the N. T. A. So, we must assume or I must assume, as a minister I

Mr. Rowe (F. W.)

have no choice but to assume that all these amendments here have the approval from the N. T. A. as well as the approval of our respective departments of Government; Justice, Finance and the Department of Education. I must assume that. When matters of that kind are brought to me, I do make a point of inquiry on whether or not there has been any dissent, whether or not there has been unanimity. I did in this particular case, in this particular Bill, and I find that not only is there unanimity with the committee but all of these matters, since they impinge on Government policy, are submitted to the General Advisory Committee which, I would remind the House, is the most important educational body in the Province in that it has the right, under the law, to be consulted on all matters of education policy. It has the right also to advise the Government on all matters of educational policy. The composition of that committee is made up as follows, by statute: The Minister of Education ex officio is the chairman. The deputy minister ex officio is the deputy chairman. The three other senior officers of the Department of Education sit on that General Advisory Committee. They are ex officio members. The churches are represented through the executive officers of their denominational educational committees - Dr. Tracey. There is another Bill before the House, Mr. Speaker where this point comes out.

Dr. Tracey represents the Roman Catholic Church. Mr. Hatcher represents the integrated churches - the integrated educational bodies. That is the Anglican Church, the United Church and the Salvation Army. Pastor Shaw represents the Pentecostal Church. In addition the N. T. A. is represented ex officio by the President of the N. T. A. He sits in - he has the right to sit in. He has the right to vote. He has the right to speak. He has the right to be notified of meetings and he does sit in. As a matter of fact, I would be safe in saying that only one or two meetings have taken place. We do have monthly meetings, in addition special meetings

Mr. Rowe (F. W.)

in the history of that body without the President of the N. T. A. or some other person sitting in for him. Also the University is represented and the University representative is Dr. Warren, whose knowledge of education and interests are well known.

Now all matters of this kind, such as this Bill right here, before going to the Government, it is the moral duty, if not the legal duty, probably the legal duty of the Minister of Education to submit those matters to the General Advisory Committee and this is done invariably.

Now the committee may or may not approve but, if the committee disapproves or if there is any wide-scale dissent on the committee, I regard it as my duty to so report to my colleagues in the Government, and this is done. I am happy to say that I am not aware of any occasion when the Government have adopted a measure which has been opposed by the General Advisory Committee. This particular amendment was brought before the General Advisory Committee and again it was approved. This has the unanimous approval. I am able to report that it has the unanimous approval of the General Advisory Committee on which body, again I repeat, the N. T. A. is represented, the University is represented and all the denominational educational committees. In other words, the churches are represented. Now one reason I think for bringing in Section (6) here is the fact that very frequently we run into cases where teachers have obtained grants from the Government. This House is well aware of the fact that all teachers in Newfoundland, I think without exception, take advantage of the Government's pretty generous indenture policy. In addition to any other help they might get through scholarships, through bursaries, through student aid, through the Canada Student Loan, in addition to any of that they are able also to get an indenture grant of \$600, which money they do not have to repay, if they teach for a said number of years. I think it is two years they have to teach. However, there are teachers who break their contract one way or the other, that is, they do not teach the said number of years after they have received the grant. In which case they owe that

Mr. Rowe (F. W.)

money to the Government. They Government have a right to collect. I am told by the committee that it was primarily this fact that leads them to have this Section (6) put in here. I am quite prepared however, in view of the points, I am quite prepared, before we go into committee (I do not imagine it will be today), I am quite prepared to report back to the committee the feelings that have been expressed in regard to that matter and to see what their reaction is.

Now I conceive it is theoretically possible that this may be the trappings of an elephant here in order to slay a flea. It could be interpreted that way. I do not know. Frankly, I do not think it is important. However, I will report back.

The other point made by the hon. member for Burin with regard to recognition for years, this is a matter that has been given very deep consideration by the committee, by the General Advisory Committee, by the Government and the various Government departments. It is a matter which has very important implications. It is true there is no reference to it here. But I can say that it is a matter that has been under consideration for some time and the matter is not dead at this particular time. But it has very serious implications. It is a matter that those who advised us on such things, feel that we should not rush into it at this time.

MR. HICKMAN: Would the hon. minister permit a question? Did the General Advisory Committee and the N. T. A. recommend that provision be made in this Bill to take care of the fourteen veterans.

MR. ROWE (F.W.): I am sorry.

MR. HICKMAN: Did the General Advisory Committee, to which this draft Bill was presumably submitted or at least the principle of it was discussed prior to its being brought to this House, did the General Advisory Committee and/or the Newfoundland Teachers' Association request that there be a provision in this Bill to protect these fourteen or so veterans that I referred to?

MR. ROWE (F.W.): I cannot answer that question categorically at this point. But I do know that the matter was discussed by at least one, if not both, of these bodies. I do know that there was some difference of opinion. This was one of these matters where there was not unanimity. This I can assure the hon. gentleman. There was no unanimity in any quarter where this particular matter was discussed. Again it is not so much the few teachers. I grant you they are important. One case is important, of course. It is not so much that he mentions twelve or fourteen. This may be the correct number. It is not so much that number as it is the implications for a lot of other - for everybody connected with Government Pensions, for everybody the implications are there. There are some important implications there. All I can say is here there is not unanimity on it. The feeling is that we are certainly not in a position at this point to recommend any action, any concrete action on that matter relating to the time subsequent. Teachers are teachers who became teachers subsequent to their war services. That is a matter that has a wide, very wide-ranging implications. It is a matter that I would not say the door is closed on it either. I would not want to give the impression that nobody is concerned about it or interested in it. I do say that it is a matter that has been discussed and there is not, at this moment, unanimity, as to what if anything should be done about it at this time.

I think these are the two principal matters that have been raised and Mr. Speaker, I would be glad to discuss these matters further in committee.

MR. CROSBIE: Would the hon. minister permit a question. Does the minister have any views on what happens to these premiums after they are paid as to whether they should be funded or not? Are they just put in the general revenue?

MR. ROWE (F.W.): My view, Mr. Speaker, is that this is not a matter that it would be proper for me to discuss at this time. I have expressed my views at the appropriate occasion here in this House on that matter. The House and the hon. gentleman, I am sure, are familiar with my views. He is familiar with the fact that there is a wide divergence of opinion on that matter throughout the world - throughout the world.

MR. CROSBIE: Yes, sure.

Mr. Rowe (F. W.)

the world - throughout the world.

MR. CROSBIE: Yes, sure.

MR. ROWE (F.W.): Including other provinces of Canada.

As I said, Mr. Speaker, having made that

MR. ROWE: F.W. admission, I do not think it is proper for me to discuss it at this time.

On motion Bill read a second time, ordered referred to a Committee of the Whole House on tomorrow.

MR. CURTIS: Item 11.

Motion: Second reading of a Bill, "An Act Respecting Mental Health."

HON. E. M. ROBERTS: (MINISTER OF HEALTH): Mr. Speaker, the Bill, which with great pleasure I now move for second reading, I think is probably the single most important piece of legislation that has come before the House of Assembly at this session, to date and, with the exception of the Bill which the Government are to bring in to confer upon our fishermen the legal right to bargain collectively, I think, it will be the most important piece of legislation that we will be asked to discuss this year.

I think this Bill is a tremendous step forward, Sir, because it will give us in Newfoundland the legal framework within which to offer Mental Health Services, the legal framework within which we can offer Mental Health Services that are comparable anywhere in Canada. I think that is terribly important, Sir. The problems of mental illness are a problem, a substantially sized problem in Newfoundland, as they are elsewhere in Canada. Our programmes are good but they are not good enough. In a few minutes perhaps I can touch upon that aspect.

Our legislation, Sir, is not good enough. The legislation under which we now operate are the mental health provisions of the old Public Health and Welfare Act, which is quite old, indeed some of the legislation under which we are operating dates back to 1853, which was two years before this House established. The legislature at that time passed an Act to grant funds for the establishment of a lunatic asylum at St. John's.

Perhaps, it is noteworthy that our present legislation, Mr. Speaker, still provides for the existence of a board called "The Commissioners in Lunacy." I think that is symptomatic of too much of the thinking which underlies our legislation. Our legislation is out of date, is not kept up to date with modern treatment method. It is not up to date with modern concepts, with modern beliefs and modern practices in this important

MR. ROBERTS: field of medicine.

I suppose, Sir, there is no field of medical knowledge which has come as far and as rapidly, as has the psychiatric field. A few years ago psychiatry was almost mumbo-jumbo, it was almost something that in the eyes of most people was witch doctors, witches from MacBeth shouting, "double, double, toil and trouble." Today psychiatry is an important branch of medicine. It is a highly regarded branch of medicine, a branch of medicine that deals with problems that affect a great number of people.

Psychiatry has come a long way from dealing with people who are "insane." Psychiatric problems now deals with problems of mental illness, which effect hundreds, thousands, perhaps, hundreds of thousands of our people now or will at some time and across Canada will affect millions of people. This Bill, Sir, will give us the legal framework within which to operate.

Mr. Speaker, we have now in Newfoundland about 890 beds devoted to the treatment of psychiatric illnesses. About 740 of these are at the Hospital for Mental and Nervous Diseases here in St. John's, the remainder 150 will be found in hospitals dotted throughout this Province, including the hospitals in St. John's. It is not generally realized, Mr. Speaker, that far more people are treated for psychiatric illnesses in our general hospitals than are treated in our institution, our Mental Hospital on Waterford Bridge Road.

While I am on the subject of the Mental Hospital, I will have to refer to it as the Mental Hospital, because that is how we all refer to it. Surely, Mr. Speaker, the time has come for a change of name. Some years ago, I believe it was my friend and colleague, the junior member for Harbour Main, who suggested, in the House, we should change the name of the institution, I think we should and I hope we can get it done soon.

AN HON. MEMBER: Inaudible.

MR. ROBERTS: No, I would rather, Mr. Speaker, see it named after one of the men who have contributed to the development of public health facilities or particularly to the development of mental health and psychiatric facilities. I do like the tradition, we do have in Newfoundland, Mr. Speaker, of naming our hospitals after men who gave years of effort, We have the James Paton

MR. ROBERTS: Hospital in Gander, we have the Templeman Hospital named after Walter Templeman. Dr. Walter Templeman, as we all knew him on Bell Island. We have the Jackman Hospital in Labrador West, Labrador City itself, named after a Newfoundlander who saved twenty-five, thirty mens lives, one night in a storm on the South Coast of Labrador. We have, of course, the Grenfell Hospital at St. Anthony, and the Charles S. Curtis Hospital. I hope this tradition here will continue, Mr. Speaker, and be expanded and, I think, we should apply that tradition to the present Mental Hospital.

Mr. Speaker, aside from the facilities we have in there, it is not generally realized we have facilities throughout the Province. There are twenty-eight psychiatric beds in Corner Brook, at the Western Memorial Hospital. There are ten beds at the Central Newfoundland Hospital, in Grand Falls. There are ten beds at the Charles S. Curtis Hospital, in St. Anthony. There are eighteen beds at the James Paton Hospital, in Gander. In St. John's itself, we have thirty beds at the Grace General Hospital, we have thirteen beds at St. Clare's, we have another fifteen beds at the General Hospital, and the Dr. Charles A. Janeway, the Child Health Centre, has an additional thirteen beds devoted exclusively to the problems of children with mental illnesses. And as the Government have announced, Sir, we are already well involved, well advanced in preparing plans for an addition to the Hospital for Mental and Nervous Diseases here in St. John's. That addition will provide an additional one hundred beds. It will provide 200 new beds, a hundred of them will replace old beds. We think, this will enable us to give very much better service.

MR. CROSBIE: Will the hon. minister permit a question?

MR. ROBERTS: Yes, of course.

MR. CROSBIE: At the Hospital for Mental and Nervous Diseases now, he gave the figures last year, I think, but I have forgotten them. How many are active treatment beds, and how many are for untreatable patients, mental, gross defectives and this kind? What is the breakdown?

MR. ROBERTS: I do not have the precise figures before me, Mr. Speaker, but I have the general recollection, if I am wrong I will check and confirm

MR. ROBERTS: back, but about one-third of the patients now in care at the hospital are, if you wish, active care. the other two-thirds about 500 would be patients who are extremely long term and in some cases will need institutional care. The Leader of the Opposition, am I wrong?

MR. MURPHY: Oh, no, I am just saying it is sad.

MR. ROBERTS: It is . It is indeed. It is quite sad. I mean this is one of the facts of life, some people are born with a crippled arm and some people are born with mental illnesses, you know, I guess that is life, But it is very sad. That is very true.

Mr. Speaker, along those lines of long term patients, the House might be interested to know that within recent years we have been expanding and improving upon a service offered by our Mental Health Services, and it was unique in Canada, it started in 1946, when my uncle at that time was Superintendent of the Mental Hospital, he since went on, if you wish, to greater things. he is now head of the Department of Psychiatry at the University of Ottawa. We started then one of the two hospitals in Canada, We were then not part of Canada when we started an out-patients programme centering about home boarding care.

We now have, at any given time, about 200 to 250 patients in home care, These are patients, Mr. Speaker, who have been discharged from the hospital to the extent that they can live outside of the hospital, and they come in and get care on a daily basis. Not only does it give us better utilization, Mr. Speaker, but the improved care is dramatic. Let me just take one example which strikes me: From the period February 3, 1970 until March 16, 1971, a little over thirteen months, to show you the improvements that have been made in the general count of the mental care; we discharged thirty-three patients from the hospital, not one of whom had less than ten years treatment in the institution. And, indeed, some of them, Mr. Speaker, had over thirty years hospitalization. Being a little more precise, five of those patients had been in the hospital for over thirty years, ten of them had been there for more than twenty-five years: and an additional six had been there for between twenty and twenty-five years

MR. ROBERTS: and eight for fifteen years and more and four between ten and fifteen years.

Now the staff at the hospital, I think, I have every reason to be very proud of that, Mr. Speaker. If hon. members will reflect for a minute; what it could mean to a person, and, indeed, the tragedy is simply, it is simply in years passed psychiatric treatment had not come sufficiently far to enable patients with that type of mental illness to be discharged and treated or rather discharged and cured or discharged for treatment in a day care programme.

Mr. Speaker, during the last year, to show you the numbers involved, about 900 people were treated at the Hospital for Mental and Nervous Diseases, some of them maybe overnight, some for a week, some for a month, That is in addition to the 740 who are in the hospital at any given time. In our General Hospital about 2,000 patients received in-hospital psychiatric treatment. Now the House may well ask, Sir, why 740 beds look after 900 people and why 150 beds look after 2,000 people? The answer is, of course, under the integration of our services the patients needing longer term care go to the Hospital on Waterford Bridge Road. The patients who need relatively short term care, a period of days or weeks or sometimes a little longer, receive treatment at the general hospitals.

MR. MURPHY: Inaudible.

MR. ROBERTS: Yes, indeed I had not realized until recently the whole section in the old Act on the admission of alcoholics. It is incredible to read it. I assume it is not followed. It is archaic. I think one has to be more than drunk to get in. It is a terrible problem. We are now working actively with the Salvation Army, Mr. Speaker, to develop a half-way house, an institution where a person who does not need hospital care but should not be on his own, where he needs a degree of care. The Salvation Army have done noble work in this field across Canada, Sir. The name, I think, generally applied to it is "Harbour Lights," or "Harbour Light Centre," I believe it is called. These people have done incredible work. We are delighted they have agreed to work with us. They are doing the work and we

MR. ROBERTS: are putting up the cash, and we are now working out details and indeed, I believe, that my assistant Deputy Minister and the Commander of the Army in Newfoundland will be meeting either this day or very shortly, within a matter of days, to hammer together some details.

Mr. Speaker, with all we have done, we still need much more. We are deficient in the number of psychiatric beds we have. We have about half of the national average per capita. Interestingly enough, in the short-term beds in the general hospitals, we are doing fairly well. We are not too far off the national average. In the longer-term beds, we are very deficient. But the institution of the half-way house, which my colleague the Minister of Social Services will administer, will help with this. What we are doing, Sir, is we are going to integrate all of our, maybe not organizations, but integrate all of our operations in this type of field so that a patient who may need treatment at any one of a number of institutions can be admitted into the system and then move to the institution which can give him the particular treatment he needs. That is quite an advance to look forward to, not dramatic, but a tremendous advance. My Colleague and I, through our officials, are now very deeply into that aspect of operations and the half way-house which will add, from memory, between 150 and 200 long-term beds to the system. will be a significant advantage. But we are short, we are all too short in people, Sir, I think there are probably many more people available than we have been able to hire. The new School of Social Work at the University, the psychologists graduating with training from the University are beginning to be available in quite reasonable numbers. I am receiving very strong representations from the psychiatrists and from hospital administration about

MR. ROBERTS: conditions about the need for more paramedical people, psychologists and social workers, in particular in our general hospitals, and, as soon as we get free of the House and have some time free for more detailed departmental duties, my officials will be sitting down with me to review this.

We are also quite short of psychiatrists, Mr. Speaker.

MR. CROSBIE: How many are there, by the way?

MR. ROBERTS: I have not got the figures in front of me. It is of the order of fifteen. It is closer to fifteen than it is to fifty. There are about fifteen and there is one in Corner Brook, one in St. Anthony. We have one coming for Gander, but I do not know if he will be here this year. He is in training, I believe there are eleven in practice in St. John's and I saw in a newspaper the other day where another gentleman had joined Dr. Body and Dr. Williams.

We are quite short of psychiatrists, Mr. Speaker. It is an area of medicine that has been growing by leaps and bounds. That may be a commentary on modern society but a few years ago psychiatrists really were the odd man out now they are coming to the stage where most patients admitted to hospital receive a form of psychiatric assessment as part of the general treatment that is given to a person admitted to hospital.

Now Mr. Speaker, the Bill embodies all these concepts. It is the legal framework within which we can operate. I think it represents the best thinking that can be gathered in Canada. It has taken us a long time to put this Bill together, Sir. It has been put together primarily by a committee of officials, officials representing my own administrative staff, representing the Department of Justice, who are lawyers, but also with no less than five psychiatrists on the committee.

MR. ROBERTS: To show you how long it has been, Sir. It was in October, 1968, two and a-half years ago, that The Newfoundland Psychiatric Association met and nominated Dr. Gillespie and Dr. O'Brien, two well known psychiatrists, to represent them on this committee.

The committee has been chaired by Dr. Clarence Pottle, who is our Director of Mental Health Services, a man who has devoted his life to improving the mental health facilities in this Province.

They produced a good Bill, Sir. It is a Bill which, in effect, makes mental illness a medical matter not a legal matter. Under the present legislation, being admitted to a mental institution, other than voluntarily, is a matter of law. One must go to court, one must have magistrates, and I have nothing against magistrates but I do not think doctors should tell the magistrates how to run the law and I am not so sure magistrates should be telling doctors how to treat mentally ill people.

This Bill, Sir, makes it entirely a matter of medical opinion. It changes basically the definition of what is a mental illness. There are no long involved definitions, Mr. Speaker. A mental illness is simply defined as a mental disorder which is any disease or disability of the mind.

That, Sir, is the best definition that can be found, I am told, anywhere in the world that has legislation that covers this type of thing. It struck me as absurdly simple, but it does represent the best thinking that can be found.

MR. CROSBIE: It is used elsewhere, in other Provinces?

MR. ROBERTS: Yes, Mr. Speaker, I will come to that in detail. The Bill, Sir, provides that a person who is mentally ill, as defined, can be admitted to an institution, any sort of institution designated by the minister as being an institution for treatment of psychiatric illnesses. That is the change. The present legislation specifies the institution on Waterford Bridge Road.

MR. ROBERTS: The Bill also provides, Sir, and I am very proud of this, for very advanced civil liberties protection. No longer, Mr. Speaker, if this Bill becomes law, can a person be committed to a mental institution for an indefinite period. The Bill has very specific provisions. A person must be assigned to a specific position, not admitted as a patient at large.

There is a physician who by law is responsible for the treatment of that patient. The patient may only be held for treatment if the physician issues a certificate. Mr. Speaker, those certificates are only for short periods of time. The longest time for which a certificate can be issued is one year, as members will see from their reading of the Act, Mr. Speaker,

Section (9), your Honour, that would be the fifth time that a certificate was issued that is a person must—you know there are no less than five separate review procedures before a person can be confined for even a period as long as a year. Thereafter, every year the matter must be reviewed with a personal examination of the patient and the physician must state that, in his opinion, the patient needs continuing care.

In addition, Sir, we have provided very detailed, comprehensive and I think very sound provisions for review. There will be a review board appointed. Its powers are spelled out in the latter part of the Bill. There is a provision for representation by Council or by a friend, and ex-friend of the patient, as provision for who may apply.

The Review Board must contain a physician, it must contain a barrister, and then it must contain somebody who is neither a physician nor a barrister. Perhaps, speaking as a barrister with some connection with physicians, the third person must be put there to insure that there is some little common sense injected along with all the experts.

I think it is a good provision Sir. In addition the Bill provides for a procedure whereby a person may be, in effect, arrested and brought before a magistrate and the magistrate may issue a warrant, in section (14), your Honour, he may order that a person be examined.

MR. ROBERTS: The Magistrate has no power to order a person to attend the mental institution unless the person has been charged with a crime in which case the matter is not, strictly speaking, one for us it is a matter that falls within the preview of the criminal code. We have some provisions to compliment the criminal code of Canada in that respect.

Finally, Mr. Speaker, in introducing the Bill, I want to touch upon a feature which I think will cause some discussion, indeed I hope it will. The Bill provides that a patient may be admitted to a hospital on a certificate of a physician. It does not provide that the person may be kept. No so-called committal order, from now on, Mr. Speaker, there will only be authority to take a person to a hospital. It is entirely up to a physician in the hospital, the medical director, whether that person stays a minute, an hour, a day, a week or whatever is necessary. But the Bill does provide that the order to take a person to a hospital may be issued by one physician. Now, Sir, that is an important change in the present Act. The present Act, as hon. members know, provides in effect for two physicians appearing at a trial before a magistrate and they give their evidence and they sign the certificates.

My colleagues and I have debated that provision at considerable length, Sir, and we have put it in the Bill which is before the House. I think it is fair to say we have not done so without considerable thought and without a great deal of consideration. I think it is fair to say as well that we are most anxious to have the views of the House as a whole on this, Sir.

The provision we have in the Bill is the recommendation of the best expert advice we can get and I can assure your Honour that I have searched very widely and I believe my colleagues have also searched equally widely. It is the best medical advice that we can get, This is a good provision, that it is not liable to abuse, that will not provide that one doctor can say that, for example, Your Honour is mentally ill and must be taken forthwith to an institution. There are detailed provisions put in the Act, the physician must examine the person

MR. ROBERTS: individually. The physician must issue a certificate stating that he has examined him and so forth. These, we believe, protect the individual.

The certificate, as I have said, Sir, only allows the patient to be taken to a treatment facility as defined, from then on it is a matter for the medical director of the institution.

We put it in, Sir, because of the medical advice we got but also because in administering the present legislation, as I think any hon. member from an out harbour district will realize, great difficulties arise.

I think the member for Grand Falls, Mr. Speaker, (a) can speak for himself and (b) I have always heard him speak with pride of his out harbour origin, indeed he has discouraged me because I had the lack of wit to pick a set of parents who chose to live in St. John's the time I was born. I can assure your Honour, and for the benefit of the hon. gentleman from Gander, I had nothing to do with it. Nothing to do with it at all. You will have to speak to my parents.

Yes, Mr. Speaker, I would arranged with a number of my other colleagues to be born in Gambo, that is the place is it not? Gambo or Bethlehem, yes.

As my hon. friend from White Bay South says, the press is now free.

Mr. Speaker, to carry on with this, because I think it is a crucial point -

MR. CROSBIE: You should have been born at Come By Chance.

MR. ROBERTS: Well, no, Mr. Speaker, in view of my views on planned parenthood that would be most inappropriate. Mr. Speaker, I think the fact which finally swayed the Government in our decision to bring in this provision that just one physician would be able to issue a certificate was the fact that we were not alone and this was not something unique. No less than five Provinces of Canada, I am told, have similar provisions in Legislation which has been adopted recently. It has caused no problems in Ontario which was the major place where this Act was developed. The Act was brought in in 1967, and our provisions, both as to definition of the mental illness and the provisions for the certification or the admission of a patient on an involuntary basis, are copied, I would not say word for word, Your Honour, but are copied in substantially similar terms from the Ontario one.

That pattern, Sir, has been followed also in the Province of Quebec, in the Province of New Brunswick, in the Province of Prince Edward Island, all within the past two or three years. I think, on the basis of that, we felt that it was reasonable to come to the House to present the Bill in the form in which it stands. I do not know how strongly I hold the view or my colleagues hold the view that we should stand by this. We have the strongest possible medical advice. We have the example of Ontario, Quebec, New Brunswick, Prince Edward Island and I am told Nova Scotia are in the process but I do not know that.

MR. MARSHALL: Would the hon. Minister permit a question?

MR. ROBERTS: Yes, of course.

MR. MARSHALL: Has the provision of the two medical practitioners, the certificate from two medical practitioners in the past caused any problem here in Newfoundland?

MR. ROBERTS: Yes, Mr. Speaker, I am told it has. I am told that in the more remote rural areas in effect what happens is one doctor will say; put the patient on the boat and then the next place the coastal boat stopped, where there was a doctor, the second doctor came down, examined the fellow, signed the second form and sent him on in to St. John's. But in the past, furthermore,

MR. ROBERTS:

certification orders were for indefinite periods. It has caused problems, I am told. I have no personal knowledge but my officials have told me this and indeed my own general medical knowledge confirms that.

In any event, Mr. Speaker, we have brought it into the House. We have had the strongest possible medical advice. We have had the example of other Provinces. We are concerned about the possibilities of abuse or of affecting a persons civil rights. I think on balance we feel that the weight of medical advice and the experience in other Provinces is sufficient to justify us requesting the Legislation in this form and I think the other provisions in the Act will enable the effective, speedy and good protection of our Newfoundlanders civil rights. But as I have said, Mr. Speaker, we would very much like the views of the House on this. Laws are made by the House of Assembly not by medical advice, They are not made by other Provinces they are made by this House for this Province. It is a Government Bill but the Government are anxious for advice on it, Mr. Speaker.

Finally, let me just make one brief reference: There is no detailed reference in this Legislation to a voluntary patient, a patient who choses of his own volition to enter a mental institution. The reason for that is quite simple, Sir, you know he, in the same respect as any other patient who goes voluntarily into hospital, is treated for his illness and when his illness is treated or resolved he goes home. A voluntary patient, of course, can become an involuntary patient under the provisions of the Act. Mr. Speaker, in closing let me say that I think this is a very good piece of Legislation and I think it is one that will benefit the people of this Province. It gives us mental health legislation that is modern, that represents the best thinking across Canada. It substantially reduces the power of the judiciary in what is a medical matter. We feel that that is right. We feel that the medical matters in the judiciary have no business being in, just as medical people have no business being in judicial matters. It provides for very strict and very strong

MR. ROBERTS:

mandatory reviews at certain specified periods, the first of them as short as a month and none of them longer than a year and it sets up an appeal procedure which I believe is effective and can be readily used and which will protect the rights of the people.

We still must do much more to help with mental illness in Newfoundland, Sir. That is where our effort must go. I hope that the House will adopt this Bill and give us the legal framework to go on so that we can carry on with the major job, which is reviewing our programmes, integrating them, co-ordinating them and then trying to find the money we are going to need to expand them further. It is with very much pleasure, Sir, that I move second reading of the Bill.

MR. CROSBIE: Mr. Speaker, I would like to congratulate the Minister, first for his presentation on the Bill which was very clear. I am sure it is a very worthwhile piece of Legislation. The situation in Newfoundland, with respect to the care of the mentally ill, certainly needs improvement, as the Minister realizes. I am delighted to know anyway that this year it is planned to spend \$1. million at the Mental Hospital here in St. John's, to improve its facilities. I think the Minister said that there will be 200 beds constructed of which there will be a net gain of 100, since 100 of the old beds will disappear as they are no longer fit for use.

One of the great problems I would say, Mr. Speaker, with the mental health care in this Province, is that there are other facilities needed on the Western part of the Province and more facilities needed in Central Newfoundland because, as the Minister's figures show, there are only twenty-eight beds on the West Coast at Western Memorial Hospital for those suffering from mental illness and only ten at Grand Falls and eighteen at Gander, twenty-eight in Central Newfoundland. It is a pity that the hon. member for St. Barbe South says they do not need any more on the West Coast of the Island, but we will see whether that is so or not by the election results. It is a pity that if

MR. CROSBIE:

people are mentally ill that they have to come to St. John's and go to the Mental Hospital, on Waterford Bridge Road, that is a long way from their family and friends. So the Minister might tell us, when he is replying, whether there are plans, for example, in the new expansion of Western Memorial, are there plans there to increase the number of psychiatric beds? I would think that probably the West Coast could do with seventy-five or eighty in any event or perhaps even one hundred. And whether there are some plans for Central Newfoundland as well?

One of the great defects, Mr. Speaker, in our hospital care situation in Newfoundland, is that we have too few custodial beds. In the present hospital for Mental and Nervous Diseases, as the Minister said, about two-thirds of the patients are custodial patients, that is there is very little likelihood that they are ever going to get better, they cannot be improved by treatment. There are a tremendous number included in the 800 odd patients at the Mental Hospital here who are suffering from senility, who are suffering just because of age and it is really custodial care they need. Then there is another large number of gross mental defectives, These are people who will never advance beyond the mental age of perhaps one or two and there is nothing that can be done to treat them medically so that they will recover, so it is custodial care they need.

So I would think that what is needed is an institution. Custodial institutions are a lot cheaper, Mr. Speaker, than active treatment institutions. You can build a custodial care institution, I am sure, for at least one-third of the cost of an active treatment institution and therefore, not just in mental health but in the ordinary health facilities of this Island, what is needed now, in my mind, to a great extent, is not more active treatment beds but more custodial institutions. For example, places where patients can be moved out of the, say, General Hospital when they no longer need active treatment but they may still need to be kept under watch. You would have a far greater

MR. CROSBIE:

utilization say of beds at the General Hospital if there was a custodial care institution in St. John's here to which the patient could be moved when he no longer needed the active treatment, releasing the active treatment bed for another patient.

The Government are planning to build a new General Hospital in conjunction with Memorial University, I wonder if that is necessary, Mr. Speaker. The medical reports that I remember seeing indicated that St. John's had enough active treatment beds.

MR. ROBERTS: (Inaudible).

MR. CROSBIE: Well, the present General is not going to be used at all for active treatment beds.

MR. ROBERTS: Not as an active treatment hospital, no.

MR. CROSBIE: Because, Mr. Speaker, we have enough active treatment hospital beds in St. John's now for this area. There is no need for any more active treatment hospital beds in St. John's at this time. Now if the present General is going to be -

MR. ROBERTS: But the hon. member will agree that the doctors would fill more if we had them.

MR. CROSBIE: Oh yes. One of the problems though is that we, I do not know what the figures are like now, but we had a very low turnover.

MR. ROBERTS: A very long length of stay.

MR. CROSBIE: A long length of stay, particularly in the General Hospital

MR. CROSBIE: Probably it is not all political reasons, but partly for that reason. Partly for the reason: that there is no custodial, you cannot send some person who has just an appendix, he may be able to go home in two days, but it is pretty difficult to send him on a long car ride down to say St. Mary's Bay or somewhere like that.

MR. ROBERTS: That is not custodial, that is convalescent.

MR. CROSBIE: Well convalescent. Well, there is a need for that one. When I say "custodial" what I mean is, I should have had said "convalescent" in connection with that point. But what we need is a lot more custodial and convalescent facilities, and not necessarily just a lot more active treatment beds. In fact, I doubt whether we need more active treatment beds, except perhaps in the Carbonear area and to replace old facilities.

MR. ROBERTS: Twillingate, Corner Brook.

MR. CROSBIE: Well that is replacing old facilities.

The minister never mentioned, Mr. Speaker, either, when he was introducing this Bill, what has happened to his White Paper. He was going to present the House with a White Paper on Health last session. He was going to present the House this session with a White Paper on Health, and we still have not got it. I do not know whether the minister still intends to present such a White Paper or not.

MR. ROBERTS: Read it section by section in the Bills.

MR. CROSBIE: This is one of the chapters from the White Paper. It is being called the tattle-tale grey paper by some people. A bit long, the White Paper has turned tattle-tale grey.

MR. ROBERTS: I have been told, and indeed the hon. member may have heard this, but if I get sick I am going to have to leave Newfoundland to get medical treatment.

MR. CROSBIE: No, the minister is more popular than that, I believe. There is at least one doctor on the Island who will treat him.

MR. NEARY: His father.

MR. CROSBIE: His father.

MR. ROBERTS: But he is going out of practice for a year.

MR. CROSBIE: Oh, is he?

MR. ROBERTS: On medical facts, my father and I disagree.

MR. CROSBIE: To get back to the Bill, Mr. Speaker, the point that the minister mentioned at the end, I think, the fundamental point about the Bill, and that is under this new Bill, a fundamental defect in the Bill. Under this new Bill, one physician, not one psychiatrist, Mr. Speaker, but any doctor on the Island, general practitioner, section six, who decides that a person is suffering from mental disorder to such a degree that he requires hospitalization in the interest of his own safety, safety to others or safety to property, may commit you to a mental treatment facility — one doctor.

Now the minister says that this has been done in other province, and perhaps it has. But, I still think, and I ^{sure} am, the Government are not saying that is going to be the way it is and there is still no other way. Because, Mr. Speaker, I think this will make a great many people uneasy that, if this Bill is passed and proclaimed, any general practitioner on the Island can commit a person to a mental institution, mental treatment facility, by examining him and by signing a certificate. It seems to me to be giving any one doctor too much power. Now it does not even say one psychiatrist. After all a psychiatrist is a person trained in the diagnosis and treatment of mental illness. A general practitioner is not, a surgeon is not, a radiologist is not trained in mental illness, diagnosis nor treatment.

But under this Bill, Mr. Speaker, any doctor can give a certificate that the Speaker, (and sometimes I would not blame the doctor) that the Speaker, or whoever the person is, requires hospitalization; off the Speaker would go to the hospital and he would have no choice, without his consent, it would not matter what his family thought. While it is true that the person involved might get out in fifteen days or thirty days or might be permitted out by the Medical Director, still your liberty is being taken away from you for a number of days. You would suffer tremendous embarrassment, shock, and I think, this is too wide a power to give. Under our old arrangement you had to have two doctors certify that a person was mentally

MR. CROSBIE: ill. I believe, they had to go to a magistrate also. They had to satisfy the magistrate, Well that was only prefunctionary, the magistrate could not go beyond the doctors opinion, but at least it was two doctors. And, I think that it should remain two doctors, Mr. Speaker. If there is a problem that in certain remote areas of Newfoundland you only have one doctor in that vicinity, let us provide in the Bill that, in an area where there is only one doctor, some appropriate form of language, that he can give a certificate which must be verified by a second doctor when the person arrives where there is a mental treatment facility. And then if the second doctor then does not also give his certificate, that the person is released.

I mean, we can find a way around the problem in the remote areas. Let us see what areas would that be; perhaps. the Hermitage area, that district. It would not be White Bay North, until you got down around Roddickton or some area like that, and even then, you have got all kinds of doctors at St. Anthony. It might be Labrador South. In fact, there is not any doctor at all, they fly in I guess. But, there are anyway some areas where perhaps this creates a difficulty, but that can be gotten around, Labrador North has a number of doctors.

AN HON. MEMBER: Not up on the coast.

MR. CROSBIE: Not up on the coast, no. But-

AN HON. MEMBER: Inaudible.

MR. CROSBIE: Yes, that might be a problem there.

MR. MURPHY: If there is no doctor at all, what would the situation be?

MR. CROSBIE: Well, no, no, say you would not be certified, unless the doctor flies up the Labrador North Coast. I mean one of the Grenfell doctors would be visiting up the coast and he can certify him, and then he can be brought in to Northwest River or into Goose Bay, and he can get a second doctor to look at him.

MR. MURPHY: A nurse could not look at him.

MR. CROSBIE: No. a nurse could not certify a person under this legislation or under the present law. I feel quite seriously, Mr. Speaker, there is a

MR. CROSBIE: definite possibility of abuse in this. You see the doctor himself can suffer from some mental illness. I mean everyone of the doctors we have in this Province or other provinces are not one hundred percent right mentally. We have all heard of doctors becoming sick, just the same as you or I.

Well, suppose some doctor got a mental disorder of his own, it is not easy recognizable, and he starts charging around certifying people. We have a doctor a member of this House, what is to stop him from certifying the whole crew here.

MR. ROBERTS: Surely, the hon. member would not object to that.

MR. CROSBIE: In fact there are some moments in the House where there would be no doubt that he could get a second doctor to comply with it.

MR. ROBERTS: Or a second hundred.

MR. CROSBIE: But, there is, I am definitely uneasy about this. Perhaps, they are trying it in other provinces. But I have met some doctors who I have had my qualms about, as to whether they were all there in the upper storey, and I am sure every member has. And I have met lawyers like that.

MR. MURPHY: Inaudible.

MR. CROSBIE: No, general doctors and politicians, too. Now what the question really is, Mr. Speaker,

MR. SMALLWOOD: Inaudible.

MR. CROSBIE: The Premier does not like to hear me speak.

I had to laugh the other day, Mr. Speaker, I think I was listening to the Premier on radio, and he was describing a speaker in the House, who all he did was speak; when he was not speaking he went outside and then he came back. It was a perfect self-portrait. Only, he said it was me. But to get on with the Bill. I believe, Mr. Speaker, quite seriously, and the minister has asked us to express our views, that there is too great a possibility of abuse to allow any physician to decide whether any person suffers from mental disorder, so that he requires, without his consent, to be admitted to a treatment facility.

MR. CROSBIE: Definitely I feel that it should be two. The minister should consider some new wording and that in certain remote areas, or perhaps the Bill could even say what electoral districts where one would be sufficient until the patient was brought to an area where you had a second doctor.

The minister said that the Act provided that once you were taken to a treatment facility you had to be referred to a specific physician. That is not correct, Mr. Speaker. I think, if the minister checks section 8 of the Bill, he will find that on the admission of a patient to a treatment facility, the Medical Director may assign the patient to an attending physician. When this goes through committee, I think the minister would agree to change that word to "shall." That on admission of a patient to a treatment facility the Medical Director shall assign to the patient.

AN HON. MEMBER: What page?

MR. CROSBIE: Page seven, an attending physician. Because the word "may" as the minister knows is permissive. And if you are taken to a mental treatment facility, you should definitely be assigned a physician. So what can happen under this Bill, Mr. Speaker, is that, if you have a physician, whether he thinks he is acting properly or whether he is suffering from mental disorder himself, if he decides to have you committed, he can have you committed by signing the certificate that is provided under this Act. Once he grants a certificate that is authority for him to call the police and have you taken to the Grace Hospital, Mental Wing, or the St. Clare's Mental Wing, or the Hospital for Mental and Nervous Diseases, and then the Medical Director can assign a psychiatrist to you, and if you get out or not it is only going to depend on those gentleman, You may be in there for a week before they can look at you properly or two weeks before they can decide whether you have a mental defect or not. These are not easy things to decide.

They are very difficult to decide. So you maybe quite innocent and be in a mental treatment facility for a month, or you can be there for a year. But suppose that it is quite clear that you are not suffering a mental illness, look at what is happening in the meantime. You have

May 6, 1971

Tape 508 (morning)

PK - 6

MR. CROSBIE: been taken against your will, taken away from your business, taken away from your family and brought into a mental treatment facility. And if there is someone who is just on the edge, that might be enough to put him over the edge.

So I feel that this definitely I cannot support, I will say let us wait and see how this works out in Ontario for another five or six years, before we

Mr. Crosbie.

take the chance on doing it here.

The minister pointed out that there is a Mental Health Review Board. There is now, Mr. Speaker, a Board of Commissioners in lunacy. I believe that the junior member for Harbour Main is one of the members or he was. There is to be a Mental Health Review Board consisting of three persons who can hear appeals as to whether the patient wants to be freed, when the medical director does not feel that he should be, you can appeal to this board to decide the question. They also look after the property of Mental Hospital Patients.

I would like the minister to consider changing something there too. These people are only to hold office during pleasure, which we have had before the House before. I feel that they should hold office for a specific term, during good behaviour. If there is a Mental Health Review Board and there is going to be a politician on it, I think that is dangerous also. If the junior member for Harbour Main is still on, he should now come off that board. But this board here should not have any politicians on it. Because, for example, if one of his opponents were brought in and launched in the field, he might have an interest in keeping him in. I mean there are all kinds of sinister implications. We know in the modern age, Mr. Speaker that it is very difficult to say who is sane and who is not. Anybody that watches television these days has a grave problem in knowing who is supposed to be inside the hospital and who is supposed to be outside. We do not get much chance in this House to watch television. So by and large, I do not want to be too critical. My only criticism of it is this point which the minister himself mentioned. I think that there is going to be a great uneasiness among the people of Newfoundland, who are concerned with public affairs or notice at all, if this is left so that just one doctor can, against your consent, have you detained. I believe that that is a danger to civil liberties, Mr. Speaker, and should be reconsidered. In fact, I would like to see the minister consider that it must be one doctor and a psychiatrist. I do not know whether the minister is listening. The minister is psychoanalyzing

Mr. Crosbie

the Minister of Education.

I would like the minister to consider, Mr. Speaker, not the Minister of Education's mental stability, but whether or not we could require two doctors one of whom must be a psychiatrist. That is what I would like to see in there. Yes that would be all right - two physicians and one psychiatrist. So the minister's mind is open, and I do not want to flog the horse here. Perhaps two physicians and one psychiatrist or some other formula. So, I think that these are the only two points that I want to refer to. I mean, I think it is a very good piece of legislation. It is needed. I am delighted to see that the minister is going to spend money on the Hospital for Mental and Nervous Diseases this year. My main question about the Bill is the point that I have already mentioned. I think a lot of other members are going to be quite uneasy too.

MR. MARSHALL: It is 1:00 P.M., Mr. Speaker.

MR. CURTIS: Mr. Speaker, perhaps we would rather adjourn the debate.

MR. SPEAKER: It is moved and seconded that this debate be adjourned.

Carried.

MR SPEAKER: It being now 1:00 P.M., I leave the Chair until 3:00 P.M.



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SPEAKER: THE HONOURABLE GEORGE W. CLARKE

The House resumed at 3 p.m.

Mr. Speaker in the Chair.

MR. SPEAKER: Order!

MR. CURTIS: No. 7.

MR. SPEAKER: Before we go into the orders, with leave of the House I would like to welcome on behalf of all members of the House of Assembly some sixty students which we have in the galleries this afternoon. They are students of Sunnyside Integrated, Grade VII, VIII and IX. They are accompanied by their teacher Mr. Reg Gardener.

MR. W. MARSHALL: Mr. Speaker, the hon. the Minister of Health has quite rightly noted that this Bill is merely to establish the legal framework with respect to the improvement of the facilities for mental health in the Province. As such, it is a good Bill and goes a long way towards that end, with certain reservations. However, at the outset I should like to point out that the power given in this Bill to recognize certain hospital facilities, mental health treatment centres, as the Minister well knows, in effect, is not going to create these facilities. There is a need in this Province for much more expanded facilities of this nature, not just in St. John's but all around the Island everywhere. One area of mental health, in particular, to which one would have to address one's thought when thinking of this subject is the treatment of senior citizens who have become unable to live in their own homes because of certain attention that they need, because of advancing age, their minds are not alert as they have been in the past. There is a crying need for this type of facility, a greater amount and a greater quality of facilities for treating senile people in the Province.

There are places being set up for the purpose where people may live together in the community, older people, but I am thinking particularly of the semi-ambulatory and the non-ambulatory type of person who needs much more help than has been afforded to him, the people in the hostels and the infirmaries as such. In this connection, I would have to point out that the policies of the Federal Government, I believe, it is, do not tend to help

Mr. Marshall

the situation in this Province. They make it worst. In the case of a senior citizen who is confined or requires hostel type of care, if that person needs assistance he comes under the Department of Social Services and Rehabilitation and under the Canada Assistance Plan. As such, the Federal Government will pay money towards the capital cost of that facility, this hostel facility. Yet when the infirm care is needed that comes under the jurisdiction of the Department of Health and under the Health Insurance Plan of the Federal Government. Unfortunately the Federal Government, under the Health Insurance Plan, will not make money available with respect to the capital construction or the capital cost of the facility involved. Consequently, we have a lack of infirm facilities of this nature which we ought otherwise to have. It makes one rather impatient and makes people rather impatient, when you consider that governments ought to look after the overall needs and are charged with looking after the overall needs of all the citizens to know just because a certain condition or a certain degree of a condition comes under one particular plan or one particular department of the Federal Government that you get assistance towards the construction of the facilities required, but if the situation becomes more aggravated, you do not get it. So, therefore, to my mind this is one area of mental health that must get a good deal of attention by the Government and in particular the Minister of Health and the Minister of Social Services and Rehabilitation. I would like to know what pressures have been brought by this Government on the Federal Government with the view to increasing the assistance available towards the capital construction of infirmities. I think that this shows and demonstrates quite effectively the need for a ministry of Federal/Provincial relations, as such, to bring pressures to bear, such as this, and to review the programmes, the inadequacy of the Federal programmes as they apply to the Province.

Here again, when we look at this section of the Bill, and we look at section (4) of the Bill, and there is provision here for the minister to declare treatment - to designate certain plans as treatment facilities or parts of treatment facilities. Then this has to be done, I would submit, with great care. I do not know really how many of the hospitals in the Province

Mr. Marshall

are really geared to handle the type of situation that will arise. Certainly in the case of dealing with people who are aged, senile, older people as such, there is no doubt that there must need be a segregation of them from other patients, because it can cause problems over the whole of the health facility concerned. Here again, with respect to the mental health of the Province, it is all right to establish a legal framework and to revise the archiac Law, which certainly needed to be revised and has so by this Bill. But there is also need for this Government, the Minister of Health, to turn its mind much more seriously and much more directly to the problem of drug abuse in the Province, to the provision of facilities in St. John's, Grand Falls and Corner Brook and other large areas for the treatment of drug abuse, and for the representations to the Federal Government to allow a haven for drug users, to make them free from prosecution once they go to the facility provided. There must need be a more direct and involved action taken by the Government in this area.

Now, finally, I would like to turn to the observation raised by the hon. member for St. John's West with respect to the provision in the Act to the effect that a person may be certified to a mental hospital or mental institution on the certificate of a doctor. This deviates and it is different from the previous situation where two doctors had to sign the certificate. But we are told at the same time, by the Minister of Health, that it is similar to provisions in other provinces of Canada. When asked the question whether or not there were any difficulties in the old system, the minister indicated that in remote areas there were some difficulties in getting the second opinion. But I admit that in some of these remote areas it would be difficult even getting the initial doctor to sign the certificate. But in any event, I do not believe that there are any situations or any situations that have come forcibly to the attention of the general public under the old Act. This is the matter to which we have to address ourselves, that any person -

MR. MUREHY: It is very difficult to hear the hon. member.

MR. SPEAKER: Order please!

Mr. Speaker.

There is altogether too much talk and noise being made. I am having difficulty in hearing the hon. member myself.

MR. MARSHALL: Thank you, Mr. Speaker. As I say there is - the major question that one has to ask oneself when examining the utility of the old Act is whether there were any glaring instances of confinement to a mental institution where there should not have been. The answer, of course, is no. For this reason, I think that we ought to - it is much more important that the safeguards to the citizens be employed to their fullest, than to leave it open for if there would possibly be a mistake involved. As the member for St. John's West said, there is no doubt that mistakes can be made when it is left to one individual. So with respect to this provision, I do not agree with this provision that one doctor may sign the certificate, I think that there be two. In the case where you have remote areas involved and there is only one doctor, well perhaps the minister could change the legislation to provide that a person may be taken into custody on the certificate of one doctor, but it will require at least two doctors to examine him before he is admitted to the facility itself. But certainly, one should not agree with the provision of there being just one physician in order to certify a person to any mental facility. I would think also that one of these doctors ought obviously to be a psychiatrist. One final point that I would like to draw to the minister's attention and this perhaps is something for committee, but the minister might like to address himself to it and to be able to give the answer at that time. Subsection (2) of (7) has a provision to the effect that after fourteen days after the granting of a certificate by a doctor, the certificate shall cease to have effect, if the person is not confined to a mental institution. The subsection before that, if the person is confined, a certificate is good for thirty days. I have just wondered why it is not thirty days in the latter case and fourteen days in the former case. This is a question that I should like the minister to answer.

But other than that, this is a good Bill. In the main, it is a good Bill. But it has to be noted that the facilities that have been provided

Mr. Marshall

for the treatment of the mentally ill in this Province are not enough . As a matter of fact they are to a large extent very, very poorly set out and not in keeping with the modern trend. It is definitely necessary that this Government come to grips with the problems that are before us in the fields of mental health and also with respect to the confinement for the purpose of mental treatment. I think it would be a very bad move to not have some safeguard in there whereby a person, before initially he becomes confined, does not have to have an opinion passed upon his mental capacity by at least two physicians, one of whom should be a psychiatrist.

MR. J. MAHONEY: Mr. Speaker, if I may I would like to address myself to the principle contained in this Bill with regard to the method of certification. Now I agree in principle with the comments made by several of the hon. members who have spoken in this debate up to this point with regard to the necessity of protection of the individuals in the question of certification. But I do suggest to the House that there is a practical problem that has to be faced. There are places in this Province, from where a person has to be brought, perhaps to St. John's to the Hospital for Mental and Nervous Diseases, where there is only one doctor or where in the area there may be only one doctor. Now what does happen from the practical point of view of taking the patient who is suspected to be mentally ill and needs treatment from that area where you have only got the one doctor? It may very well be said that the certification - I suggest to the House that certification in those instances by one doctor is all you can reasonably request or expect, because there is nothing else available. It is not practical or sensible to suggest that you leave the person where he is. You have no authority to confine him unless he is dangerous to be at large, and he has to be doing something or displaying some signs of having that type of mental illness. But in a case where that situation does not apply, what happens? You cannot leave the person there until you fly in another doctor, or you might have to wait

Mr. Mahoney

three or four days. What I suggest is that in cases where only one doctor is available that the certification of that doctor be acceptable and be valid and legal for that purpose but when the person is brought to the treatment facility, validly so upon that certification, in an area where psychiatric medical help is available that then perhaps even the certification in that place by two qualified psychiatrists would be necessary. In an area where there is no qualified psychiatrist that perhaps two medical doctors would be then required.

But what I am actually getting at is the impracticality of looking for certification by two doctors in areas where two doctors are not available. Now we have had the situation in Newfoundland and we have it under the existing law that separate certificates by two qualified medical practitioners are necessary in order to get certification of a person who is mentally ill. That has caused untold problems for the

officials of the department concerned and the employees both professional and otherwise at the Hospital for Mental and Nervous Diseases, and untold problems for the police where they are in a situation what do they do if they accept one certification, or the certification of one doctor and bring that person into the hospital. In the cases where they do bring them in, I think everybody will agree that these cases are genuine cases. But, what does happen if you demand two certifications or the continuation of two certifications where such is not available?

I suggest that if there is to be a change in the principle set forth in this Bill it can be done on a practical basis in keeping with the situation that exists in Newfoundland. We know that the ideal situation would be to have two psychiatrists make certification in any event. That is not practical, I suggest to the House, it is not practical in Newfoundland and that perhaps some modification of this may be necessary

MR. SMALLWOOD: Did the hon. gentleman say that it is not always practical

MR. MAHONEY: It is not always practical and in many cases I

personally do not foresee that it will be practical to have two doctors in every area in Newfoundland where a person must be taken and given treatment for mental disorder. There are other protections built into the Act whereby you have provision for the setting up of a review board. That review board can sit very quickly and it does have authority or it would have the authority to order discharge of patients which the board as now constituted does not have. The main purpose Mr. Speaker, of my speaking to this is that if there is going to be any change made or any suggested change to the principle enunciated with regard to certification by one medical practitioner that it should be very carefully considered from the point of view of what is practical and what is very impractical in the light of present day situation in this Province.

MR. NOEL: I would just like to draw the attention of the House to the

fact that this Bill enables the person to be arrested and imprisoned for thirty days without the right of habeas corpus or any means of having his case heard. It seems to me, Mr. Speaker, that in ordinary criminal matters we arrest a person on the affidavit of one individual.

In other words, a policeman is entitled to arrest a person on his own authority. The magistrate will issue a summons or a warrant for arrest on an affidavit signed by a single individual. Therefore, I do not see anything wrong with a person being apprehended for mental illness on the affidavit or on the order of a single physician. But what disturbs me about this Bill is, as I see it, I may be wrong, subject to correction but having read it, it seems to me here that the cardinal document is the certificate of authorization. The certification of authorization has to be signed by only one doctor, one physician who may be drunk - that in this day and age we have tendency to treat all professions on a very high level. We pass the whole of our medical services over to the medical profession. We pass the whole of our city planning over to the town planners. We pass the whole of the legal business over to lawyers. We give these people tremendous authority. What we fail to bear in mind is that sometimes there are very disreputable people and people who are not quite right in the head themselves. There are doctors who are drunk, and doctors who are alcoholic and doctors who are half mad themselves. -

MR.SMALLWOOD: Suppose the examinations were done by the gentleman who did eighty-eight, suppose the person in question was one of the eighty-eight done in one day by a man who put in a bill for \$1100 for that day's work.

MR.NOEL: Well, Mr. Premier I will give you one now that -

MR.SMALLWOOD: I would hate to be one of those eighty-eight - and find myself -

MR.NOEL: Mr. Speaker, I would like to draw the attention - I would like

MR.SMALLWOOD: I do not know of anyone else who would like to be examined by one man alone -

MR.NOEL: Mr. Speaker, I would like to draw the attention to the fact that probably some people in the community are a little sorry that this Bill was not in force a few years ago because on that occasion all certain parties would have had to do would be to get some half-drunken physician to give a certificate of authorization and the Hon. Mr. Smallwood could have been locked up for thirty days and nobody could have gotten him out of jail.

MR.ROBERTS: Now, would the hon. gentleman direct his attention to the question Section 6 (3) I do not dispute his point but I -

MR.NOEL: Yes, I -

MR.ROBERTS: think it is not possible -

MR.NOEL: How?

MR.ROBERTS: Top of page eight, if the hon. member wants to read it - to the House -

MR.NOEL: One month, thirty days.

MR.ROBERTS: Top of page six,

MR.NOEL: Yes, thirty days. Now, Mr. Speaker, my point is this, as ridiculous as it may seem,once the certificate of authorization is given there is no power on earth can get that man out of that place for thirty days -

MR.ROBERTS: That is not correct.

MR.NOEL: Well, the hon. minister can show me afterwards if he wishes. The only way that man can get out during that thirty day period,as I read this, is the medical director can let him out - the medical director can let him out or the attending physician can let him out.

MR.ROBERTS: Or the review board -

MR.NOEL: Yes, or the review board - yes now we get the review board - But there is no provision in this Act which says how soon after an

application is received the medical review board has to sit. Or how often they will sit and not only that, provides then that the appeals to medical review board is as if it were under an appeal from the District Court Judge, which is a fifteen day notice or probably six weeks or two months. The writ of habeas corpus will not apply here, because the certificate of authorization is a legal document which authorizes the holding of that man or woman in custody for thirty days, There is no way under, this Act. If I had a case today, where I knew a man was improperly imprisoned in the mental hospital last night, there is no way I can get that man out. Now if I had my choice between -

MR.ROBERTS: What about 19 (6)?

MR.NOEL: 19(6). I was reading, 19(6) on page 16, "Nothing in this Act shall affect the right of any person aggrieved by a decision of the Review Board." In other words a person has to be aggrieved by a decision of the Review Board before he can make any application to the Court. Even an application for habeas corpus or one of the prerogative writs.

MR.ROBERTS: Nothing in this Act to prohibit the habeas corpus application.

MR.NOEL: A habeas corpus - I do not want to start giving a lecture on law here. But, a habeas corpus proceeding is this: Is that you apply to the court for an order that somebody produce the body of somebody in court. All the judge looks at is the legal authority for holding that person, that is all.

MR ROBERTS: Right! Right!

MR.NOEL: Now, in the present case, in the case I said of my man who is wrongfully detained, somebody turns up, the superintendent of the Mental Hospital turns up and he produces a certificate of authorization and he draws His Lordship's attention to section 7 of the Act and that case is out.

MR.ROBERTS: The person has not been wrongfully detained at that point. He has been detained in accordance with the law. Habeas Corpus -

MR.NOEL: Exactly -

MR.SPEAKER: Order please! I wish the hon. members would restrain their impatience until it comes to their turn to speak so we can listen to one person at a time.

MR.NOEL: Mr. Speaker, this is exactly my point, that the man is being detained according to the law and therefore he cannot be freed. This is exactly my point, he is detained according to law for thirty days strictly legal, perfectly ironclad reason for holding that man. A simple piece of paper signed by one doctor, and he cannot be released unless you can find the medical director, who may be down in Honolulu somewhere, or get the attending physician to release him. This is even more so, I have had some experience in this matter. The physicians who sign the document that commits a man to the mental hospital nine times out of ten are acting entirely upon the evidence that is given to them by some wife or a brother or a father or a son or a daughter or somebody else. I know of cases, the hon. member for St. John's East said that there were no cases of a person being detained improperly in our mental hospital. I can tell the hon. gentleman of a very humorous case, actually it was a very humorous case so there was no harm done but there have been cases where people have been improperly detained. If not in our own mental hospital the law books are full of cases where people have been improperly detained.

Now Patrick Henry said, "Give me Liberty or give me Death." The hon. minister said when he was presenting this to the House that he was going to take the law out of the medicine and he was going to take medicine out of law. To that I have only one remark. If anybody starts taking the law out of anything, particularly where it relates to the liberty of the subject, he is up against quite a struggle.

I am on my feet here this afternoon because I believe in the liberty of the subject. That is my profession. That is my profession. Other people can go around curing their mental illness, somebody else can go

around fixing their corns, but my job, my profession is the liberty of the subject and the safety of his property and I see this here as a serious trespass on the liberty of the subject, a very serious trespass. There must be some way, now there is nothing wrong with it I agree that one physician should be able to bring that man to the door of the Mental Hospital, just the same as one constable can bring a man to the door of the Police Station. If you had the foulest murderer arrested today in St. John's, tomorrow morning he has to be brought into court, within twenty-four hours that man has to be brought into court. No matter what he did. Well, how much so when some poor, old person: perhaps seventy-eight years of age, not getting along too good with the family, and they decide to tell the story to the family doctor to get him off their hands.

How much more so, in the case of these poor, defenceless people, perhaps, who are being taken advantage of and being stowed away. I have seen it happen. I strongly resist this idea that any citizen be locked up for thirty days simply on the certificate signed by some really disinterested person. Patrick Henry said: "Give me liberty or give me Death," If I had to choose between mental health and liberty, I will take liberty every time.

MR. EARLE: Mr. Speaker, I will leave the legal arguments on this Act to the lawyers who are best qualified to handle it. The Act in itself appears to me, on the surface, to be a very good piece of legislation and I shall most certainly support it. One or two comments I would like to make on it however. In particular, I think the Minister, I did not hear all of his remarks this morning, but, I think he mentioned that this would serve to improve conditions and improve -

MR. EARLE: the facilities for mental cases. That is very, very drastically needed indeed, because there are peculiar sets of circumstances in the Province at the present time due to the lack of institutions and probably staff, properly trained, to take care of this sort of situation. You have for instance in our homes for the aged people who could quite genuinely be classified as mental cases, and very often hospitals will transfer from their institutions, because of lack of space, to a home for the aged, a person who has really no business in a home for the aged. If you visit these places and go into to them, you will see some pitiful cases of people who are in entirely the wrong environment, and I question whether they are getting the right treatment. But just through simple lack of space and facilities, this has to be done in some instances.

Now it was always a bit of a mystery to me that this type of thing generally, a lot of it came under the Department of Social Services and Rehabilitation. Our aged people come under that department and our mentally retarded people. It seems to me that more properly a lot of this is a health problem. I have wondered very often, why it is not being treated by health rather than by welfare.

For instance, I have had numerous cases in my district, in visiting homes I come across young people who sometimes have been sheltered by their parents, because there is often a certain amount of shame attached, the parent does not like to admit that they have a backward child or a retarded child in the family. They shelter this child and yet the child could benefit greatly from treatment. On top of that there is another very peculiar situation which develops insofar as the child itself may in some cases be quite violent, will tear up its clothing, and tear up the furniture and beat up the House and do a lot of damage. In many cases the mothers and fathers have appealed to me and say; we cannot afford this, apart from having to care for the child, we just have not got the money to look after this child and replace its clothing and the damage that it does.

Again, I have gone to the Department of Welfare, which handles these particular problems, on numerous occasions and ask that something be done, some money be supplied or some clothing be supplied for these people,

MR. EARLE: that the parents be helped out. In numerous cases I have had refusals, there has been nothing done for these, they just sort of brush it off and say, "I am sorry, we cannot do anything for that particular type of thing." Well, then you get the old run-around, which so often happens in Government, Is it a health problem or is it a welfare problem? And none of us, as members, are qualified really to say whether it was health or welfare. But, all we want to have is something done with the situation.

I cannot meet a mother who is at her wits end in this sort of a situation, when I go to my district and do my best to help them out, and then come back and find that some official, because of the rules and regulations of his or her department, saying there is nothing that can be done. The fact that nothing is done, is not a good enough answer, it certainly does not satisfy the parents, and it does not satisfy me. So I am wondering, if legislation of this type could be so all-embracing that it would take in these borderline cases, who just fall nowhere at the present time. Nobody seems to care for them and nobody wants to do much about it.

I had a case some years ago, a rather interesting one in a remote settlement in my district, where the old lady, her husband had died and she was living alone and she became very, very violent indeed. She was really a mental case. She could not look after herself, so everybody in the village tried to look after her. The only person that that lady would let near her was an eleven year old child. She would only cool down and calm down when that child was in her presence; and for two months before this was reported, without the knowledge of any doctor or anybody, the eleven year old child looked after that violent woman throughout a winter, in an isolated settlement.

Well this sort of condition prevails far more frequently throughout the Province of Newfoundland than we want to believe or think about. You only have to visit many of the outports and go into the homes and talk to people and see the terrible conditions they are up against sometimes with these problems and their family. Whether it comes under welfare or whether it comes under this Bill, which we are now dealing with, Health,

Mr. Earle: the only point that I am trying to make is that through health legislation or through social service legislation these problems should be looked into and should be attended to. It is not just good enough to pass the buck in either case.

MR. NEARY: Inaudible.

MR. EARLE: He certainly did not pass the buck.

MR. HICKMAN: That is a great contribution to a serious statement.

MR. EARLE: Yes, that is a great contribution.

MR. HICKMAN: Try again.

MR. EARLE: The hon. minister, well we cannot get into an argument with a fellow who should be examined himself sometimes. But, I was going to say that brings up an interesting subject.

I often wonder, sometimes in this building, the sort of comment we get, particularly from the other side. There is a case mentioned by the Premier where a psychiatrist examined eighty-eight people, sending a bill for \$1100. I say that psychiatrist would not have any trouble at all in finding thirty-nine of these in this House, because we must be crazy to take the kind of stuff we are listening to here sometimes. Thirty-nine of them here to take the sort of guff that goes back and forth at the expense of the people. Anyhow this is quite beside the subject, the remark of the hon. the so-called minister of Social Services just annoys me, and that sort of childish remark is not worthy of this Chamber.

AN HON. MEMBER: Inaudible.

MR. EARLE: I was on a serious subject. I was talking about families who are finding it very, very difficult to cope with problems which they have. It is a distinct reflection on the Minister of Social Services and Rehabilitation that he brings in an insane remark like this. It is something which should really be worrying him. It obviously is not worrying him at all. The word "jackass" is being used in this Assembly. I leave it to the people to judge who this jackass is in an instance like this.

Now, Mr. Speaker,

MR. CROSBIE: A jackass is the brain over there.

MR. EARLE: I have had my say about this sort of thing. But I sincerely

MR. EARLE: hope that this legislation does enable the hon. the Minister of Health to extend his services, take care of these very difficult situations which prevail. But, the Bill itself will not do that, unless provision is made for the institutions and the staff which must and have to be provided to take care and take care of the problems and see that this legislation is working.

MR. T.A. HICKMAN: Mr. Speaker, if I may have a few words on this Bill: This Bill placed hon. members in a rather awkward position. The principle of the Bill is most desirable. The intended purpose of the Bill is most commendable. But then, when we reach the provision concerning forcible detention, it evokes another principle which, in my opinion, is not defensible.

The hon. the member for St. John's North referred to the dangers and the rights that have been taken away by or can be taken away by certification of one physician. Now, Mr. Speaker, I think anyone in the practice of law would have a fair amount of experience in cases where people have been admitted to the Mental Hospital on the certification of even two doctors under very questionable circumstances.

Let me remind the hon. members too of the frequency with which you read in the papers that so and so have been accused of an offence and has been remanded to the hospital for Mental and Nervous Diseases. This quite frequently is the reaction you will find or receive from a family who finds one of its members involved in a rather unpleasant type of crime. I know of cases, I know of a case within the past two or three years where a father and husband was involved in a rather unpleasant offence. The first action that his family wanted to take was to get him certified. This certification which is done in a hurry, done under pressure from the family, a certification which is issued to save family embarrassment, quite often in my opinion is given improperly but at least in the past it had to be given by two physicians. Now the family doctor can find himself placed in a pretty awkward situation.

MR. HICKMAN: You know, some parents could argue that, even if Johnny were involved in shoplifting, that you can relate this to some form of mental disturbance, so if we get him out of the way for a week, or two, Even though he has been in there for a couple of weeks and then released, and they find that there is nothing wrong with him, this takes the stigma out of it, this removes any embarrassment to the family. But, in the meantime, that boy or that girl has unnecessarily, improperly been deprived of his liberty and confine to the Hospital for Mental and Nervous Diseases. He then is left with a stigma, The same not only applies to young people but it applies equally and sometimes even more so to adults.

This, Mr. Speaker, is why I believe that this House should reconsider Clause 4. the principle that is involved in Clause 4. Why is it necessary to detain a person for thirty days? If you can justify the argument that one physician should give a certification in remote areas where two cannot be found, and there are very few areas left in this Province where that applies today, but, even if you accept that, why thirty days? Why not two days or three days? Putting in a review board is only half the battle. It is true that a person being wrongly detained, can then go to a review board, and if that person - bear in mind now, Mr. Speaker, when you get before the review board that review board is going to concern itself primarily with the medical evidence. That review board is not going to be too concerned about the liberity of the subject. It is going to be guided pretty much by the evidence of the attending physician and the psychiatrist to whom that patient has been referred.

I would say that a person applying to that review board has lost the battle before he or she even starts, or anyone on their behalf. Secondly, Mr. Speaker, you have many, many situations in this Province where relatives do not understand the nature of mental illness, where they are inclined, in the first instance, to accept the certification of the physician, and say; if doctor so and so, (be he totally unqualified in that particular field) if he says that my brother or my sister or my father or my mother should go to the Mental Hospital, well he must know what he is doing.

MR. HICKMAN: Then a few weeks later it sudden sinks in, maybe that is not so. So who is going to take this action on behalf of the person who has already been confined and in there and confined for thirty days? Then, if you go to the review board, there is a right of appeal to the Supreme Court on questions of law. Now, Mr. Speaker, that in itself is an unsatisfactory right of appeal. At least, there should be mixed law and mixed fact, because when you get before a court of appeal, the court is still going to have to direct some of its attention to the fact, if it is going to make a knowledgeable decision on some of the facts that came before the review board. If you exclude the facts, again, you take away and you infringe upon that right of appeal and that fundamental right of liberty that was so ably referred to by the hon. the member for St. John's North.

Now, Mr. Speaker, this Bill, and I appreciate and I commend the hon. the Minister of Health for the frankness with which he submitted facts to this House, many facts are not too pleasant to reveal. The fact is, whilst we have made progress in mental health, we still have a long, long way to go. But hand in hand with that Bill, Mr. Speaker, there is another Bill which, in my opinion, is long over due. That Bill is a Bill that was recommended in respect to the Gushue Commission Report. Only last night there was a very interesting programme on C.B.C. radio, a panel comprised of - I know, Dr. Clarence Pottle was a member of the panel and some other apparently knowledgeable individuals. They too were voicing the same theme, and the panel discussion and the talkthon, whatever it was called, was on this very Bill. They had the Bill in front of them. They all said the same thing, that this Bill was a slow step in the right direction. But what is being done to nip mental illness in the bud, to try to provide a cooling off period, to provide facilities that can catch this type of problem before it becomes serious and before it develops into a kind of mental illness where the patients winds up as an in-patient at the Hospital for Mental and Nervous Diseases?

These gentleman suggested, and this is suggested to in the Gushue Report, that if you treat nerves breakdowns as a form of mental illness,

May 6, 1971

Tape 512 (afternoon)

PK - 7

MR. HICKMAN: which it is, that a great deal of that arises out of stress within the family. One of the reasons for it is the total lack of family counselling in this Province, completely and absolutely void. If you

MR. HICKMAN:

are not prepared to accept the evidence of the psychiatrists, if you are not prepared to accept the evidence of those similar to these gentleman we heard last night on CBC, who were involved in mental health, ask any of the clergy. Only the week before last again there was a demand, emanating from the very prominent clergymen, publically, that project (2) of the Gushue Report, the Family Counselling Report be implemented and be implemented now. They all come back to the same theme, Mr. Speaker, that this form of mental illness, even though it is not as serious or as incurable as some other, it can be prevented if this Province will discharge its responsibility of providing skilled family counsellors in this Province, and this can only be done by proper Legislation. The Legislation is drafted, it has been ready for presentation to this House for two years, the project report has been in for three years, it has the approval of church and medical people, and why the delay?

Now, Mr. Speaker, again when the hon. the Minister, in introducing this Bill, told us that 2,000 cases received treatment at the General Hospital last year and a large number of cases, probably even more, I do not know, at the Grace General Hospital and the same applies to St. Clare's and Western Memorial and Gander and Grand Falls. Now a lot of these cases, Mr. Speaker, that find their way into these general hospitals and find that psychiatric treatment is needed and use the psychiatric wards, in my opinion ordinarily and in most Provinces would not find their way into a general hospital at all, because so many of these cases that come in to these hospitals are people, unfortunately, who come in because of overuse of drugs or alcoholism or generally these two. Now they had to be taken care of. I am not satisfied that the environment that they find within a psychiatric ward in any hospital, no matter how good the hospital is, is the place where they should be.

We have heard some debate in this city during the past week of a very commendable attempt by the Kiwanis Club at St. John's to create a drug centre. The sooner that that drug centre can be located in a suitable place

MR. HICKMAN:

the better, because it is needed, it is needed now. Mr. Speaker, whilst it is commendable to find service clubs and other organizations taking the lead in this type of work, I think we should at the same time ask the Minister of Health, in his capacity as the Minister responsible for the curing or containment of mental health in this Province, that some financial and professional assistance must be made available because, Mr. Speaker, a lot of these people what they are really looking for, a lot of drug users are really looking for, is a breathing space. They are looking for a drug-free environment, they are not looking for custodial type of care that you find in a hospital and experience has shown that that custodial type of care that drug users receive today in hospitals does not produce satisfactory long-term results. Just by the very nature of the thing they have to be treated by psychiatrists within the confines of the hospital, within the rules of the hospital and when it is over they find themselves again back into society, and that is where they are left free to go back to where they were when they started.

Now there was mention here of halfway houses. This is part of the scheme of things that other Provinces and other cities are now implementing. In Vancouver they have an organization called the "Cool Aide Society." Other places they have these drug centres that we have heard about during the past couple of weeks. But no matter what it is, we must realize that when a person, number one, we should not condemn the person who finds himself addicted to drug use and, number two, we should not condemn that person if, after he or she has been confined to a general hospital and discharged, they turn up again, each time with more frequent problems and probably more serious problems and eventually they find themselves in the Hospital for Mental and Nervous Diseases. But number three, there is a way we can help these people. The way we can do it is that we put them in a position where they do not simply have to make a choice between drugs or confinement. If we put them in a position where they can find themselves in a drug-free environment, not only with psychiatrists and

MR. HICKMAN:

doctors but with social workers and others who are experienced in dealing with these problems, not there to condemn them, not there to discipline them but there to help them.

The tragic fact is that this has not come to pass in this Province for the last two or three years, and it should have. We have had warnings galore but for some reason we have thought we could escape this. We have not escaped it and having been warned we have not taken the steps to counterbalance this problem and we are not ready or capable of handling it right now. Mr. Speaker, anyone in the practice of medicine, anyone in the practice of law, can state with absolute certainty that the drug problem is in this Province and it is here very seriously, it is here very forceably and we are helpless to do anything about it except we can take them and put them into the Hospital for Mental and Nervous Diseases, which is an open invitation to continue when they get out, or we will put them on a psychiatric ward of a general hospital, and this is not the answer to that problem. That is only the answer, almost, to the incurable addict. It is not the answer to a person who has taken three or four or five or six trips and can be saved.

Now, Mr. Speaker, again when we are talking about this Bill for mental illness, there is a very shocking bit of information given by the Canadian Mental Health Association in Newfoundland, or at least I thought it was shocking, maybe our ratio is not that high. But now in the Province of Newfoundland there are an estimated 11,000 emotional disturbed children in school. These are not children who are mentally retarded, who are slow learners, who are incapable of taking advantage of education facilities but those who have the capabilities and the brains, there are 11,000 of them, who today are suffering from emotional disturbance.

AN HON. MEMBER: (Inaudible).

MR. HICKMAN: That comes from the Canadian Mental Health Association and it is contained in a brochure and letter dated April 26, 1971, issued to the people

MR. HICKMAN:

of Newfoundland. To me, Mr. Speaker, this brings -

AN HON. MEMBER: Based on what? Is this based on the national average?

MR. HICKMAN: No, no, this is in Newfoundland. Well, would you like me to read out the letter? I will give you the letter. This is the letter, that has been sent out by the Canadian Mental Health Association in Newfoundland, soliciting financial support.

AN HON. MEMBER: (Inaudible).

MR. HICKMAN: I will, and I have in the past and I certainly will in the future. "I have agreed to assist the Canadian Mental Health Association in Newfoundland in its annual financial campaign. During the seven years that the Newfoundland Division has been in operation excellent progress has been made but, unfortunately, they have only started to scratch the surface in trying to solve the problems of mental illness in Newfoundland. Again this year we have decided to launch a massive educational programme on what can be considered to be the number one problem in Newfoundland, namely that of the emotionally disturbed child. I was shocked when I was told that there are an estimated 11,000 emotionally disturbed children in our Newfoundland schools today, and I am certain that you can appreciate the seriousness of this critical problem. It is only through an educational programme that we can hope to try to overcome this problem so that these children, or at least a major percentage of them, can become useful citizens and not a burden on society.

I strongly endorse this campaign and trust you will be as generous as possible. Yours truly, Ralph E. Fagan."

Now, Mr. Speaker, this brings me back to the point that I was making earlier, that the year 1971 is the year when we must have family counselling by qualified family counsellors in this Province, because I venture to say that a very high percentage of these emotionally disturbed children come from either broken homes or homes that are on the verge of breaking up and

MR. HICKMAN:

homes that can be saved. It is not going to cost this Province a great deal of money, There is not a vote in a barrelful of it, but it is something that should commend itself to any responsible member of this House. I have asked for this last year in this House and before, and I have never heard any sensible satisfactory answer to the reason for the delay in bringing in a Bill that is drafted, a Bill that has the approbation of the medical fraternity and the clergy and a Bill that can do no harm. Even though it may not do as much good as everyone hopes for, at least it is worth a try.

MR. CALLAHAN: Mr. Speaker, I would like to say a few words on the Bill, commending my colleague, the Minister of Health, in bringing it here. I must say, while I sat here listening to the hon. the member for Burin and prior to him particularly the hon. the member for Fortune, both in what we might call righteous indignation, particularly with the hon. the member for Burin, it struck me how curious it is, Mr. Speaker, that former Ministers of Health, when they wind up on the other side of the House suddenly know what all the problems and all the solutions are. I commend -

AN HON. MEMBER: (Inaudible).

MR. CALLAHAN: Well, Mr. Speaker, there may be a very logical argument there because we have just heard all the solutions and how simple they are and how easy they are. Everytime the hon. member refers to how simple and easy they are, he never neglects to tack on that there is not a vote in a barrelful. I commend my colleague, Mr. Speaker, and I draw to the attention of the House, in light of the debate this afternoon, that when my colleague introduced this Bill this morning he did so by pointing out, not once but I think several times, that he would welcome advice, that he was not being and the Government were not being rigid on this matter and that he would, in fact, like to hear some suggestion as to perhaps how the Bill might be improved and some advice as to how, in fact, the Bill might be made more effective than it is in the form in which it was introduced. Now you would never guess that, Mr. Speaker,

MR. CALLAHAN:

from some of the things that had been said this afternoon.

So I commend my colleague and I say that this Bill represents more progress than has been made, and than had been made in certain other tenures in the Ministry of Health, and, to my knowledge, not even a start was made upon what needed so badly to be done in terms of the new Mental Health Act or a Mental Health Act, in fact, and in other areas as well. I wish to put that on the record, Mr. Speaker. While I am on my feet there are one or two things that I would like to raise so that perhaps my colleague can comment on them when he closes the debate.

Some years ago, Mr. Speaker, there developed or began to develop essentially the philosophy which said that if a man thinks he is sick he is sick, and the philosophy that said that there really is not very much difference, so far as the individual is concerned, as to whether his illness is physical or mental, it is none the less an illness, and the philosophy that said that a mentally ill person could and perhaps should be treated in a general hospital, equally with a physically ill person. I know there was great divergence of opinion as to whether this was an acceptable philosophy but it seems to me {1} that does make a good deal of sense. I am not thinking in terms of violent or other cases that require maximum security and maximum

MR CALLAHAN: custodial requirements. I am thinking of cases of nervous breakdowns, cases of mild personality problems and all manner of cases quite short of the violent cases. These perhaps could be treated in general hospitals, are being treated to some degree in our general treatment hospitals in the Province, on small psychiatric wards which, incidentally, are a great blessing.

Prior to that development, which I think at that time mainly came about because of the interest on the part of the local hospital boards, it was quite a common thing, Mr. Speaker, for the liberty of the subject to be removed very simply by the RCMP walking in at three o'clock in the morning and taking the poor sick man and dragging him off and putting him in jail and holding him there until such time as transportation could be found for St. John's. This does not happen very much, I think, any more except in extreme circumstances, but even in the major communities outside St. John's, it is not very many years ago since this was pretty much the normal practice. But if the philosophy is acceptable and if it is working, working well in the Province, I realize it depends again upon the availability of qualified psychiatric practitioners, if it is working or if it can be expanded, it would seem to me to be a very, very sensible and very, very humane approach to take. I would be interested to know from my colleague how in fact it is working in the areas in which it is being followed in this Province.

I would be the last one, Mr. Speaker, to quarrel with the efficacy of the Canadian Mental Health Association but I must say I get a little concerned when I hear figures thrown about like the one quoted. I am not holding him responsible for it, quoted to the House by the member, the hon. the member for Burin, the statement that there are 11,000 emotionally disturbed children in the schools of this Province. It is a very broad and very sweeping statement and I wonder very seriously, Mr. Speaker, whether it is not another aspect of the kind of shock tactic or scare tactic that is used to perhaps help persuade people to dig a little deeper when a financial campaign

MR. CALLAHAN: comes along That is why - perhaps I should not have done, but I asked across the House, the hon. member, on what the figures were based?

Well he should know, Mr. Speaker, he introduced them. He read the letter and he supported the letter and he appeared to support the statement in the letter and the figure given in the letter. I seriously wonder if it is in fact a reliable figure or a reliable estimate and I wonder seriously what it is based on. It probably is based on the national average but whether that is a realistic figure to project to this Province, I really do not know. I am asking and I hope again that my colleague, the minister, will be able to enlighten the House because I think this kind of sweeping shock approach does not really, Mr. Speaker, do good service either to the children of this Province or to the Province or to the very very worthwhile attempts that are being made by great numbers of people, voluntarily, to help with this great problem of mental health or mental ill health. So perhaps my colleague, the minister, can enlighten us a little on that, Mr. Speaker. I suppose there is no more difficult or more tragic or more pathetic or emotional because emotional problems breathe very much emotion, no more difficult condition for the patient nor for the family involved than mental illness. Really, because nobody really knows, despite the qualifications of psychiatrists, what goes on within the human mind. I do not think that there is any lack of sympathy in the House today with the Bill, Mr. Speaker, I again drawn to the attention of the House that my colleague, this morning in introducing this Bill, which will be warmly welcomed by very many people, because it does, for perhaps for the first time, it is in a sense breaking new ground or certainly ground that has lain undisturbed for a long time. It does give a new frame of reference for the treatment of this whole problem. I do not mean the medical treatment but at least a frame through which to view this problem basically in a legal and in a sense of having a starting point. As I said, I warmly support the principle of the Bill and commend my colleague for bringing it here.

MR. SMALLWOOD (W.R.): Mr. Speaker, generally I support the principle of this

MR. SMALLWOOD: Bill, However, Sir, there are certain sections in it which I do not; the principle contained within these certain sections. As I understand the Bill, on the advice or on the inspection of one doctor, any person can be taken, against his or her will, and sent into the Mental Hospital for a period of thirty days. Now it is true that while there the patient himself, or anyone left on the outside, has the right to apply to the Board for a hearing.

Now in the Act or in the Bill, there is a period of seven days if a person on the outside - let us take the case of a husband or a wife or a son or a daughter being committed to the asylum and a brother on the outside or a friend or some other relative realizes that or thinks that the person committed to the Mental should not be there; then he or she has the right to make an application for a hearing.

Now let us say the person is sent in today. The relative or friend hears about it tomorrow and makes the application. Then certain papers have to be served upon the relatives, I think, of the person committed, and these people are given a period of seven days. Now let us say the person who has been sent to the asylum is perfectly sane, just as sane as any of us here in this House today are. He goes in today and a friend or relative tomorrow makes an application for a hearing. Certain papers have to be served on the relatives of the person in the asylum and on other people and they are given seven days in which to reply. Then there is a board set up, I think consisting of three people, to hear the facts and hear the evidence.

Now the Bill does not set forth any period in which that board must meet. They could wait until thirty days. Meantime here is a sane, sensible person, in the Mental for a period of thirty days. I would say the chances are that if he went in sane, he would come out insane after being in there for a period of thirty days, a good chance.

I would imagine that if the minister who introduced this Bill or if the person who drafted legislation found himself in that position he would think twice about drafting it or introducing it.

MR. SMALLWOOD: Now all this can be done on the advice or evidence brought before one ordinary doctor, not a psychiatrist, just an ordinary medical practitioner. I realize that it may be a bit difficult, if the evidence of two or the opinion of two medical practitioners had to be given, especially in some of the outlying settlements. However, that could be rectified if, immediately upon being admitted to the Mental Hospital, two or three competent psychiatrists immediately, within a twenty-four hour period, had to interview the patient and to make sure that, in their opinion, he should be there. But there is nothing in the Act stating that he has to be examined when he reaches the Hospital. There is a section here stating that the Director, I think it is, on admission of a patient to a treatment facility, the Medical Director may assign to the patient an attending physician. He may. He is under no obligation to do so.

So legally, as far as I can see, that means that doctors could send a sane person into the hospital and that he would be there for thirty days and the Director would be under no legal obligation to assign to the patient an attending physician. He may if he feels like it or, if he does not feel like it, he does not have to do it and he is under no legal liability to do so.

As I say, the objection about one doctor could be overcome if, immediately upon being received into a mental institution, the patient had then to be examined, immediately or within a twelve or twenty-four hour period, by two or three psychiatrists. That does not have to happen at all. The Medical Director may or may not, as he sees fit, and you could take the case, as I say, of a perfectly sane person finding himself in the mental asylum for thirty days and absolutely nothing he could do about it. When he got out of the hospital all the doctor would have to say was, "well, in my personal opinion, I examined him, I thought he was mental." No legal action could be taken against the doctor in such a case. He would naturally try to justify it and, if the facts did not turn out as it was, I mean, it is not like two and two make four and you cannot make five or three and a-half out of it, it is not that

MR. SMALLWOOD: sort of a thing, mental illness. The doctor could very well, if he had something against the person or had any good reason for doing it, commit a completely sane person to the Mental and that person would be in there for thirty days and, when the evidence would come before the reviewing board, he could be discharged from the hospital and proven to be completely sane but the doctor would be able to say, "well, at the time that I examined him, anyway, in my opinion from the evidence that I saw, the investigation that I made, the man was insane and I thought that in his own interest he should be in the mental institution." Therefore no action could be taken against the doctor and a completely sane person would find himself in there for at least a period of thirty days. This part of it I think is wrong, but it can be corrected.

MR. MURPHY: Mr. Speaker, I just have one or two short words on this Bill. Actually I had decided not to speak at all because I think the legal fraternity had been discussing the thing. But in view of the remarks of the hon. Minister of Mines, Agriculture and Resources, who tends to be always somewhat negative and bitter, I feel that I must just ask, or put on the record again, if I was correct in what I heard this morning when the hon. minister introduced a Bill, that this legislation was begun I think in 1968. I believe he said, and I may be mistaken, that at that time I think there were two members of either The Medical Association or The Psychiatrists Association appointed in November, 1968. So I do not think it is fair, Sir, to leave on the record that this Bill or this legislation began immediately when the hon. present Minister of Health took office.

There are just one or two remarks I would like to make, Sir, and that is particularly with regard to the institution, The Hospital for Mental and Nervous Diseases, that now exists on the Waterford Bridge Road and has been there for a great many years. We are quite happy that it is no

MR. MURPHY: longer called The Lunatic Asylum, as it was back in the old years.

At that time anybody living in the St. John's area knows that there was a great area of land surrounding that particular building at the time, and in recent years there has been a great amount of building around it, which has more or less concentrated open space. I am wondering, Sir, we are talking about putting more money into that actual building, if the time is not now right to select some area, perhaps a bit farther outside of town, that could be used as a type of sanitorium or for those cases that are not, - . I think the minister described it very well this morning, the nature of, make up of the hospital as such, in there, where there are some cases that are

Mr. Murphy

tragic and sad cases that are incurable. But I was amazed and so pleased when the hon. minister again mentioned the number of cures that had been affected in that particular institution due to the rapid advances, I would say, of psychiatry and treatment. I was amazed further that some of these had been as long as ten to twenty-five years, I believe, in there and were being put back into the social life of the community again. The only thing, Sir, that struck me, is the fact that we are to spend another \$1 million I think on this particular building. If not, we could perhaps plan now for, I say, some type of sanatoria where people would just go, people perhaps with nervous breakdowns and perhaps some slight mental trouble who we feel could be cured in a shorter period, that this money is to be put towards developing such an institution rather than have all these people under the one roof. Because after all, they use to say, the old Mental Hospital in there, the old lunatic assylum; "He who enters here leaves hope behind." But I am very thankful, again in view of the minister's statements, that this was no longer the case. I think everybody has dealt at some length with senility, where the older people have become senile and they are being treated in various homes throughout the Province, and that generally the problem is becoming to be perhaps a bit more effective or the answer to the problem. and Perhaps something like this, Sir, instead of just, as I say, committing new sums of money to this building, that some effort may be made to create homes in nice surroundings. Because, after all, the surroundings, I think, have a great effect in there on the cure of mental illness. Some of these people who are confined to the present Mental Hospital, there is nothing in the environment to perhaps bring them out in the areas mentally that we would like for them to be brought into. So, it is just a thought I had, Sir. I think generally, listening to the legal opinions, I think pretty well everyone is in favour of this Bill and commends the minister for bringing it in.

The fact of examination by one doctor, I think, is the main bone of contention. As the minister said earlier, Sir, he just brought it in. He had certain reservations himself. He felt that these problems could be overcome.

MR. WORNELL: Mr. Speaker, I just have a few words to say on this Bill. I do not speak as a learned lawyer, like some of my learned colleagues here, I just take the average man's view. However, there were some points raised by my hon. and learned friends which I think bear some examination. For instance, the hon. and learned member for St. John's North quoted Patrick Henry's famous quotation, a piece of rhetoric from the "War Inevitable:" "Give me liberty or give me death." Quite frankly, I do not think that applies right to this Bill because I feel that liberty has been protected. There is every provision in this Bill for the protection of a man's rights. It is true that a person could suffer some inconvenience, but I feel sure that in this enlightened age of fast communication, where every man is his brother's keeper, that no man will have to suffer unduly. I feel also, Sir, that it is time that society got the protection it deserved. I think that we have become a little too soft in our permissive attitudes. I think that society should be protected against mad humans just the same as it should be protected against mad dogs. The insipient criminal, the insipient murderer should be stopped right in his tracks. I can think of two cases - Speck, a man Speck, and he was some speck, to break into a dormitory, a nurses' dormitory and murder seven - was it six? Let us say six nurses of seven. Manson, what a beautiful speck of humanity Manson is. Now I am not going to dwell on the philosophic ramifications of why these people go their way, why they become criminals, but I do say this, that society must first protect itself. I believe that this Bill helps to do just that.

Now my hon. and learned friend mentioned liberty, as I said in the beginning. But, Mr. Speaker, we will never have total democracy and human beings will never experience total freedom or total liberty. Liberty must have or must be a two-way street. The golden rule must be reciprocal, if we expect liberty for ourselves, we must give liberty to the other fellow. If we are going to have a just society at all, we must look for justice and try to protect the other fellow, but to make sure that in trying to protect our fellow man we do not be too permissive and destroy society with it.

I feel, Sir, that this Bill goes a long way to protect the society and

Mr. Wornell.

it certainly gives the unfortunate individual, who may be confined to the mental institution, it gives him a chance to regain his freedom when medical people or professional people think that he should have his freedom.

I support this Bill.

MR. SPEAKER: If the minister speaks he closes the debate.

MR. ROBERTS: Mr. Speaker, if there is no other member who wants to take part in the debate, perhaps I could speak to close it. I will try to be as brief as I can. The debate, Sir, has gone on somewhat longer than I had expected it would. But I think it has been a very valuable debate and one which has shown this House at its best, in view of the fact that the House has received a share of criticism from the press, the public at large, the criticism has been directed at all sides for our activities, criticisms which I do not think are entirely deserved. The Legislature is our debating forum. A debate implies argument. It implies strong statement. But in any event, I think also, today we have shown another facet of the House at work - a facet of where we, as a group of men elected by the citizens of this Province, consider the laws that are to govern our people.

As I understand the points made by hon. members, I think we have had some very good speeches by a variety of members. We have heard from the gentlemen opposite. I am also delighted to see that some of my own colleagues on this side of the House came into the debate. Indeed I, for one would feel happier if our own supporters, the Government supporters took more part in debates. I know they feel that, in the interest of getting the House to a conclusion before Christmas, they should restrain themselves; nonetheless we should not leave it to the gentlemen opposite to make all the noise.

As I understand it, Mr. Speaker, really the comments fall into three headings. The first were the comments made by a number of hon. gentlemen.

Mr. Roberts

Indeed I think most of the hon. gentleman, who spoke from the other side, spoke with reference to the need for more facilities in Newfoundland for custodial care. I welcome that. I think that anybody who has any awareness of the field knows that this is an area where we must put more money, as a society, as a Province, as a Government. I have been saying that for years, first as the Minister of Public Welfare then as the Minister of Health. The Government have been saying it. We have expanded our efforts substantially in the past year or so, with the project at Exon House, the project at Halfway House, the money we are going to put into the Hospital for Mental and Nervous Diseases, the project to build the Inter-Faith Social Action Home in Corner Brook. While it is not often stressed, I can assure Your Honour and the House that that home is going in Corner Brook only because the Government have made it possible. They made it possible by guaranteeing the occupancy at a rate sufficient to amortize the debt. We have made it possible by agreeing to put up the down payment, if necessary, to enable the very fine public spirited citizens, who are heading up that effort, to enable them to borrow money from Central Mortgage and Housing Corporation.

I know that my colleague, the member for Grand Falls, is busily at it. There have been for some time discussions of the possibility of such a facility in Grand Falls. There are others. But let me say that I think we have done a great deal. On the other hand, I would agree quite readily that more is needed. Much more is needed. I believe that insofar as our means permit, we will be doing more. We will be doing a great deal more. I do not propose to go on any greater length on that, Mr. Speaker. I could go on, like any hon. member, could go on indefinitely on the need for more facilities. I can say they are frightfully expensive. They average \$5,000 per person per year, at a rough figure of the cost, \$1 million a year for every 200 people. We probably need several hundred, possibly even more than 1,000 such institutional-care beds in Newfoundland.

Mr. Roberts

Of course, those are not just capital costs. Those would be on-going continuing costs, costs which would indeed increase from year to year as the prices of supplies and the cost of labour, the amount paid in wages goes up. We do need more, Mr. Speaker. The hon. members who have made the point have made a good point. It is not a new one. But I think, in behalf of the Government, we welcome their concern and hope it will continue.

A second case in point made was the one made by my colleague, the Minister of Mines, Agriculture and Resources. He was the only member to make it in the debate. I think it was a most relevant one. That was the comment or the question, I guess, he asked about the way in which psychiatric practice is developing in the Province. As he said, Mr. Speaker, we now come to the point where a mental illness is like any other illness. That is the way it should be in Newfoundland like any other part of Canada, perhaps more so but certainly no less so. We have lagged behind. We have tended to be ashamed or somehow feel as if we somehow had done something bad, if either a relation had to receive treatment for a mental illness or if a person or the individual himself had to. A mental illness is like any other illness, Mr. Speaker, except that it affects the mind or the processes of the mind instead of affecting some other part of the body. It should be regarded as such. In many cases mental illnesses should be and are treated in general hospitals just as any other kind of illness, from having a broken leg, the need to have one appendix taken out, to having a baby treated in hospitals. Some types of mental illness require longer terms of treatment and for some types of mental illness, at present, man knows no treatment. Some forms, i. e., psychopathic disorders, there is no remedy known to science, nor to man. Really all that can be done is to keep the person confined for his life. It is unpleasant, but it is a fact. I suppose the thing for which we should be grateful is that so seldom does the genetic process go wrong.

However, my colleague made a good point. I think it is a point that should commend itself to the House and to the people of this Province.

Mr. Roberts

It is a point which should be continuously with us as we try to develop our mental health facilities throughout the Province.

The hon. member for St. John's East made a good point. He mentioned the fact that the Government of Canada, in effect, discourage - I do not know if they mean to, but the effect of their policy is to discourage the development of adequate psychiatric facilities. For no reason that I am aware of, they do not include psychiatric institutions within the Hospital Insurance Programme. That is the programme under which they share the cost, as Your Honour knows, .

MR. ROBERTS: for the operation of hospitals. All the money we spend on the Hospital for Mental and Nervous Diseases falls within the entire responsibility of the revenues of this Province, whereas our other hospital facilities in the Province, with the exception of tuberculosis, which is also included, the other hospitals are under a cost-sharing agreement with the Government of Canada. A similar one obtains in each province of Canada. We get, you know, between fifty and fifty-five percent of the cost. It varies from year to year.

Further, to compound the illogicality of the Ottawa policy, Mr. Speaker, hon. members might not be aware that, in any given hospital, up to ten percent of the beds may be psychiatric. Ottawa will then pay the cost. In other words, the psychiatric beds which we have, for example, at the Janeway Hospital, are covered by the hospital insurance agreement, whereas a psychiatric institution is not. Up to ten percent of any general hospital!

We think that the Ottawa policy is wrong. I have told my counterpart, the hon. Mr. Monroe, so, on occasions both publicly and privately, I believe that my predecessors, the member for Burin, the member for St. John's West, I am not sure, if he was at it long enough to attend a meeting of ministers, but if he was, I know what he would have said, because at some points he is sensible. The member for St. Mary's, so forth, have made - Well, for the hon. gentleman it is high praise and I am not - but on health the hon. gentleman and I usually agree, I must say, he is - indeed a little further I will pay him another compliment, because once again he has endorsed the policy of the Governments.

Does he not agree on the management of medicare?

I am welcoming his support for our policy.

AN HON. MEMBER: Inaudible.

MR. ROBERTS: Oh, no, we do not always agree on good things. However, Mr. Speaker, we have made representation to Ottawa very strongly and I do not think I am breaching any confidence when I say that Ottawa have received representations to this end from a number of the provinces, and

MR. ROBERTS: Ottawa have now indicated that they are reconsidering their entire policy in this field and, I may add, in the field of Medicare, where they now pay for some services and not others. I do not understand why an ophthalmologist goes to measure your eyes, as a refraction, Ottawa will share the cost and accordingly we will pay the bill. Whereas if one goes to an ophthalmologist to have one's eyes refracted, the same service can be done, completely adequately, by the optometrist as by the ophthalmologist. We will not pay it, because Ottawa will not share the cost. I do not know why Ottawa will share the cost of physicians' services, but not the cost of physicians associates, and everybody in the field agrees that associates can be a great help in getting better use of highly skilled - well we use the term "physicians' associates" to cover a wide variety of people, some of them with present para-medical. But I mean this is the best use we could make of medical manpower, Ottawa will not cover it.

However, they have indicated, Mr. Speaker, that they are now preparing to examine the whole thing. There have been talks between my officials and officials of the Government of Canada. It is a complicated matter because vast sums of money are involved in Newfoundland alone. For hospitals it is about \$40 million this year. The figure is in the estimates. Across Canada it is hundreds of millions. But, nonetheless, the hon. gentleman touched upon a good point. Again it is not a new point, but it is one on which the position we have taken in the past and will continue is the one that he has taken.

Mr. Speaker, a couple of minor ones before I deal with the major points that have been raised. The hon. the member for St. John's West asked me about the number of psychiatrists in the Province. I said, I thought there were fifteen. There are in fact twenty, eighteen of them are presently located in St. John's, one in Corner Brook and one in St. Anthony. We have a psychiatrist returning next year, he is taking further training now, he is returning to Gander, under obligation to the Government. He will be stationed at the Paton Hospital, when he comes back. We have

MR. ROBERTS: not as yet succeeded in locating a psychiatrist for Grand Falls. Although, a gentleman who was their in practice has left some three years ago, and one has not been able to attract a new one, the efforts are continuing of course.

The hospital out their, by the way, recently secured the services of an ophthalmologist, which is quite a step forward. Because we only have six or seven ophthalmologists in the Province. Again, a field in which we are very deficient, I might add, all across Canada, for example, only fifteen men are now doing ophthalmological training, out of 20,000 doctors in Canada, only fifteen training to become eye doctors, ophthalmologist.

AN HON. MEMBER: Inaudible.

MR. ROBERTS: Well an optometrist is not a medical doctor.

MR. SMALLWOOD: He can examine and measure your eyes.

MR. ROBERTS: He can do a refraction, measure one's eyes, yes. An ophthalmologist is an M.D. with at least four years, and certifying in ophthalmology. A great number now do their training in Toronto, where both the Premier and I had an occasion to deal with them. Indeed, I have consulted, you know, because of my own problem, the gentleman who is head of the Department of Ophthalmology at the University of Toronto, Dr. McCulla, Dr. Clement McCulla, a number of whose students are now practising ophthalmology here in St. John's. I was referred to him by a doctor practising here in town.

The hon. gentleman for St. John's West, Mr. Speaker, also asked me about the, maybe the hon. the member for Burin, I am not sure, but the present use of the beds at H.M.N.D. and I said, I thought it was about one-third, two-thirds, I forget who asked me, but one of the hon. gentleman opposite. In actual fact, as of today, of the 740 beds, twenty-seven percent are now being used for active care, it is about 200 beds, Sir. Three hundred and seventy beds are being used for treatment for people who are aged and/or retarded; and about 170 beds are being used for people who are mentally ill, on a long term basis or on a chronic, in other words, nearly permanent basis. So that would mean that 370 out of the 740 beds are being used for people who are mentally ill, half of whom we expect to

MR. ROBERTS: discharge within a reasonably short time.

The new addition to the Mental Hospital, Mr. Speaker, will increase substantially the percentage of beds we are using for active care. Indeed, we expect that well over a third of our beds will be used for active care from now on, whereas at present, as I have said, it is about one-quarter.

The hon. gentleman also asked about Corner Brook. We now, as I have said, have twenty-eight beds at the psychiatric unit at the Western Memorial Hospital. Our present plans are to have thirty-five beds in the new hospital in Corner Brook, the new facility to replace Western Memorial. That decision has been taken after a great deal of discussion, mainly on the advice we have received from officials from the Canada Department of Health and Welfare. Actually, I think, Dr. Rosenfelt is the consultant whom we have been using, a gentleman whom I am sure is familiar at least to the member for Burin and, I suspect, to the member from St. John's West.

Also, I should add that when we finished the Western Memorial Hospital, or the new hospital out there, Sir, we will have to consider what to do with the present hospital, as distinct from the Christopher Division. In other words, Sir, the hospital was built as the Western Memorial Hospital, not the hospital that was built as a San and later converted. One of the uses to which we are contemplating putting that building is a home for people who need long-term care. We think there is a need for further facilities in the Western part of the Province and, as I have said, Mr. Speaker, the building itself is a good one. It is no longer suitable for use as a hospital as such, but we may find that we can convert it to institutional use, just as we are thinking of converting the present General Hospital here in St. John's to institutional use, when we move out of it into the new hospital on the University Campus.

Mr. Speaker, that brings me to the major point raised by hon. gentleman in debating the Bill at second reading. I think, I have dealt with all of the lesser points, the more minor points. There were one or two suggestions by the hon. the gentleman from St. John's West for possible

MR. ROBERTS: amendments, we will have to consider those in committee, but Section 8, Section 16, I think my quick reaction is that these look okay, but we are having them looked at by my officials and by the Department of Justice.

Mr. Speaker, the major point to which I refer and the one about which debate has centered, I think, is the question of involuntarily admission. Now, Sir, as I indicated in introducing the Bill, the Government, we had to take a decision, We could not bring in a Bill with either this or that in it, there had to be a clause. We felt, on balance we should come to the House frankly admitting our quandary, putting forward a suggestion, a suggestion which was based on the views of our medical advisers, and which was based on the practices in other provinces, indeed, Ontario has used this practice for about four years, the Bill was in 1967, the Ontario Act. They have had no trouble.

We felt, as I indicated, in bringing it in, Sir, that we should lay it before the House and ask for an expression of views. I think we now have heard from ten or eleven hon. members, Sir, and that is probably as representative a cross-section of opinion as one could hope to obtain from the House.

AN HON. MEMBER: Inaudible.

MR. ROBERTS: Oh, yes, yes. As I said, when the hon. gentleman was out for a moment, but I said in beginning my remarks, one of the features of this debate is the wide participation by members of the Government, members supporting the Government, but not members of the Cabinet, and then hon. gentlemen opposite.

Now, Sir, just let us try and put it in perspective, because I think there was some confusion emerged in the debate. It was not deliberate confusion, but I think, some confusion did result. First of all, I think, it is accepted and, indeed, I submit it must be accepted that the legislation governing mental health should provide a procedure whereby a person who, in

MR. ROBERTS: the opinion of qualified people, be it singular or plural, but who in the opinion of qualified people need mental treatment, and will not obtain that mental treatment on his own, the legislation must provide a procedure whereby he can be taken, in effect, Your Honour, a form of arrest, can be taken to hospital where he can get that treatment. I do not think that is a new principle, Your Honour, It is one that is surely enshrined in every Mental Health Act in Canada and I assume the American States have comparable legislation and I assume that it is to the same effect.

Certainly, in Newfoundland, Sir, our present legislation, which has been in effect for at least twenty years, because it is in the Consolidated Statutes, found in Chapter 51, The relative Section, is Section 271, I believe the legislation predates by some time the consolidation done in 1952. Our present legislation provides a procedure.

Let me just remind hon. members what it is, The procedure is that two medical practitioners, with the warrant of a stipendiary magistrate, may issue an order that is in effect an arrest order. Now, Your Honour, once a person is made subject to such an order, as the present legislation stands, he can be carried off to the hospital and there he can be held, there are no provisions of any sort for review, if a habeas corpus were taken, I am told that all that could be done, (we had a laicid and a learned explanation and a good explanation on what habeas corpus means) If a habeas corpus application were taken under the present legislation, the medical superintendent would appear in court with the patient concerned and would produce the two - indeed, Sir, this has happened because I know of a case personally, within the past month, where a young child was certified, at the request of the police, a fourteen year old boy, certified, The parents were most unhappy, They consulted, to my knowledge, two separate law firms, large, well-known law firms here in the City. each case they were told: "Look, it is not even worth going to court. It is not even worth a habeas corpus application." Why? Because under the present legislation all that would happen is that the certificates would be produced, the warrant of the magistrate, (in this case it was the judge

MR. ROBERTS: of the Family Court. His Hon. Judge Roberts is a magistrate for these purposes) would be produced and that is it. Habeas corpus does not lie in the person. All habeas corpus means, as we were told by the learned member for St. John's North, is that it is a means of showing or proving that the subject is lawfully detained, that he is not just been flicked in by the King's order. It shows that he has been lawfully held, and he has been lawfully kept in custody. As we were told, in good Latin "habeas corpus" means "you have the body." The body is produced in court.

If a person has been lawfully

MR. ROBERTS: held, that is the end of the writ. No writ lies.

Mr. Speaker, that is the position now. The position now is that a person can be committed for an indefinite period. The position is now that there is no review provided by law. There is a board called the Commissioners of Lunacy. My hon. friend, the junior member for Harbour Main, has been a member of that board for twenty years. As he told the House in the debate, that board is merely advisory. They have no power to order the person released. I do not like that procedure, Mr. Speaker. The Government do not like it, that is why we set to work, when we came to have the Act drafted we set to work to design a new procedure.

Under the new procedure a person can be ordered to be certified only if there is a personal examination. That is paragraph (6-3a), certifying that the person named in the certificate is the person who is suffering from the mental disorder to a degree, The degree, as specified, must be that the person requires hospitalization, in the interest of his own safety, safety to others or safety to property.

That is a delicate story. If a physician has examined that person, within seven days of the date of the certificate, and the certificate showing further that the physician in question is not related by blood nor by marriage to the person being examined, The certificate also, in Section (4), goes on to state at great length some other facts which must be put in by the physician, including the fact that the physician must state with clarity the facts on which the opinion of the physician is based, distinguishing the facts observed by him and the facts communicated to him others, and the reasons for his opinion.

I point that out, Mr. Speaker, because, I do not want the House to be under the impression that his procedure is arbitrary, and I do not want the impression left, I am sure it was not intended to be left by any hon. member, although I fear it has been left, that this is something new. This provision is a vast step forward over the present one. The present one has worked well. There have been problems of course, Mr. Chairman. Of course there have been problems. We want to try to remove those problems

and we believe that the present principle is offensive in principle.

I welcome the interest of hon. members in this. I only regret that they have not brought it up year, by year, by year, because, surely Sir, if the matter is offensive now in this Bill, and I do not think it is, but if the matter in principle is worthy of discussion, it should have been brought up before, it should have been brought up for many years.

AN HON. MEMBER: It has been brought up on many occasions by Mr. Green.

MR. ROBERTS: Well, I was never in the House with Mr. Green who was the hon. member for St. John's East, but certainly I never heard it brought up before, and this is my fifth session as a member. Indeed, during my service with the Government Mr. Green was not a member of the House. Mr. Ottenheimer was the member for St. John's East, and Dr. Murphy had succeeded Mr. Green as the Leader of the Opposition, a job that has a high mortality rate, I would warn the hon. gentleman,

MR. MURPHY: Up to the present.

MR. ROBERTS: Up to the present. Well, I agree, long may the hon. gentleman be the Leader of the Opposition, If he would like to go to Bermuda, I would love to go with him. I can assure the hon. gentleman.

MR. MURPHY: Louisiana and Florida?

MR. ROBERTS: I did not go to Louisiana and Florida. Actually I have not been south of Marystown in several years.

MR. MURPHY: I was in Ferryland myself.

MR. ROBERTS: The hon. gentleman was inferring? Well, I cannot help the inferences you know, you can lead the hon. gentleman to water but you cannot make him drink.

Any way, Mr. Speaker...

AN HON. MEMBER: The hon. gentleman said he was in Ferryland.

MR. ROBERTS: Any way Mr. Speaker, this Bill is a vast improvement over the present law, and I would hope that the gentlemen, who are quite rightly and quite properly concerned with the liberties of the subject, will in the future

not be so reticent, would speak up on these matters.

MR. HICKMAN: Would the hon. minister permit a question?

MR. ROBERTS: Of course.

MR. HICKMAN: Would the hon. minister give the House a comparison between the protection that is available under the present law, where you have two physicians certifying, and a magistrate viewing, where at all possible, the intended victim. A comparison between that and the situation today, where one physician certifies, and indicate how he is convinced that this is an improvement as far as the...

MR. ROBERTS: Mr. Speaker, the hon. gentleman is asking a leading question. I said, in introducing my remarks on this portion of the Bill, that there were two points brought up under this heading. I am only dealing with the first - the second one, I will come back to - I very carefully said...

MR. CROSBIE: You are on habeas corpus now.

MR. ROBERTS: Yes, I am speaking on this part and we will come back to where there should be one or two doctors. I said there was some confusion, and I think, Mr. Speaker, the confusion is caused by the fact that hon. gentlemen have confused habeas corpus with the fact of one or two doctors. The point I am making is that whether there are two doctors or two hundred doctors, whether there is one magistrate or one hundred, or one thousand magistrates, as the present Act stands, and as the Bills stands, habeas corpus does not lie, because, if the person - habeas corpus lies, of course habeas corpus always lies - you know, the first lesson of any law student is that you can always get a writ of habeas corpus. You can get a judge out of bed in the middle of the night and, you know, if the judge will do it, and hear habeas corpus.

MR. CROSBIE: The judge might certify you if you did that.

MR. ROBERTS: Mr. Speaker, the habeas corpus provision lies now, and Mr. Speaker, if I am taking a lot of time, I have only been on my feet for twenty or thirty minutes. I have been accused in effect of being careless of civil liberties, etc., etc., etc. But, Mr. Speaker, my point is that all

the chatter about habeas corpus, and all the talk about that sort of protection I think is beside the point, is completely beside the point. The habeas corpus writ does lie. A person may be brought into court, whether under this Bill or under the present Act, and if he is lawfully committed by terms of legislation that is the end of it.

The talk of habeas corpus I submit is beside the point. What is relevant, Mr. Speaker, is the question of whether on physician or two should be allowed to put a person in. I do not think there is any one who maintains that the magistrate should remain in the process. I have not heard that from anybody.

MR. HICKMAN: Mr. Speaker, ...

MR. ROBERTS: I think we know that the magistrate merely, you know, agrees with the two certificates. I have spoken with former magistrates and I gather this is a fairly general practice. The magistrate would not feel that he could differ with medical evidence laid before him. As I said in introducing the Bill, Mr. Speaker, the Government were of very mixed feelings on it. We asked for the feelings of the House, I think we have a definite indication of the feeling of the House. If the Bill is adopted at second reading, as I hope it will, be we can undertake to - we will undertake to examine the matter and see what needs to be done, possibly moving changes in committee.

I think these will be changes that will be of the type that could be moved in committee as they do not go to the principle of the Bill, to negate the principle they would be in order. If any hon. gentleman be he learned or otherwise, has some suggestions I for one would welcome them. I always welcome any suggestions that will improve any legislation that the Government bring before the House.

Mr. Speaker, the only other point that I touch on in connection with this is that somebody said - I think it was the hon. member for St. John's East, wondered why under section (7) one part said thirty days and the other said fourteen days. The answer is simple, the second part dealing with fourteen days applies, in the event the certificate is not issued it cannot

lie around for thirty days like a blank cheque. It can only lie around for fourteen days. I do not think there is a conflict in the two parts of the section, but if there is, that is the intention. If there is a conflict in fact, we have to correct it. In other words, the physician issues his certificate and then if it is not used within fourteen days it is spent. If it is used within fourteen days, then the person maybe admitted to the treatment facility.

I think, Mr. Speaker, we have to remember as well the moment one is admitted, there may be an application for review at any time. An application may be made, it may well be - this speaks, Mr. Speaker, not to one physician or two, but to the whole principle of involuntary committal. It may well be, Mr. Speaker, that that should be strengthened and there should be a provision for an immediate hearing of the appeal board. I do not think there is any need for any habeas corpus things, habeas corpus would not serve any purpose here. It does not serve any purpose under the other Act, assuming in each case the committal has been done properly, has been done with two physicians or one or twenty or whatever is involved.

MR. CROSBIE: Would the minister permit a question?

MR. ROBERTS: Yes, of course.

MR. CROSBIE: Could the minister have his draftsman look at the point as to whether it can be so worded that the certificate of one physician is sufficient, in certain areas where there are not very many doctors, to be confirmed by a second physician when they reach the facility, and that in the rest of the Province there would be the certificate of two physicians.

MR. ROBERTS: That, Mr. Speaker, is one of the - I said in bringing in the Bill that we are asking for the opinion of the House on this point, and that is certainly one of the options we will examine. Maybe we will just require that where possible two physicians shall, you know, issue the certificate. I do not think it is possible to have one a physician and one a psychiatrist. There are not enough psychiatrists in Newfoundland, they are not widely enough available.

MR. MARSHALL: Would the minister care to indicate in bringing this up for approval in principle whether the minister by the time it gets to committee, where in passing this Bill there is going to be more than one qualified individual, or more than one qualified doctor passing on the mental competency of the person who is about to be confined to a mental institution. If the answer to that is yes, it - I myself would feel I could vote for the Bill in principle. If it principle it is going to definitely remain that there is only going to be one physician, then it might be a different situation.

MR. ROBERTS: Mr. Speaker, I cannot give a definite answer because, it is a matter I would have to consult with the Cabinet, but I can say that my inclination is to have more than one. I think it is the temper of the House to have more than one. This is why, in introducing the Bill, I perhaps took an unusual task for a minister bringing in a Government Bill, I laid it down and said, you know, we are open on the points. I drew attention to the points and I presented the arguments. I do want to consult my medical advisers, and of course, Mr. Speaker, I must consult with my colleagues.

MR. MARSHALL: There is one more question then Mr. Speaker. Would the minister then consider adjourning the debate until this determination has been reached so that he can inform us definitely what the situation is, and we can exercise our judgement as to whether to vote for it or not. Because, as it presently stands, with the situation being left in a state of limbo, subject to your reasonable comment that you have to consult with the Cabinet and with your officials, we cannot vote on it because we do not know what we for really. Would the minister let us...

MR. ROBERTS: Mr. Speaker, I am not really anxious to adjourn the debate because it has gone on much longer than I expected, and much, much longer than I told the House - I think I can indicate that the temper of the Cabinet, the consensus of my colleagues about me seems to be that we will go for more than one.

MR. MURPHY: Ask the Premier now.

May 6, 1971, Tape 517, Page 7 -- apb

MR. ROBERTS: It is not the Premier's decision. He is only one member of the Cabinet.

MR. MURPHY: Oh, I am sorry.

MR. ROBERTS: I know that is a radical doctrine...

MR. SPEAKER (Noel): Order please!

MR. ROBERTS: Mr. Speaker, the concensus of my colleagues I chatted with over the day, it seems to be more than one. Nonetheless, there are some who are absent and we might want a chance to discuss it at length. I do not think we should adjourn the debate. I am willing to go as far as I have gone. I cannot go very much further.

Mr. Speaker, let me say in conclusion that I think it has been a good debate. I think it is a good Bill. I think we have had some good remarks made, some good points made. I for one will vote for this Bill to be read a second time, and I would ask all hon. members to vote for it because, I think it is in the best interests of the people of this Province.

Motion, Bill read a second time, carried.

MR. SPEAKER: When I declared the motion carried, I did not understand that the five hon. members wanted to have a division. I will be perfectly willing to revert. If it is the wish of hon. members I do not want to rush. On division - agreed.

Motion, Bill read a second time, ordered referred to a Committee of the Whole House on tomorrow.

COMMITTEE OF SUPPLY:

Education and Youth 601-01

MR. MURPHY: Mr. Chairman, if I may, while we are on the minister's office, I just want to make a few short remarks with reference to the minister of this department and perhaps a statement that he released today disassociating himself with a Liberal, vicious column that we read in the newspaper every day, typical stuff, and also the duties of a minister of any department, the morale of that department and the general administration of any department of this Government.

Now we have heard time and time again that this Department perhaps is the largest spending department of Government. In the Budget Speech, the Premier went to great pains to mention only one Cabinet Minister of all the Government and that was the Minister of Education, the great contribution he had made to education in the Province. It was rather significant to me that the Premier seemed to be fighting a case for a minister who apparently had sort of gotten on the wrong path somewhere along the way, and to me any Government department, a very very serious department - I cannot hear the hon. gentlemen, could you ask him to speak a bit louder, please.

We have Common Rooms, Mr. Chairman, I think it is about time for this House to really take note of these facts. We have Common Rooms, if they want to have a meeting go in there. When someone stands on this side to speak, if they do not want to listen to them, put plugs in their ears but do not speak louder -

CAPTAIN STRICKLAND: Why do the hon. gentlemen not stop when we are talking over here?

MR. MURPHY: Very seldom, very seldom do we interrupt any speaker on that side of the House.

MR. CHAIRMAN: The hon. member is entitled to be heard in silence.

MR. MURPHY: Thank you Mr. Chairman, I appreciate that. As I was saying, the minister in charge of any department has a very great responsibility to administer that department and to administer it in the best interest

MR. MURPHY: of all factors concerned with that department, whether it be the general public at large, whether it be the Civil Service employees as such in this building or whether it be any other area of people connected with that particular department.

In recent weeks, in recent months as a matter of fact, we all have witnessed what happened with the teachers, the strike, the statements back and forth, charges, counter charges which did not in any way, in my opinion, Mr. Speaker, add anything to the reputation, to the credibility nor to the overall administration of any department particularly, and I say this, the Department of Education, which touches directly so many of the youth of this Province. Mr. Chairman, in recent weeks, at a meeting of the Teachers Association, I understand, I was not present but I understand from news releases, where a vote of censure against the minister of that particular department was passed by this Body, which represents some 6,000, I believe, members. What will be the position of the Department of Education in the days, weeks, and a couple of months that are left ahead for this minister in the general administration of education, particularly when dealing with the teachers who through the years, if anybody has listened to debates and statements in this House, are and must be the molders of our youth?

Quite frankly, Sir, I cannot see any smooth operation of this department while this situation remains. We can get comments from individuals, get any member in this House to make a comment, but I believe, Mr. Chairman, in the overall picture, unless a minister, and I am not talking about one or two or three individuals that complain about his efficiency, or lack of efficiency, but I am speaking about a huge group connected with any particular department and I refer here particularly now to the teachers. I am just wondering Sir, in the best interest of this Department of Education, important as it is -

MR. MURPHY: It is difficult to make a silk purse out of a sow's ear, that is very true.

I believe Mr. Chairman, that this is a very, very important matter wherein, I think for the first time, for the first time in the history of this Government, a group such as the teachers, I know they have had their problems, negotiating and so forth, but when a resolution is passed by this Association, in a properly constituted meeting, as far as I know, passed unanimously - the hon. minister has asked a question, I do not know if the whole 6,000 if they got them individually would pass this, but this House of Assembly, as the Premier always says, the House of Assembly always passes legislation, I am just wondering Sir, if we could follow through on the hon. minister's question.

Actually how many in this House of Assembly have objected to legislation down through the years? Has every man in this House, every member, got to vote to a piece of legislation before it becomes effective or, when the Lieutenant-Governor comes in here to sign a Bill, does it not say that the House of Assembly has passed a certain Bill and he puts his signature to it. They do not say that the hon. member for St. John's East objected to it or the hon. member for Fortune Bay, so I think it is a rather stupid question to ask.

But Mr. Chairman, I say this is a very very serious matter, a very very serious matter. What the Government plan to do about it, I do not know. We have already had, in recent days, one Cabinet Minister resign, Why I do not know. The statements were made that the minister was not guilty of anything. There was no crime or anything committed by this minister, This was the statement in the Premier's letter to himself and the one in answer to the hon. minister, but Cabinet readily jumped to accept this resignation (Why, I do not know) to put this Cabinet Minister in the spot that he was guilty of something, implied or otherwise. But now we have a case here where the largest segment of the Department of Education,

MR. MURPHY: by their vote and in opinion have expressed lack of confidence in the minister that they must deal with day in, day out, right through months, weeks, whatever it may take.

So I believe, Sir, in my opinion, and I am not going to make a motion, but just express my opinion, that his minister, in fairness to the department and in fairness to the thousands of people that are represented by his department and his department deals with, and in view of this vote of non-confidence, which we read was unanimously approved by representatives of some 6,000 teachers, the back bone of our education system, that it should be looked at very seriously and it is in the best interest of education, that the minister should resign - should resign.

AN HON. MEMBER: Jackass -

I am no jackass. I am not a weasel either. I am no jackass. Listen, look at the face on it, look. I was always warned to be careful of weasels, the most dangerous animals in the world.

Mr. Chairman, would you kindly ask that this remark be taken back. I am no jackass. Would you ask the Premier to take that statement back, and I will wait for the Chair's decision.

MR. CROSBIE: Mr. Chairman, a day or two ago, we had to withdraw the word "cur" which is not in the same category with jackass and if the hon. Premier uses unparliamentary language he should have to take it back, he is only an ordinary member of this House. Withdraw it.

MR. MURPHY: I will take mine back when the hon. Premier takes his back.

MR. NEARY: Mr. Chairman, the hon. member that was just speaking has taken his seat, so I presume he is finished his remarks. He did not raise a point of order -

MR. MURPHY: I am waiting for a ruling from the Chair. Who is supposed to control this House?

MR. NEARY: There is no point of order, Mr. Chairman. The hon. member took his seat so I presume anybody can participate in the debate now. So can we carry on, Mr. Speaker, I want to -

MR. CHAIRMAN: I think probably it is an unparliamentary term and I will ask the hon. Premier if he would retract the statement.

MR. SMALLWOOD: I would say only that what the hon. gentleman said is jackassery. Now I withdraw my charge, my accusation that he was a jackass and say that what he said was jackassery.

MR. MURPHY: I accept that. I accept the fact that I am not a jackass.

MR. CROSBIE: What a specimen. It is just as well to leave the House.

MR. MURPHY: What a great Government it is, just as well to go down and sit in Bowring Park as try to do anything sensible in this House.

But, Mr. Chairman, as I say, these are only my remarks, I consider it very serious, I look for very many complications in the dealings of this Department and if anybody thinks otherwise they speak, but that is my candid opinion, that any minister who has not the confidence of a great number of these very important, not his employees in a sense, but people that come under him, I see very troubled days ahead in the matter of education and teachers.

MR. CROSBIE: While we are on this first vote, we can discuss the minister and his department, and there are several points I would like to bring up. First, before proceeding to collective bargaining, I would like to ask the minister if he can tell the House when he speaks, and one would assume he is going to speak since they are his estimates, what has happened to the Pentecostal Assemblies Resolution, the House passed three years ago, I think it was in 1967? The question, the Government of Canada to ask the United Kingdom Parliament to amend the BNA Act, the Terms of Union, so that the Pentecostal Assemblies would be recognized, for denominational and education purposes, in Newfoundland. I ask that question the other day of the hon. the Premier, for some reason he would not answer it. We all know that the resolution went to Ottawa and as I understand it, the position is the Government of Canada does not want to proceed with it because they do not want to ask the United Kingdom Parliament to pass any more amendments to the BNA Act.

MR. CROSBIE: On the other hand, the Parliament of Canada and the Provinces of Canada have not yet agreed on a procedure to amend the Canadian Constitution in Canada and the question then is, how long does the Pentecostal Assemblies have to wait before there is going to be action on this Resolution that was passed unanimously by this House?

It was my impression, from correspondence I have received, that the Pentecostal Assemblies in Newfoundland

May 6, 1971

Tape no. 519

Page 1

Mr. Crosbie.

are getting tired of waiting for some action on the Resolution that was passed by this House. Perhaps it was passed in 1968, three or four years ago. It was either 1967 or 1968. I also asked the Premier the other day, and he would not reply. Perhaps the Minister of Education will, Whether the Government of Newfoundland will insist that if the question of amending the Canadian Constitution is not settled in the meeting of Premiers to be held in Victoria, British Columbia, in June, if a means is not devised there that is agreed by the provinces and the Government of Canada, for amending the Canadian Constitution in Canada, will the Government of Newfoundland insist on the amendment to the Terms of Union, to make provision for the Pentecostal Assemblies as being a recognized denomination for educational purpose? Will our Government insist that it be proceeded with this year?

The question of amending the Canadian Constitution, Mr. Chairman, has been an issue for at least twenty-five years. It has been under active consideration in Canada for at least fifteen years, particularly, active consideration in the last seven or eight years. The premiers of the provinces and the Prime Minister have met at Constitutional Conferences since 1967. There is still no amending formula reached. So, in short, is our Government going to insist that this amendment be proceeded with, as to whether or not the Government of Canada and the provinces agree on amending the Constitution in Canada? That is the question. It is my understanding, Mr. Chairman, that the members of the Pentecostal Assemblies around this Province want some action in this matter and, who could blame them? It is three years ago since we have requested the Government of Canada to amend the Act, the B.N.A. Act. It is still not done. I do not want to interrupt the meeting there, Mr. Chairman. Perhaps it is a meeting to announce the hon. member's elevation to the Cabinet. There are several vacancies now any one of which the hon. member for Bonavista South is fully capable of occupying. What has the little meeting over across the House got to do with the business of the House? So that is my first point, Mr. Chairman. If the minister would care to comment on that, I think

Mr. Crosbie

that quite a few members of the electorate of Newfoundland would be interested in hearing the answer. By the way, Mr. Chairman, this vote for the minister's salary includes an extra \$10,000 this year for an Executive-Assistant. The minister might tell us just what duties his Executive Assistant has been given and the kind of work that the Executive Assistant is doing for him? We know that the Department of Education is quite well staffed, deputy ministers, assistant deputy ministers, all kinds of officials. Why was it found necessary for the Minister of Education to have an Executive Assistant? For some reason Mr. Chairman, only three Cabinet Ministers have been favoured with Executive Assistants. There are four, is it? They are: Community and Social Development, that is the minister's son, the hon. member for White Bay South; the Minister of Education; the Minister of Health and the Minister of Mines, Agriculture and Resources.

Now we realize that these four gentlemen need help. But why do they need help more than the other departments of Government need help? They are going to need a lot more help if any of them are going to get elected. Only four of them have Executive Assistants. But why these four? We realize that the Minister of Education carries a heavy burden, because he does not know who is going to write a news column next. He should get that column under more control. But why not an Executive Assistant for the Minister of Social Services and Rehabilitation? Ah! it is not announced yet. Ah! there is one coming up for that worthy gentleman and why not one, Mr. Chairman, for the Minister of Highways? And why not one for the hon. Minister of Finance? He looks like he could use an assistant, a nursing assistant. We are sorry to see that on the hon. gentleman, that thing around his neck. But there is one of those around the neck of the Government too.

Mr. Chairman, I am not against these Executive Assistants, because I would not be surprised that they were a very valuable addition. Who cares? The Premier cares. The Premier cares. Look at how irritated he looks.

Mr. Crosbie.

Look at how irritable he looks. Look at him interrupting. Look! The Premier does not care. He is just talking on the radio every day, commenting in the paper. He is hepped on the hon. the member for St. John's West. "Who cares," he says.

MR. SMALLWOOD: That is right.

MR. CROSBIE: That is clearing himself.

MR. SMALLWOOD: Who cares?

MR. CROSBIE: He cannot keep his mouth shut while somebody else speaks.

MR. SMALLWOOD: They are so bored..

MR. CROSBIE: Oh! they are so bored. They are not bored with twenty-two years of listening to the human fog horn.

MR. SMALLWOOD: No, not yet.

MR. CROSBIE: Oh! they are.

MR. SMALLWOOD: I dragged the hon. gentleman into the House, did I not?

MR. CROSBIE: He will learn. He will learn.

MR. SMALLWOOD: I will drag him out the next time.

MR. CROSBIE: Mr. Chairman, if I can proceed.

I am not saying, Mr. Chairman, that I am against the minister having an Executive Assistant. But I would like to know what the Executive Assistant does for the minister. In fact, if the minister had an Executive Assistant earlier, it might have saved the debacle that occurred over the teachers' salary negotiations. What he really needed for that was to have a new Premier actually. The debacle was caused by the Premier. Another general point in the minister's department, Mr. Chairman, is this: I asked the hon. minister, on March 10 - the question was tabled on March 10, which means that March 22 the House opened, and I do not believe he has answered it yet. How many trips has he taken since March 1, 1970 and the dates, the number of days, the places that he visited, the nature of the Government business, the cost to the Government? I do not know or I do not believe the minister has answered that yet. I do not think the Minister of Education is in the category of the Premier. He does not have people fly him

Mr. Crosbie.

all over the world at no expense to the taxpayer. He has not flown, I believe, in nineteen planes of various companies and all the rest of it. I assume that his trips, when he goes on Government business, are paid for by the Government. So I wonder if the minister could table that information for us before too much longer? It cannot take all that long to assemble. That is, if it has not been tabled. The minister looks as though he is almost smiling. Either he has already tabled it or he has got a case of wind. That is another question the hon. minister could deal with.

Thirdly, Mr. Chairman, I think that there is another point that the hon. minister could enlighten us on at this time and that is the dispute in connection with Little Bay Islands. There seems to be a difference of opinion between the school board of the Springdale Area, the Green Bay, I suppose it is, the Green Bay School Board, Mr. Rodger Simmons, who is a warm admirer of the hon. minister, and the minister, as to what the point is at issue on Little Bay Islands. Since the children have now gone back to school, could the minister elaborate for us what the final solution to this problem has been? As we understand it, there are certain - at least from the press, there are certain regulations, that you are allowed a teacher to every so many children and then, when you fall below a certain ratio, you lose a teacher. It is argued by one side that this is too rigid a regulation and that it should be bent to fit circumstances where communities are isolated. The minister says that he cannot change it. So I think it would be helpful if the minister could just outline for us what the situation is now on that?

Mr. Simmons has explained that it is in the Government's hands and the minister said that the Government cannot reverse its decision. But regulations are made by the Government and the Government can amend regulations and the Government can reverse regulations and it can do away with regulations. So, if the Government wished to change that regulation, it could change it. The Government can make exception to regulations. So, I think that this would be

Mr. Crosbie

a good time for the minister just to explain what has happened at Little Bay Islands and whether this is the only area where that problem has cropped up?

Mr. Chairman, I notice that the N. T. A., at the recent convention, in addition to passing an unanimous motion of censure on the minister, which may have had something to do with the recent salary dispute, that they also took quite a strong stand that they would like a system of collective bargaining. Now I do not know what the system is, that is in effect at the moment. It does not seem - perhaps the minister could - I may be wrong but it does not seem to me that there is any formal structure for bargaining between the Newfoundland Teachers' Association and the Government. There is not any legislation that governs it. It would appear to me to be much more desirable to have some kind of collective bargaining system set down for the Newfoundland Teachers' Association in their bargaining with the Government, which would end up with some kind of board of knowledgeable people. During the recent teachers' strike, there was a lot of argument about how the salary of teachers in Newfoundland compared to salaries of teachers in the Maritimes, Ontario and the rest. Well those comparisons, as the minister knows, just made like that, are not meaningful. What has to be compared is the salaries of teachers

MR. CROSBIE:

in Newfoundland, the cost of living in Newfoundland, the per capita income in Newfoundland and all these various factors should be considered and then compared -

MR. SMALLWOOD: (Inaudible).

MR. CROSBIE: Does the Premier want to speak? The Premier hates it does he not? He hates to have anyone else speak. Now, Mr. Chairman, those comparisons -

MR. SMALLWOOD: (Inaudible).

MR. CHAIRMAN: Order!

MR. SMALLWOOD: (Inaudible).

MR. MURPHY: He completely ignores the Chairman, nothing to it.

MR. CROSBIE: I am the one accused day after day of defying the Chair -

MR. CHAIRMAN: Order please!

MR. CROSBIE: Never mind "Order" Mr. Chairman. Whenever I make some remark I am, "Order" to me. What about "Order" to the Premier who just defied the Chair? Now as I was talking about collective bargaining, as the Minister knows, just to compare salaries in Newfoundland with salaries in the Maritimes is not meaningful but what is needed is some independent proof, an independent board who -

MR. SMALLWOOD: (Inaudible).

MR. CROSBIE: Yes, he knows quite a bit and why does the hon. Premier not listen and learn, that walking encyclopedia.

MR. SMALLWOOD: He knows everything about everything.

MR. CROSBIE: When the Premier is finished, I will continue, Mr. Chairman. Now, Mr. Chairman, what is needed, and if I have to I will just stop and go on all night if he wants to keep on interrupting like that in that stupid way, Mr. Chairman, what is needed is a board who will gather the facts and that will be considered impartial and that can give the public something to go by. For example, if there were such a board in the recent NTA-Government dispute, with an economist on it and people of that nature, in addition to

MR. CROSBIE:

people experienced in education, they would be able to say the latest offer from the Government compares to the salary scales in effect in Nova Scotia or New Brunswick and so on, because not just that the exact money being paid is the same but because the cost of living in Newfoundland is such and such as compared to theirs and these other factors that must be taken in account, therefore the offer is comparable.

If there were such a board as that who could, when it came to an impasse, advise the public on just how fair or unfair the offer was, then it is very unlikely, Mr. Chairman, that there would be any strike result because it is public opinion that determines these issues. If the public are convinced, for example, that the Government salary offer is fair, the teachers would not be on strike and if the teachers were convinced it was fair. On the other hand if it were the other way around, the Government would have to capitulate. But here in this Province one of the problems is, and there is no meeting the problem until there is a new Government because this Government is not capable of solving these problems, the problem is there is no structure of collective bargaining. The Government says to the NTA; "You can come in now and bargain on wages. We are going to bargain with you on salaries this year." It is all ad hoc. The Government appoints a committee and, who is the chairman of the committee? It is Mr. Powell, a very able civil servant but he is - The Chairman of the negotiating committee is Mr. C.W. Powell, a very able man, but who will be chairman of the negotiating committee next year and what is Mr. Powell's connection? He is chairman of the Board of Commissioners of Public Utilities.

Surely there should be people in the Department of Education or in the Government who will do the bargaining in some regular form, for collective bargaining, ending up with a submission to a Conciliation Board of experts who will issue a report as to what they think of the last offer and the position the teachers have taken. Then, if they want to go on strike, at least the public

MR. CROSBIE:

have the facts, not the charge and countercharge that we had last February, Mr. Chairman. You would read one newspaper advertisement and the scale is below what they are paying elsewhere then the Minister would come out on television or the Premier, Of course when the Premier comes out you know what to expect, He will come out and show the Government's offer higher than the other Provinces. Nobody would be able to believe or understand either side and that is what caused a lot of that trouble.

Now the NTA, at their recent convention in Clarenville, passed a resolution that they wanted a collective bargaining system instituted. So I asked the Minister to advise the House whether the Government is considering some kind of a new collective bargaining system, particularly in relation to teachers' salaries, so that hopefully we can avoid what happened in the last three or four months here in Newfoundland. I would also like to ask the Minister this, Mr. Chairman, I know it is silly to ask anything around here as the hon. Premier does not like questions being asked. The Minister said, in his bulletin of February 1971, that he was immediately initiating studies and consultations with a view to having the Government take over, without prejudice to denominational rights, full and total financial responsibilities for the construction of all schools, thus eliminating school assessments and discriminatory school taxes of all kinds whatsoever. Now that was February, 1971 and at the great disarmament conference in January, 1971, the Minister said the same thing. He implied, of course, that the taxes and assessments were going, but that was clarified later. Now has the Minister initiated studies and consultations with respect to this question of the Government taking over the full cost of education or not? If he has initiated them, who does the Minister have carrying out these studies and who is being negotiated with? Have the denominational authorities been approached for such a study to be made with their co-operation or are any negotiations going on with them? Could the Minister tell us about that? It is not good enough just to have this conference

MR. CROSBIE:

January 1971 and say this is going to be done and then later tell us that it is going to take two or three years to make a decision. Well, if it is going to take two or three years, have these studies been started and who is doing them? That is the question I would like the Minister to advise us on.

The rest of what I have to say, Mr. Chairman, can be done down through the estimates. I am glad to see the Minister disassociated himself from that column in the "Daily News" and he will probably see a lot worse before the election is over. I would appreciate if the Minister would answer those four or five points when he speaks on this item.

MR. EARLE: Mr. Chairman, my remarks on this particular department will be quite brief, until we get into the individual items. I would just like to say that I was delighted when the Premier passed out kudos to the Minister of Education, praising him as the best and most outstanding Minister of Education that Newfoundland has ever had. I think he does deserve a great deal of credit for what he has done in that particular department, but I think the Premier should have gone a bit further because I had some experience with that department, when it was beginning to get into shape and since, with the help of the denominations, and the general interest in education and of educators, has gradually or is gradually coming into shape. A great deal of the credit for this, while some of it rests with the Minister, most certainly rests with the staff that has been gathered around the Department of Education.

We are fortunately, at last, getting a type of person in the department, well educated, well experienced and well qualified, in every sense of the word, to develop a good educational programme. I am not saying that this is a reflection on those who served the department so well in the past, some of whom are still there and some of them are excellent. But, unfortunately, when Government, although it was spending growing sums of money year by year on education, it slipped very badly and this was one of the strong bones of contention that I had when I was there. It slipped very bad on the administrative

May 6th, 1971

Tape 520(Afternoon)

JM - 5

MR. EARLE:

branch of education. In other words, it was spending every-growing amounts of money year by year on education without setting up the necessary machinery to direct this expenditure in the most proficient and efficient direction. I think Minister after Minister have every reason to fight with his colleagues to say that expenditure of this size was completely unrealistic, unless we had the machinery to see that it was handled properly and I think that at long last that is beginning to take shape and a great deal -

MR. EARLE: of credit, which the Premier has given to the minister rightfully belongs to the members of his staff and the type of individual he now has around him. I am delighted to see the department taking this particular form. I know it must have done the minister's heart a great deal of good to hear the Premier on that particular subject, because it has been a long time between drinks and we have not heard too much in recent times, so it must boost the spirits greatly, I hope it does and gives him further encouragement.

On the general subject of Education, it is almost terrifying when you come to look at the budget, it is approximately twenty-five percent of the total budget for the Province, and the total expenditure \$111 million as against the total expenditure of something like \$500 million. So it is a very, very large proportion of the total expenditure of the Province. Those of us who recall the Education Conference which was held several years ago, when there was a lot of graphs produced and so on, illustrating the way in which the cost of education was going in this Province. Remember that the graph went straight up, that the rate it climbed was extremely frightening, that the cost anticipated in the growing cost of education was quite unbelievable. Apparently we see this developing now. It has been developing over the years, but it is gradually accelerating.

The point which I would like to make on that is that, this being so patently obvious and so very obvious that this is the way in which educational costs are going, there has to be within the department and with all those interests in education a very close look at the capacity in this Province to pay for this growing expenditure, and how it can cope with this climbing graph.

Not only in Newfoundland, but throughout North America, in fact, throughout the civilized world there is great questioning of education today. Anything that you read is almost inclined to say; "well, perhaps, have we just put this subject or this matter on a pedestal? Are we in a sense creating some false gods which we are kneeling down and worshipping?" Certainly in Newfoundland, of all provinces, in all parts of the world, I should say the improvement of our educational system is one of the greatest

MR. EARLE: priorities which we might consider.

But we also have to remember that there are very many other priorities in the Province, which are crying for attention. And the whole programme of the development of education in the Province must necessitate, be related to our other needs, and unless we take steps starting now to try to control the upward swing of that graph which we saw so dramatically illustrated at the Conference, there is going to be such a surfeit of expenditure on education that, I think, other services throughout the Province will invariably suffer.

It is a problem, as I said, which is not just pertaining to Newfoundland alone, It is a worldwide problem at the present time, but, I think, other parts of the world are looking at it very, very carefully indeed. They are questioning the establishment of education in the minutest detail, because those who are not directly connected with it are inclined to look at it and say, this is a bottomless pit, a completely bottomless pit that, no matter how much we pour in, more is needed. We see it particularly in our universities, The expenditure on the University this year is going up by \$5 million. I am not questioning the need of that. But just what can Newfoundland afford, and how far can it go? I should think probably the authorities at the University are asking themselves, must it be a huge university? Must we go for population, to try to get everybody a university degree? Or must we somehow try to aim for quality, with perhaps a lesser number?

Unfortunately, in the world today, there seems to be developing, particularly in Canada, that the obtaining of a PhD, degree or even a lesser degree does not necessarily mean that the person coming out is going to get immediate employment. It is unfortunate, all over the Province, all over Canada and North America today that there are many graduates of university, going out with the highest possible degree, and they cannot find employment in their fields.

I sometimes question, when you read about this, that perhaps if some of these had stopped a little bit short of that goal, perhaps if they had

MR. EARLE: fitted into other fields, because quite honestly I feel that when a man reaches that level of education he has unfitted himself for any other activity. He is not generally speaking suitable to do anything else. He has reached a plateau from which he cannot literally bring himself down.

We may have to, all over North America, look at this problem today. Are we going to aim for a community of super-educated people that are theorists or academics or something of this sort? May there not be a surfeit of these people. may there not be too many of them? I am only asking the question, I am not certainly qualified to answer it. But there must be priorities drawn somewhere. Because the expenditures themselves are increasing at such a terrifying rate that our ability to pay will demand that we pay attention to this problem. We have to, whether we like it or not, Perhaps there are those who have enough brains to figure out a solution to this or perhaps, is the answer in a changing world, that with increasing unemployment we may have to keep people in school. Perhaps, school itself will offer the type of employment that people need. Perhaps they must continue to study for long, long times and so there will not be such a big work force available.

These are some of the larger questions. But to bring it back to Newfoundland, we do not even have to get into thinking too heavily about that sort of thing, because we ourselves know that our own capacity to pay is going to put strick limits upon us. It is time for us to start thinking now, as to how best we can use that money and how best to spend it. We may have to take steps in Newfoundland, we may have to organize our own educational effort along lines which will best suit what we have do do here, regardless of what the rest of the world is doing.

We have, we hope, we are told all the time that we have a growing and a developing Province. Are we getting the people of the educational standard and the type to develop the Province along the lines that are best suited to all of the conditions, geographically, physically and environmentally and everything else in this Province? I am sure that the education people them-

MR. EARLE: selves must be very, very worried about this situation, and they are probably giving it a great deal of thought. I am only in a sense rambling on here, to try to depict some of the things which educators face today and which they must of necessity be thinking about. But, we as governments, who have to provide the money, must be in this partnership and must see that the money which we provide, in spite of the dreams of educators and other people, is directing them in the right direction?

After all, we are the ones that have to find it. Now, this brings up an interesting point. The Minister of Education and myself had some words across the House about the statement which he made at the Economic Conference, in which the Province might hope that they take over the total cost of the schools, the capital cost and so on and operating and the whole works. I felt that it was a very premature announcement, and I quite frankly accused him of political motives in making it. I think that is quite correct, because it was done at such an opportune time from a political standpoint that it breaths suspicion of the motives behind it.

Actually, I do not think that announcements of that type or statements of that type should be made so far in advance of any planning, because the minister himself admitted at that Conference that this was only in the very rudimentary stages. I do not think he had talked it over to any great extent with the people in education. And, therefore, it struck me as being an extremely silly statement to make without having cleared the grounds in that direction, because what other purpose could you attribute to it, other than a basic and raw appeal to the electorate to think that they were going to get over, to get away from

some of the cost of Education that the Government was going to assume it. I said before and I think it bears repeating that I hope there is no one in the Province as foolish as to feel that if the Government talks about assuming the full cost of Education, that they are going to be relieved in any way of paying for it because Government of itself has no money. Government only gets its money from the people, This is the fundamental truth, of course. If the Government assumes greater expense in Education or greater expense in trying to take over the whole caboodle, this money must of necessity come from people. How it comes from the people is the important point. If it is to be spread over the whole population, by means of taxation in some form or other, that will certainly make the burden more fair and I think it certainly fits in with the thinking which I have expressed over the years that the burden of Education must be borne by the whole population and not by any select few or any portion of that population.

This is immediately slapped up to anybody who says it has been the responsibility of the churches. The churches control education in this Province and therefore they must acquiesce in any such plan. Here again I differ and disagree with the Government. We know all the implications of the churches in connection with education, but no Government can dodge responsibility of operating its system in the most efficient manner and, if this sort of programme has to be developed, the Government itself must show the initiative. I am glad the hon. members on the other side find it so amusing particularly those who are connected with education. I can excuse people who know nothing about it but it seems rather strange that this is an amusing subject because I do not think it is. I think it is a very serious one and certainly, if we are to believe those graphs we saw two or three years ago, it is going to be a very, very frightening one indeed for Newfoundland.

So, what I am saying, just to return to my subject on the question of denominationalism in education, it is my feeling and I think I am

right in this, that the churches are very,very willing to co-operate in trying to meet the overall cost of education. They have assumed it over the centuries, the nooze hung around their necks,which they are finding it very difficult to cope with. While they want their say in education and rightly,they should have their say, I feel this is part and parcel of their whole philosophy that churches have a certain direct role in education. But, when it comes to money matters and the financing of it and the burden on the Province as a whole,surely that is a problem for all of our people not just for churches or denominations or groups of people. It must of necessity go to the whole population and be put on the shoulders of the whole population.

Now, how that can be brought about, and how fast it can be reached I do not know. I do say to the Minister,and I am sure he must be thinking along these lines,that the time is right.The churches and the religious organizations, to repeat myself, find it a tremendous burden. They are finding it almost an impossibility, almost beyond their ability to cope with it. They need direction from Government and they need it in the worse kind of way and they need leadership from Government. While the wheels of Government grind exceedingly slow,we may not be able to afford to wait. Remember that graph again, that graph went up at a very rapid pace indeed. It started off like this and then it ~~what~~ like that - if I remember, Well, we have reached the point where it is going up at a very rapid rate,and we are the boys who are going to have to give the answer to the people; we are the people who will have to find the money. So, I am sure that,even though I imputed the wrong motive to the hon. the minister in making this announcement at the Economic Conference,I still think it was made at the wrong time. I am sure that his basic thinking of it,that he is expressing the thinking of his department is correct that the problem had better

be tackled soon, .We cannot wait for churches or anything else to make the first move. This is a responsibility of Government and Government must -

MR.SMALLWOOD: We cannot wait for the Government to make the first move, we are not waiting for anyone else to make it, we have made the first move. Now we are asking the churches to concur in it and help us to - mainly to concur, mainly to concur in it. We asked them to concur in it. It is our move but -

MR.CROSBIE: Mr. Chairman, is the Premier speaking in the debate? If he is, I think he should stand like the rest of us do.

MR.HICPMAN: Mr. Chairman, along the same lines as just mentioned by the hon. member for Fortune Bay, The denominational educational council, which is really the churches, my understanding is that they now find themselves in a state of concern, confusion/^{as}to where they stand with respect to the capital cost of building schools in this Province.

I think I can say fairly and correctly, whatever consultation has taken place since the development conference, there was very little if any consultation on this particular point before the announcement was made to the development conference some months ago. The concern that has been expressed to me by people involved in education, both at the school board level and at the denominational level, has been that they seem to be going from pillar to post. A policy is laid down in education, in the new School Act and in the new Department of Education Act. They believe that somewhere within that legislation and in the framework of that legislation there is an attempt to implement a form of foundation programme in this Province as recommended by the Warren Commission. They start to do their planning and their projections to meet the demands that are imposed on them. Many of these school administrators and school board members, who are serving free of charge, serving their particular areas or communities, have come to the conclusion, if they are going to meet the projected requirements in this

Province that there is going to have to be heavier local involvement. Suddenly they find; and these are not my words, these are the words of a chairman of one of the largest consolidated school boards in the Province that serves a great deal of the Avalon Peninsula. These are his words made, at a school-closing or prize-giving on the night that the hon. minister made his announcement. He told how the board, in the exercise of their responsibility, had called in a firm of management consultants to do a very careful projection of the educational requirements of their district, in the light of existing legislation. At the same time to look at the capacity of the people in that area to pay, and having done both this they would then seek to implement a school tax authority so that there could be -

MR. HICKMAN: reasonable payment and reasonable planning for the foreseeable future? It would also have one very salutary effect, Mr. Chairman, in that we have a lot of institutions and organizations in this Province today that find that they are in a unique position, national institutions, chartered banks, Canadian National Railways, Department of Transport in Gander and I am sure many others, those who operate nationally in Canada, they discharge their responsibility to the Provinces and communities in which they do business because they pay a school tax. They budget for it. Obviously they budget on a National basis, but they find that they are relieved of these obligations in Newfoundland and this is quite unfair. Gander, I understand it, has proven the advantage of having some form of local involvement. It is my understanding that whilst the Crown will not admit that it is subject to taxation by a local school authority, that the Department of Transport has said; "if we were taxable we would be called upon to pay to the Gander school authorities "X" number of dollars and we would pay that grant in lieu of school tax."

But all this was being planned and projected and suddenly, according to this chart, and I have no reason to doubt his word, as he said it public, he hears the announcement that Government are now going to consult with the churches to decide whether or not the churches want Government to take over the full cost of education, of building schools, so he said; "what do we do? There is only one logical thing to do, tear up the work we have done for the last three years, dismiss the management consultants who we have retained and wait until we get another decision." Now, this is logical, totally unnecessary, but the point I am making is this, Mr. Chairman, my understanding is that if they have not done it, they are in the process of doing it right now. And, Mr. Chairman, the thing is that here is some real progress being made that was suddenly cut off before it really got off the ground. I do not care what sort of scheme is devised for financing education in this Province,

MR. HICKMAN: we will still have to have local financial involvement on the part of the people in the various areas. It is inevitable.

MR. CROSBIE: Mr. Chairman, could the Minister of Justice tell us what the programme is for tonight? Is it the Budget Speech or Estimates or what?

No, I asked the Minister of Justice, not the Premier. It is the Estimates, is it? Thank you.

On motion that the Committee rise, report progress, Mr. Speaker returned to the chair.

MR. NOEL: Mr. Speaker, the Committee of Supply have considered the matters to them referred and report progress and ask leave to sit again.

On motion report received and adopted.

MR. SPEAKER: It now being six o'clock, I do leave the chair until eight o'clock.



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VERBATIM REPORT

THURSDAY, MAY 6, 1971

SPEAKER: THE HONOURABLE GEORGE W. CLARKE

The House resumed at 8:00 P.M.:

MR. CATALANAN: Mr. Speaker, with the indulgence of the House, I have a brief announcement that I think would be of some interest.

Mr. Speaker, I have a telegram that has just come to my attention, advising that the Federal Treasury Board, the Treasury Board of the Government of Canada, has approved the issuance of a survey contract to E.C. Granter and Associates, in respect of the legal survey for the Gros Morne National Park at Bonne Bay.

There were six tenders and the award of course has gone to the low tender and I expect to have the details of the tenders tomorrow. I am advised that the Granter tender was by far the lowest. I have had a brief word with Mr. Granter and I understand that he will be getting to work, or his Company will, very quickly. He has assured me that, insofar as possible, whatever manpower is required for the survey, which in fact will be the biggest, the largest land survey ever done in the Province, the manpower for that, except for his key people, of course, will be recruited and hired in the Bonne Bay area.

On motion that the House go into Committee of Supply, Mr. Speaker left the Chair.

MR. HICKMANN: Mr. Chairman, before we adjourned at six, I was commenting on the difficulties in which school boards now find themselves as a result of an indication by the hon. minister that consultations and studies will commence to ascertain whether or not Government should bear the full cost of construction schools. I referred to a speech that was made at the time the announcement was made by the Chairman of one of the Avalon Consolidated School Boards and I would like to refer very briefly, to the speech, I have now found it, because I think it emphasizes and points out very graphically the problems that now face school boards that have demands to meet this year or the coming academic school year.

If you talk to any school administrator, maybe it prevails throughout North America. I do not know but even if it does, it is quite

MR. HICKMAN: wrong to paint a picture of glowing giant strides in the field of education when that is not true. If there is one yardstick that is not applicable to education it is the yardstick of comparison with the past. If there is one field, if there is one department of Government that is taking a retrograde step, it would be the Department of Education if it started to compare with the past, that in Newfoundland in 1935, we had "X" number of schools, and in Newfoundland in 1945 we had "X" number of schools, and in 1955 we had a certain number and in 1965 we had a larger number of schools or alternatively we have larger schools and less one-room schools.

Now I would think that this Province cannot take too much delight over a statement in the Budget Speech indicating the comparatively large number of one-room schools that we still have in this Province. I do not think that any Minister of Education or any Government can rest easy until we can produce a Budget Speech which says that today in Newfoundland there are no one-room schools. This, in my opinion, should be project number one in developing the educational process in this Province. But Mr. Speaker, I repeat - the comparison with the past can only be designed to obscure the needs and demands of the present and the future.

To get back to the problem that the school boards are now facing in this Province as a result of the announcement that studies will start, I refer to this speech and it goes on to say, this speech was prepared before the announcement, the day before the announcement, the announcement came the next day. "Not even DREE funds provide one hundred per cent of the cost of your school boards. , I agree with you that school assessments are inequitable and inequitable and that they penalize people for having children.

We are hopeful that in the very near future, say in a year or so, a more equitable system of financing the community part of

MR. HICKMAN building costs will be found. We are working intensively on the matter for the situation, to be the best one, demands careful study and study in depth as do all good plans for basic restructuring."

Your School Board and the Roman Catholic School Board, in this district, working together now for some time on this matter, and the Pentecostal Assemblies, have joined us in this study. We have retained a firm of professional consultants to assist us. We are moving with careful haste in this matter."

Then the Chairman goes on to say that until this study is completed.

Then Mr. Chairman we come to the real crunch, because this speech had to be revised following the minister's statement.

"Ladies and gentlemen, I have prepared the foregoing remarks prior to the minister's statement of Tuesday past. He indicated that Government will be studying and exploring the possibility of providing one hundred per cent of the cost of school construction and that consequently the need for school assessment may be eliminated. I gather that school taxes, as they now exist on a regional basis within this Province, may be eliminated."

The minister was good enough, on Wednesday past, to reiterate that the possibility was only to be studied and explored at this time. Therefore I must remind you and state clearly that school assessments are not yet eliminated nor is there any positive assurance when they will be eliminated, however, as this is where the planning gets the kick in the pants. We are now in some doubt as to whether or not we should continue our studies in the area of school taxes embracing the whole community. This doubt has to be resolved and, Mr. Chairman, this is a real doubt and it is not only a doubt because of the statement of the hon. minister, that studies are now going on, but you only have to look at what happened a few years ago. There were areas in this Province that

MR. HICKMAN were prepared to assume a certain amount of regional or community responsibility and who had taken the necessary steps in order to implement some form of school taxation.

The very minute that the Speech from the Throne was read in 1966, saying that school taxes, school assessments were eliminated, or school fees, at the time, these people found themselves in a position where they could no longer implement. I know of one town where the tax authority was actually proclaimed and they had to abandon it. They have not gotten back to it yet, nor have they been able to provide the facilities that they believe that the students in their town should have.

Now, Mr. Chairman, if we believe that the time will ever come when there will be no local involvement insofar as school maintenance or school construction or school operation is concerned, then obviously we are burving our heads in the sand. Because, Mr. Chairman, should that occur, should this present pattern of, I was going to say obfuscation but the hon. member for St. John's West has a patent on that word. In Grand Bank we used to call a fellow who tried to obscure the facts a "feather plucker," whatever it is, this sort of approach, of obscuring the facts, is making it very very difficult for school boards in this Province to maintain the local support that they must have. Even the integration; one of the growing pains, and I am sure the hon. minister will agree that one of the growing pains with the integration and enlargement of the large boards have been a lack of interest on the community level. The people in one town are referring to, that School Board in Salt Pond, or that School Board in Carbonear and they somehow or other feel that they have been left out. Any principal will tell you that he is having difficulty in generating the local enthusiasm and local support that he had before. But in the long haul, when you look at the programmes that integration will bring if the money is made available, that is a very small price to pay but it is a price, if you relate that to the Provincial scene.

MR. HICKMAN: I quote a statement made not too long ago that, if the pattern continues of announcements and studies, without some consultation with the School Board Association in advance, then no self-respecting Newfoundlander will serve on a School Board and this would be tragic, indeed tragic to the nth degree.

Now Mr. Speaker, in our anxiety to convey the idea that all is well with education and trying to relate it, making the tragic mistake of relating it to the past, and what we had in the past is totally irrelevant and then trying to measure everything in dollar and cents and placing great emphasis on the fact that twenty-seven or twenty-eight per cent of the Provincial Budget is now going into education, we overlooked one other thing, that that is not the only yardstick. Indeed it is not the yardstick used in most Provinces to measure the thrust of any Government in the field of education. The main yardstick is to take a look at what the per capita expenditure is in any parituar province. And I would refer this Committee to the recent report, the very recent report of the Regional Development, Public Finance Pamphlet, issued by the Atlantic Provinces Education Council. There is a short section, a short chapter on page fifteen, dealing with education.

I do not propose to read it all, although it is not that long, but it deals with the period 1960-68 and it says and I quote:

"At the beginning of the period, spending on education in Newfoundland, back in 1960, was about \$36 per capita, the lowest in the region, compared with that in Nova Scotia of approximately \$59 per capita, the highest in the region. By 1967-68, Newfoundland's per capita expenditures had increased to nearly \$166 per capita and were the third highest in the region. Those of Nova Scotia remained the highest at almost

Mr. Hickman.

\$24 per capita. By the end of the period education expenditures as a portion of the cost of services provided had increased in each of the Atlantic Provinces. In Newfoundland by almost nine percentage points to approximately twenty-six per cent, in Prince Edward Island by eighteen percentage points to approximately thirty-four per cent, in Nova Scotia by about eleven percentage points to approximately thirty-eight per cent, in New Brunswick by about five percentage points to approximately twenty-eight per cent."

Now, Mr. Chairman, there is the yardstick. If we are going to or if you remove for a minute, out from the argument, the Province's ability to pay, the real yardstick when you are talking about the great thrust in education and when you get away from the silly approach of comparing the present with the past and look realistically into the future, the real yardstick is what is the per capita expenditure. It will be totally unrealistic to compare our per capita expenditure with Alberta, Ontario or some of the larger and wealthier provinces. But it is not unrealistic to compare our expenditures with our sister provinces in the Atlantic. It is not an answer to say that they were into Confederation ninety years or eighty years before we were. Because practically every school anywhere in Canada has either been renewed or rebuilt or replaced during the last twenty or thirty years. What we have to measure or the yardstick we must use is what thrust are we putting into education now? In that respect we do not rank in a very good position, that is if you leave out ability to pay.

Now, when you come to ability to pay, you get to the question of that naughty, naughty word "priorities." The point I am making Mr. Chairman is..

MR. CROSBIE: You should not use that.

MR. HICKMAN : Again that is another word coined by the hon. the member for St. John's West. I do not want to trespass on his dictionary. The point I am making is this: The question of ability to pay is one factor. It is a factor. It is a most important factor. Education costs are now becoming a real political issue in many Canadian provinces. Indeed, only two days ago I saw where there was a meeting attended by 800 people in some county of Nova Scotia, where they passed a Resolution calling on the Government of Nova Scotia not to spend any additional funds on education, until after a Royal Commission has met, but simply maintain present services. But the point partly, and again in Ontario, it has become a first-class political issue. Mr. Chairman do not overlook the fact that five years before, in these provinces, in the Province of Ontario, the now Prime Minister of Ontario, made his name because he channelled so much of the province's funds into education, because the demand was there. Now that they seem to be keeping pace of current demand and changes in technology and everything else, the pendulum is swinging the other way but the pendulum in this Province is still swinging much further to the right. The demands are still increasing. Mr. Chairman what I say is this: Level with the people and say that there is a great deal more to be done in education, a great deal more, and do not simply use figures and comparisons with the past to try and convey an impression that all is right with the world, when nothing could be further from the truth.

Now, Mr. Chairman, I would hope that the minister, when he gets into his estimates, will give this committee some indication as to what the policy or as to what his policy is with respect to school construction in this Province. I am fully cognizant of the Terms of Union and that under the Terms of Union monies must be distributed to the denominations on a nondiscriminatory basis. But that is only one part of the problem. The problem I see, having distributed the money on a nondiscriminatory basis, in my opinion, does not relieve the minister or Government of all

MR. Hickman

further responsibilities for the construction of schools in this Province. You cannot hand over to the Denominational-Educational Committee or to school boards or to any one else a huge sum of money and say; do what you like with it. You cannot - any province that is going to show leadership in education and particularly a province where the hon. the Minister of Mines, Agriculture and Resources says that the ability to pay is a most vital factor, which means that we got to get 100 per cent value for every dollar we spent. Then surely that Government, if it is going to show leadership quality, cannot sit back and allow duplication of effort. If, for instance, a school board serving a particular district decides to borrow, based on its projections and its studies, to build a school to serve "X" number of pupils in that area and to meet all of the needs of that area, I think it would be a complete abdication of the responsibility on the part of the minister, if he would then allow another school to go in that area, which would have two criminal results, Criminal in the sense of educational process: (1) It dilutes the school that is already there. It dilutes their programmes there, because all grants are based on a per pupil basis. (2) It would mean that those who would then move to the second school would be receiving a quality of education not as good as that which they left. I would like to hear the hon. minister extol and reiterate what his policy is and what control he exerts over the planning and construction of schools in this Province. We cannot afford that luxury. The parents, make no mistake about it, do not want that luxury. We are entitled to see to it that areas that are fully serviced now do not add duplication and that the money that should go in areas where you have less services should be taken care of.

Now, Mr. Chairman, the hon. the member for St. John's West referred to a situation which has arisen in Little Bay Island. And Little Bay Islands is only one example of a situation that obviously must be found and does occur in many areas where you have a declining population. I do not believe

Mr. Hickman

the answer is to say we have a hard and fast formula; that we have a teacher/pupil ratio and that we cannot depart from it. I think that, written in and built into that formula, there must be some other consideration. I think there is where a place like Little Bay Islands is entitled to special consideration. The formula that applies to St. John's discriminates against Little Bay Islands and discriminates very viciously. It discriminates against Little Bay East to the bottom of Fortune Bay. It discriminates against a dozen of our smaller communities. Yet we are told that this year, because of a decline in the school population of Little Bay Islands, one teacher less will be there.

Now, Mr. Chairman, this has to go to the quality of education flourishing in Little Bay Islands. It is not an answer. The answer that I heard the other day is not an answer. It is a cowardly one, but it is not an answer to say that the Integrated School Board of Green Bay can, if they want to, pay the salary of another teacher. Then say they do pay bonuses to their superintendent, they do pay bonuses to other people. That is not the answer. The answer is that the final responsibility for maintaining the quality of education in Little Bay Islands rests not with the school board. It rests right here with this House and with the Government. If it means that the formula has to be varied to take care of these areas which are becoming fewer in number each year, that is all to the good. This will not bring on any screaming demands from Corner Brook; to say, because you did it for Little Bay Islands that you gave them one extra teacher for one more year or two more years, therefore you extend that formula to us and we must therefore have a similar number. They would be delighted to see it happen.

Mr. Speaker, while again we are on the question of school boards' ability to pay and to maintain their programmes, which they had not been able to maintain during the last two or three years, I am sure the hon. minister will agree when I say that worthwhile programmes in many school

Mr. Hickman

districts in this Province, during the past two or three years, have had to be either reduced or eliminated, because of the inability of these school boards to find and pay the teachers, because of lack of sufficient funds.

Now I say, Mr. Chairman that the need for these programmes are becoming more and more apparent every day. We have to accept the fact that before 1980 comes upon us, Newfoundlanders will be enjoying a four day week. This is as sure as the night follows day. It is starting now in North America. It will spread before ten years have expired. We will be living in a society which has a four day week. You cannot fight it, whether it is good or bad, I suppose you can get all sorts of arguments. With automation I suggest it is good, because that is the only way we are going to gainfully employ our labour force. So with it also comes the responsibility in the field of education and that is to educate young Newfoundlanders, who are going to reach adulthood and beyond in the 80's and the 90's, to be able to enjoy this additional leisure time that they have. It will be no good putting a man or woman on a four day week, if it simply means that he or she then stays home for the other three days with nothing to do or goes out and paints the fence once a year or goes out and hauls a few potatoes. That is not going to bring the rewards and the blessings that they want. They want to be able to enjoy their leisure time. This is where our specialist programmes - these are where the programmes and the music, art and physical education will become of increasing importance as the years go by. The hon. Minister of Social Services and Rehabilitation is hot on curling clubs. But whatever it is, if people are going to have leisure, they are going to have to be educated to enjoy it. I was told at one time - in Newfoundland we have always had the philosophy that a particular sport or a particular art or a particular enjoyment was restricted to those who were capable of participating. If you were a musician, you know, music was for the musicians. Art was for the artist. Mr. Speaker, this philosophy still prevails in this Province.

Mr. Hickman.

Yet I am told that if you were in Copenhagen and you went to the opera there (There are many of them I am told, but I have never been there) you will see men coming off the waterfront, who could not carry a tune in their head if their life depended on it, going with their families to the opera. You will see them in the art galleries. The thing is that they appreciate it. What is the difference between appreciating art and music and hockey? You, Mr. Chairman, may be the worst hockey player in the world, but you are waiting tonight with great anticipation to get out of this Chamber and watch a hockey game, because you understand it.

Now if our students were given the training - if the programmes were made available. We started them four or five years ago, but had to retract. If they were given the opportunity to appreciate this music and art, then when they get their leisure time

MR. HICKMAN: They do not have to be musicians. They do not have to be artists. They will be able to take advantage of this.

Mr. Chairman, another programme - I do not know how much it has been retarded, but put it this way; whether the brake has been put on, the minister has taken his foot of the accelerator, very definitively. This is in the programme of providing the required number of specialist teachers to take care of the slow learners in the schools throughout this Province, the reading specialist, I saw a survey that was done four years ago, to see how far below the Canadian average the Newfoundland students are. It is, as far as reading capabilities are concerned, absolutely frightening. Yet, how many reading specialists do we have? We have a highly qualified educator in the Department of Education now. We have maybe one or two others in the Province. But, a School Board has to scrape the bottom of the barrel, they have to make some pretty agonizing decisions. Do we hire a reading specialist or do we hire a music specialist, or do we hire a physical education teacher, or do we hire another science teacher? Because we cannot have them all.

Yet, if we do not have adequate reading specialists, if we do not have adequate slow learner teachers, we are condemning this Province to a continuation of Canada's highest drop-out rate as far as students are concerned. And, Mr. Chairman these problems are avoidable and they are curable. If you take today a boy or girl going into kindergarden or Grade I and it is ascertained that that student is a slow learner, it is not necessary for that student to drop out of school, as it is now happening in Grade VII or Grade VIII, and becoming a drug on the labour market. That is not necessary, because if you have the specialist in that field available, whilst they may not graduate with high matriculation marks, and whilst they may never get into university, it is a sure and certain fact that they will come out with a school leaving Grade XI certificate and will qualify to get into the Trade Schools and maybe into the school down here or the Fisheries College.

It makes sense, if you look at it, if you want to be completely impersonal, if you want to be completely unsympathetic, if you want to look at

MR. HICKMAN: it purely in dollars and cents, the choice is simple.

If you provide the specialist now, true the cost will increase, but you will save millions in ten years time that you would have to spend in supporting these people who have no training, no attributes and they are unemployed.

Mr. Chairman this is why, in my opinion it is quite wrong, quite deceptive to indicate that today all is well in education in this Province. Mr. Chairman last June, and I suspect the picture has not improved because the additional grants were announced prior to June, last June a survey was made of some of the larger school boards in Newfoundland, to try and ascertain their financial position for 1969-70 school year and for 1970-71 school year. The information that was gleaned from this survey indicates that practically every school board in this Province today is in financial difficulties and obviously must restrict programmes.

I would like to read, for the record, the results of this survey. The Avalon North Integrated School Board 1969-70 substantial deficit; 1970-71 larger deficit than the previous year. Bay of Islands St. George's Integrated 69-70 deficit; 70-71 deficit. Bonavista Trinity Conception Integrated 69-70 break even. No figures available at that time for 1970-71. Exploits Valley Integrated deficit, larger deficit than the previous year in 70-71. Exploits Valley Roman Catholic School Board break even 69-70, no deficit anticipated 70-71. Green Bay Integrated School Board \$66,000 deficit 69-70, \$87,000 1970-71. Notre Dame Integrated 69-70 substantial deficit. These were factual because they had already occurred; 70-71 larger deficit than the previous year. Pentecostal School Board 69-70 break even, 70-71 at least \$50,000 deficit. St. Barbe South break even, \$20,000 deficit this year. Terra Nova Integrated \$77,000 deficit 69-70, \$54,000 70-71.

Now I do not know how many of these projections came through for 70-71 but in 69-70 these were work projections, these were not cold, hard, cruel facts. Bear in mind, Mr. Chairman, that apart from these deficits, these unavoidable deficits, there were already restrictions and cutbacks in essential programmes and essential services in the various schools that came under the administration of these school boards. So, Mr. Chairman, what is the answer? Is the answer

MR. HICKMAN: a simple statement that Government will now take over the total cost of education? Obviously, that is not the answer, because that completely eliminates all local involvement. It may have most political appeal, but, it is only compounding the felony. Mr. Chairman the answer surely is to see (1) that we get full value for every dollar we spend on education; and (2) we take the people into our confidence; and (3) that we do nothing to destroy local involvement.

This year, Mr. Chairman, has not been a good year in education. This has probably been the unhappiest year that we have seen insofar as education in Newfoundland is concerned. This year, for the first time, to my knowledge, in the history of education in Newfoundland, we witnessed a withdrawal of services by school teachers. The wounds that were opened not only by that withdrawal of services, but even more so by the manner in which that unfortunate crisis was terminated and that unfortunate and unnecessary crisis was terminated, has created wounds that will not heal for a long, long time. Mr. Chairman, that must reflect in the quality of education that we get in this Province.

It stands to reason, Mr. Chairman, that if we have an unhappy teaching profession, and they are unhappy now, make no mistake about that. They will be unhappy, if you double their salaries tomorrow. They would be unhappy because of the way they were unnecessarily held up to public abuse and public ridicule, and then, when they thought they had worked out a face saving settlement, they were nailed again, "Let us nail them so they will never raise their heads again." I say, Mr. Chairman, that we have, the students of Newfoundland for the next few years will suffer from this tragic and unnecessary, totally unnecessary confrontation that occurred this year and marks probably the most tragic chapter in the history of education in Newfoundland.

Mr. Chairman, there are just two other things that I would like to direct to the attention of the hon. the minister at this time. (1) I think, I know some of the problems, some of the reasons, but I would like, and he will be doing himself a great justice, if he will disclose the fact.

MR. HICKMAN: I would like for him to disclose to this Committee why all the frustration and delays, some of them almost appear to be deliberate delays in the implementation of the DREE Programme, as it relates to schools. In February, I think, or March of last year, there was a joyous announcement made in this House by the hon. the Minister of Community and Social Development, He announced that DREE funds were now available for the construction of three schools in St. John's, one in Marystown, one in Burin, one in Grand Bank, one in Happy Valley and, I believe, one other. Everything was going to get started. Now it was a breakthrough, it was a great breakthrough to get the Federal Government to accept some responsibility for education costs. It is a tottering step in the right direction, because some day the Government of Canada has got to recognize its responsibilities and stop hiding behind the British North America Act. Insofar as education is concerned.

But what has happened since? It is now over a year since that announcement was made. We are now five months away from the commencement of the next school year. Of all the schools that were announced fourteen months ago, there is only one school that is likely to be open and ready for occupancy and operation in Newfoundland from DREE money, in this school year commencing September, 1971, that is the elementary school that is being built out here for the Avalon Consolidated School Board.

What has happened to the Roman Catholic School for here? What has happened to the Junior High School that is just starting here? The Elementary School in Salt Pond, Burin, the site is still being cleared and they are about ready now to pour foundations and do some work. Grand Bank, they are just starting. Marystown, I do not believe they have started at all yet.

If they have started, they are just starting on the site clearing. If the same applies to all of them.

Now, I am not blaming the hon. the minister at all. What I am saying is, and I am sure he will agree, that there is something wrong with the way the DREE funds are being administered and the DREE programmes are being implemented in this Province. I suggest that Mr. Marchand is a reluctant bridegroom, it is a gun short marriage when it comes to spending DREE funds. They

MR. HICKMAN: can find more reasons, more excuses to postpone it, if you want to build a school, well, we will get the political mileage out of it first by announcing it now. But that is only the start of the battle. So the next thing you hire architects, approved, it must have the approval of Ottawa. Then, the architects sit down and eventually they prepare a plan, at the suggestion of the school board. The hon. minister can correct me when I go wrong with the chain of events, Then the school board sends that plan on (these are preliminary plans) to the D.E.C. Then, in turn, eventually the plan tortuously wind their way into the hands of the Minister of Education.

Then the Minister of Education submits them to his counterpart. (I believe there is a committee of Deputy Ministers somewhere in between) to his counterpart, the Minister of Community and Social Development. Then the Minister of Community and Social Development sends them on to Ottawa. Now these are preliminary plans, Then back they go again, all down the route back and forth; nobody can move. Nobody seems to have the authority in DREE to say, "look, these are preliminary objections, we know the plans have to be tidied up yet, but let us get enough done now, so that we can call site tenders, so that we can get on with the job."

Parents are coming to the conclusion, Mr. Chairman, there is so much red tape involved in getting Dree funds that it has to be deliberate on the part of somebody in Ottawa. Somebody is deliberately saving money, This is an old Ottawa trick, It goes back to the days of cost sharing on highways. Make the announcement, say that the cost sharing is available to pave the Trans-Canada Highway, but then drag your heels and you will get the cost into the next fiscal year. They forget all about the fact that parents and school boards and teachers are held up in implementing programmes or replacing schools that are desperately needed, while they play fun and games, putting red marks and red pencils marks through every plan that comes. No trouble at all to delay the construction of a school for six months, if you want to. It has been over a year now and I hope the hon. minister agrees with me because I am not blaming him. I say the blame rests with

MR. HICKMAN: DREE, and rests firmly and squarely on the shoulders of those who administer that fund. It is wrong, it is unnecessary, and I say it is deliberate. If the Government of Canada wants to balance its budget, let it balance it some other way than at our expense, through DREE funds.

Mr. Chairman, there is just one more question that needs arising and it needs clarification. This I have been asked to bring to the attention of the House. In 1968 this House, unanimously, (I think it was 1968, yes.) unanimously, April 24, 1968, this House unanimously passed a Resolution calling on the Government of Canada to set in motion the necessary machinery to amend the British North America Act to firmly entrench in that Canadian Constitution the rights of the Pentecostal Assemblies insofar as

MR. HICKMAN:

education is concerned. The Pentecostal people are not satisfied and I repeat, "are not satisfied," in fact they are convinced that the necessary enthusiasm and the necessary action have not been taken to implement this programme or alternatively, at the time the resolution was passed, it was known or should have been known that this is not likely to become part of the Constitution of Canada.

I was given, brought to me the night before Easter Sunday, the night before it became a public document, a copy of the "Good Tidings." The person who gave it to me, from the Pentecostal Church, said that this is hardly an appropriate title. In it the matter came out, and this is a matter that should be before this House because, last year, Mr. Chairman, I tabled a question in the House and I ask for a progress report. The question was answered by tabling a letter from Mr. Speaker to the Clerk of the Executive Council or visa versa from the clerk of the Executive Council to Mr. Speaker to the Clerk of the Cabinet in Ottawa and a letter from Mr. Andrew Chatwood, or a copy of a letter from Mr. Andrew Chatwood, the executive-assistant to the Minister of Transport, to the Minister of Justice of Canada, This was over a year ago, about sixteen months ago, asking what had happened. Up to that point nothing had happened and that was the first inquiry.

Now another year has gone by and the Pentecostal Assemblies in their pamphlet state that they have been advised by the hon. Premier saying, "On behalf of Prime Minister Trudeau, Premier Joseph Smallwood has now provided to us an explanation of the delay in the matter. It is that under the provision of the British North America Act, the Terms of Union of Newfoundland with Canada can be amended only by form of petition to Her Majesty the Queen and the Parliament of the United Kingdom. This is a process which the Federal Government would prefer not to initiate at the present time when the reforming and repatriating or domiciling of the Canadian constitution is under active consideration. Premier Smallwood further assured us that Prime Minister Trudeau is personally

MR. HICKMAN:

sympathetic and anxious to have the Newfoundland resolution implemented as soon as possible. This will be done promptly, he stated, once the matter of amending the Canadian constitution becomes solely a question of the Parliament of Canada."

Now what does that mean? Nothing. That is not even sympathy. Everyone knows the history of amending the British North America Act. There have been more constitutional conferences held in Canada since the Borden Government, starting with the Borden Government, to try and repatriate the Canadian Constitution than you can count on your fingers and toes, and they are no closer today than they were five years ago. Remember, Mr. Chairman, that five years ago, at a constitutional conference the Fulton-Fabreau Formula was adopted and that formula found the key to repatriating the British North America Act, to bringing the Constitution back to Canada, and everybody went away happy. All ten Premiers agreed, the Prime Minister of Canada agreed, they said; "We will take it back now because eleven parliaments must approved and pass the necessary Legislation." It did not get beyond the Legislature of the Province of Quebec. The very Premier who said he would do it, introduced the Bill, the first sign of Opposition he withdrew it, tore it up, and that was the end of the Fulton-Fabreau Formula and you were back to point one.

Now we have had about eight, maybe nine constitutional conferences in the last four or five years, since the present Prime Minister became Minister of Justice of Canada and then during his term. Talk, they talk and they talk and everybody says we must have bilingual districts, everybody says we must preserve, we must get the Constitution back to Ottawa provided you do not take away any of my rights. Oh yes, you can bring it back but I want to be guaranteed that you will never touch education, I want to be guaranteed that you will never touch property and civil rights, I want to be guaranteed that you will not have a language court that is not provided for in the Bill now. When you relate that to this item here, Mr. Chairman, what I say is this, that

MR. HICKMAN:

if we have to wait, if the Pentecostal Assemblies have to wait until the Canadian Constitution becomes solely a question for the Parliament of Canada, then they are going to be waiting a long, long time, Because even after that happens to get the machinery in motion. The fact is that this Legislature cannot pass Legislation to amend the Constitution of Canada nor can this Legislature and the Parliament of Canada, just the two of them, pass Legislation to amend the Constitution on a matter that relates only to Newfoundland.

Confederation is a compact, the compact theory applies, the BNA Act is a contract between the ten participating Provinces and the Government of Canada, and you cannot amend that contract, even though it relates to only one participant, without the consent of the other ten. Can you not see the Province of Quebec making any commitment, which might be interpreted as even an implied assent to the Government of Canada interfering in educational matters, can you not see it? No, Mr. Chairman. I raised this because I was asked to raise it. Letters have been written now, the Pentecostal Assemblies have circulated to members of this House and members of Parliament a letter which the teachers' fellowship have now written to the hon. John Turner asking for some clarification and expressing their dismay in this concern.

What I would like to do is reiterate, for the benefit of the Pentecostal Assemblies, the position of both parties in this House; that Legislation is now in force, whether their rights become entrenched or not they are not likely to be changed, they will not be changed unless the Pentecostal Assemblies so request. This should put their minds at ease, but obviously it does not because they want it embedded in the Canadian Constitution and three years have now passed and there has been no real action and certainly no progress. Thank you, Mr. Chairman!

MR. SMALLWOOD: Mr. Chairman, in his speech here this afternoon the hon. member for Fortune Bay quoted me as having said in the Budget Speech that I brought down that the present Minister of Education was "the greatest Minister

MR. SMALLWOOD:

of Education that Newfoundland ever had." I took his words down the moment he said them. I said no such thing. Perhaps he is the greatest Minister of Education that Newfoundland ever had, but I did not say so and the hon. gentleman in quoting me to that effect misquoted me.

MR. EARLE: I did not quote it, I just referred to it.

MR. SMALLWOOD: What the hon. gentleman said was that the Premier said that he is the greatest Minister of Education that Newfoundland ever had. Now what I did say in fact was this, "Mr. Speaker, there is one member of this House and Minister of this Government who will be hailed in Newfoundland history as the great architect of Education progress in this Province. I refer to the Minister of Education, the hon. member for the district of Grand Falls. His has been the unerring hand that guided us, his the unfaltering faith that inspired us. We are proud to have so great an education leader with us in this administration and Newfoundland is fortunate too." That is what I said.

Now, Mr. Chairman, the present Minister of Education has been personally, as Minister of Education, personally responsible for bringing before the Cabinet and getting the Cabinet's agreement with a number of programmes that the Cabinet brought before this House and got this House to adopt. But these ideas were his ideas and these programmes his; the Regional and Central High School programme in Newfoundland; the school bus transportation programme; the great scholarship and bursary programme; the teachers' loan fund; the blueprint for vocational and technical education in this Province; the planning of the great new university campus; the institution of library, science and certain other grants to schools; more laterally the implementation of many of the recommendations of the Royal Commission on Education and Youth; the introduction into this House and the piloting through this House of the new Education Acts, 1968 and now presently the thorough-going reorganization of the Department of Education.

MR. SMALLWOOD:

Mr. Chairman, in all the history of this Island home of ours, wherever has there been a Minister of Education with so many great accomplishments to his credit, so many of them, so many great ones? Now there has been a resolution adopted by the convention of the NTA condemning the Minister of Education. I believe that there were perhaps as many as one hundred persons, eighty-two persons at that convention, and there are around seven thousand teachers of whom eighty-two adopted that resolution. Whether they adopted it unanimously I do not know but, if they did, it was eighty-two persons. Now that left the best part of seven thousand teachers, it certainly left one hundred and sixty thousand students, it certainly left one hundred thousand parents, it certainly left six hundred to seven hundred members of school boards throughout the Province and it certainly left the general public of our Province who did not adopt any such resolution to condemn the greatest leader in education for a good many years in Newfoundland.

Education in this Province and before we were a Province produced some great names, some great men, and these names adorn the history of our Island home. These are names that shine, these are names that deserve to be enshrined in our hearts and these are names that deserve to be remember forever by all Newfoundlanders who prize education and who understand its meaning and its great significance to Newfoundland. Samuel Codner, whose story surely must be one of the great stories in our history; Richard Barnes, the founder of the Natives Society and a great pioneer in education; Bishop Field, the great Bishop Field; Brother Holland of the Christian Brothers and Brother Cullhane of the Christian Brothers and Brother Slattery of the Christian Brothers, Brother Slattery being the man who founded the CHE, the Council of Higher Education; Dr. Solomon P. Whiteway, the head of the famous normal-school which trained a whole generation of teachers and -

which school indeed was, I believe, for a good many years the only institution in Newfoundland that did train teachers. Dr. Solomon P. Whiteway, Dr. Arthur Barnes, the first Minister of Education. Then a remarkable trio, they were, inseparable, they represented their respected denominations. Rev. Br. Levi Curtis of the Methodist Church. Dr. W.W. Blackall of the Anglican Church and Dr. (later Senator) Vincent P. Burke of the Roman Catholic Church. These three great and inseparable educators, leaders of education in Newfoundland, in addition to the countless contributions they made to the upbuilding of education, were also the founders of Memorial University College. Not Memorial University but Memorial University College, which it was and remained for a great many years until the coming of Confederation when it was made into a University, a degree conferring University.

The first President of that University, John Lewis Paton, one of the great educators that England ever produced, in the present century, perhaps, the three greatest educators that Britain has produced were Dr. Alfred Zimmern, Sir Alfred Zimmern. Professor Gilbert Murray and John Lewis Paton. Newfoundland had the great good fortune to get Paton here as the very first president of our new College, Memorial University College. The influence of John Lewis Paton is felt and seen now today. This day, tonight, in Newfoundland, you can trace the influence of the great Paton throughout the teaching profession of Newfoundland and education in general.

Then, I would say another great educator is a man of the name of Dr. Alan Frecker. Perhaps it is not entirely proper that I should name him by name, perhaps I should indicate him and say the present Hon. Min. of Provincial Affairs in the Government and member for the district of Placentia East. From 1934, when he became assistant professor in the Engineering Department of Memorial University College, 1934, on until the other day you might say, when he ceased to be Minister of Education

in this Government, the present Minister of Provincial Affairs laboured in that field, won a great and distinguished name, won the respect of every last person in the Province or in the country, as we used to be, every last person connected with Education, in all fields, and all across Canada as well; a distinguished educator. In that group of great educators, the latest figure is the figure of the present Minister of Education, whose name will go down in the history of Education in Newfoundland and for that reason will go down in the history of Newfoundland, not only in the history of Education in Newfoundland but in the history of this Province.

I never ceased to marvel at the picture of a young fellow born down in Lewisporte, a small outport, as it was then, the son of a small, and I suppose you would have to say poor shopkeeper -struggling, borrowing money, borrowing it wherever he could borrow it, paying it back eventually but borrowing money to push himself ahead in education. I cannot help but remember his becoming principal of a school in Wesleyville, then one of the largest schools in the Province, and rising up to a fabulous, a fabled and unbelievable salary each month, altogether at the peak in Wesleyville, of ninety dollars a month. Every month he got that, faithfully, every month he got ninety dollars until that sad day came when education, having cost the year before \$1 million for the first time in Newfoundland's history, I was in the House of Assembly, I was in the press gallery listening to that magnificent baritone voice of the Right Honourable Sir Richard Squires, as Prime Minister of Newfoundland, announcing with a satisfaction that you could not describe today, "Mr. Speaker, it is with joy and pride that I inform this House that Her Majesty's Government this year are going to ask this House to vote the magnificent sum of \$1 million to go to education!" The first time it had ever happened in our history. The very next year it had to be cut back to three-quarters of a million and the very year after that

again it had to be cut back to one-half of one million and that year the salary of the principal at Wesleyville was cut, as every salary of teachers was cut, and he was cut back to forty dollars a month, the principal of a great school in Newfoundland where he had students that are today notable men in Newfoundland - this he did for forty dollars a month.

So he has come up the hard way and he rose to be the principal of the largest school in all of Newfoundland, the famous Curtis Academy, which was, when he was its principal, Newfoundland's largest school. So, from teaching in some, from borrowing money to get his own education, to push himself through college, through University, going teaching, saving money, going away again and getting more education and coming up the scale, he rose to be Newfoundland's Minister of Education. I was never prouder than when I was able to pay that tribute to him in the Budget Speech a few days ago.

Now, he was attacked, He has the unique status of being the only person in the history of the N.T.A. the Newfoundland Teachers Association, of which he was for years and years a prominent officer and always a loyal friend, to be attacked by them publicly, by their adoption of a resolution condemning him. I understand, I have been given to understand that the reason they had for condemning him was that they believed that he had, or had had something to do with what I can only call an infamous column that appeared in the "Daily News" on Feb. 20, for my sins I would read it if the Committee want it. But most hon. members of the Committee are familiar with the column. The column, as the Minister said here today, in a Ministerial Statement, the column was written while he was out in Central Newfoundland and I was in Roumania, as far east as you can get in Europe without going into the Soviet Union. I was back, may be two days, may be three days, when I was told of this column, This was the first knowledge I have of it. The Minister of Education arrived, it so happened, in St. John's about the same time that

I arrived from Europe. He came to me and told me about it and I said well, I have already been told about it I have already been it, in fact I have already issued a public statement; which I did. Then I did more than that, I am going to admit the authorship of an article I wrote, of the authorship of an article that appeared in the "Daily News" a few days later, on the 27th, of the month, in which I gave the Government's and the Liberal Party's true feeling toward the teachers and the N.T.A. I will table the document, Mr. Chairman, after I read it.

Saturday, Feb. 27, on page 5 of the "Daily News" under the heading: "TODAY." "A column of Liberal propaganda written by Liberal propagandists." (You will notice that the word is plural because indeed it is written by quite a number of different people). This one read as follows, and I wrote it. In fact I do not think I need to say that because those who read it knew that I wrote it, My style of writing is, I think, completely unmistakable. I do not think I would know how to disguise it, it would seep through. Everybody knows, everyone that reads knows my style; this is my style. "Concerning the N.T.A. Concerning the teachers strike: Let the position of the Liberal Government and the position of the Liberal Party be very clear. The Liberal

"The Liberal Party and Liberal Government back the N.T.A. to the limit. They support the N.T.A. They are very much in favour of the N.T.A. The Liberal Government more than any other single influence in Newfoundland's history has promoted the growth of the N.T.A.'s strength. This was done on that day in the House of Assembly when the Liberal Government brought in legislation to give the N.T.A. the check-off." (As the Committee is aware Mr. Chairman, every person who goes teaching in Newfoundland has his or her dues, monthly dues to the N.T.A., deducted from their pay cheques. Before they get their pay cheques, the Newfoundland Government deduct the unions dues from every teacher and send a cheque direct to the N.T.A. From that moment, from the moment of the checkoff, the N.T.A. began to grow like lightning, like wildfire, and

they, before you knew it, where they had had a dingy office, now they have a building of their own, After a while they sold that building and got a larger building, After a while they sold that and built a handsome and a noble concrete edifice, where they have their headquarters now. All of this made possible by the checkoff. Which means that today the best part of 7,000 teachers are paying dues to the N.T.A., which dues are deducted in the Department of Finance by my hon. friend, the Minister of Finance, and sent, or in the Department of Education actually the dues are deducted and a cheque is sent regularly .

"You do not know what the checkoff is,"(it goes on to say)"it is the heart and essence of the N.T.A's strength. It means this, when the Government sends out a teachers' pay cheque, that cheque first has some money taken off it. The money taken off it is that teachers' dues that he owes the N.T.A. for his membership. That money taken off the teachers' pay cheque is sent direct by the Government to the N.T.A. headquarters.

" In this way, regularly, without fail, the N.T.A receives tens of thousands of dollars cash from the Government. The Government does not pay this money to the N.T.A. the teachers pay it. All the Government does is deduct it from the teachers pay and send it on to the N.T.A.

" But where would the N.T.A. be today without the checkoff? Where would they be today if the Liberal Government had not brought in a law to allow for the checkoff? Where would the N.T.A. have got the hundreds of thousands of dollars cash that the Government has passed over to them through the checkoff?

" And if they had not had these many hundreds of thousands of dollars, amounting probably to the millions of dollars, since the checkoff was instituted amounting probably to millions of dollars, how would they have financed their growth? So every fair-minded person must give the Liberal Government full marks for having helped and encouraged the

May 6, 1971. Tape 528. Page 6. Night Session.

N.T.A. to grow and become strong. It would be a very mean spirited person indeed, who would deny proper praise to the Liberal Government for this.

*The Liberal Government do not hire -

MR. SMALLWOOD: teachers. The teachers are not employees of the Government. The teachers are employees of the various school boards. All the Government does is pay them their wages. The Boards hire them and they enter into contract with them for their services." Then it goes on about the strike - I will table this, Mr. Chairman, it is on February 27th. past.

Now that was the authentic voice of the Liberal Government, and the authentic voice of the Liberal Party. The column that appeared six or seven days earlier was not - and everyone in the Liberal Government and the Liberal Party were thoroughly ashamed of it. There is a reason why I cannot say who the author was, I know who the author was. There is a reason, and if the committee knew the reason, the committee would approve my not giving the name. We took responsibility by denying it flatly.

AN HON. MEMBER: Inaudible.

MR. SMALLWOOD: Yes. No, that is repudiating it. When we repudiated it, at the moment that we repudiated it, the author of the article that we repudiated was not in the position he is in now.

Sir, the minister this year is going to spend on education, in this Province \$144 million in twelve months, in this Province on education, \$144 millions. Now that is nearer \$145 millions, in fact, and probably it will go even more than we plan at the moment. Now this, Sir, is an increase this year over last year of \$35 million. Mr. Chairman, if you wonder whether you heard me right, you did. This is an increase this year, that he is going to spend on education more than he spent last year, of \$35 millions. Do you know what we spent the first year, we were the Government, on education for the whole year? We spent \$4 millions for the year. This year he is going to spend \$35 million more than he did last year and last year he spent \$20 millions more than he did the year before.

\$144 million and, as it has been pointed out in this Chamber recently,

\$144 million this year on education alone, just on education, \$144 million is as much as this Government spent eight years ago on everything under the sun. You cannot mention anything that the Government spent any money on eight years ago, but it is included in the money, in the \$144 million, \$145

MR. SMALLWOOD: million we spent eight years ago, on everything, interest on the Public Debt, Sinking Fund on the Public Debt, 6,000 or 7,000 civil service salaries, all teachers salaries, grants to the schools, grants for the construction of schools, building of roads, maintenance of roads, plowing the snow of the roads in the winter, paving roads, building water and sewer systems, grants to all the municipalities, pensions to the civil servants, all the police, all the courts, all the magistrates, all the judges, everything under the sun, relief, social assistance, everything under the sun eight years ago. Just the other day, just as recently as eight years ago, the Government's total expenditure for everything was of the same amount as we are spending this year on education alone.

Then we hear criticism, harping criticism, piquant, peanut criticism.

Mr. Chairman, I want to say a word about our policy of having the Government of Newfoundland rather than the parents of children in school, the Government of the Province, taking it over, on its shoulders, the full burden of all the expenses of education. This is our policy. Now that means two things; we are already paying teachers salaries. We have taken that burden years ago. We are already making grants to the school to help them run their schools. We are already giving grants for science and for domestic science and for libraries and for this and that. We are already giving money to all the schools to help them to operate, what they call the operation of schools, instead of collecting school fees from the parents to pay the cost of running the schools, We have outlawed that. By law no school board today, no school in the Province, is allowed to collect a single nickle, not even a red cent to go towards the cost of running the schools. They are collecting money, however, from the parents, to go toward the cost of building schools. We are going to take that over.

We have taken over school fees, and we put a tax on the people to pay for it. Now before we took that over, the parents of the children in school were paying school fees. They were paying school fees at the one moment in their lives when they should not be called on to do it. Because the parents of young children, school age, are at the time in their lives, Mr.

MR. SMALLWOOD:

Chairman, when they can least afford to do it. There are so many other expenses in rearing a family that the cost of schooling is a ferocious burden, at least it is in this Province.

We took that over and we said, "no." We brought a law in here, this Government brought a law in here, I think-- did you bring it in? Who sponsored it? Maybe I did, did I? We brought the law in here and the House adopted the law, and made it the law of the Land. The Governor came and signed it, and it became the law of the Land. The law of the Land was that instead of the parents in the schools keeping on with that burden that they always had up to then, keeping on with the burden of find the school fees to pay the cost of running the schools, outlaw that and instead put the burden on the shoulders of the whole public, all Newfoundlanders, men and women who had no children, men and women whose children were too young to go to school, men and women whose children were left school, bachelors, maiden ladies, the whole population instead of just the parents of the children in school. In other words, we spread the burden over. How did we do it? We charged one percentage point extra on the sales tax. We raised the sales tax from six cents to seven cents, was it not? It was six percent and we raised it to seven percent, which made it one of the highest in Canada, not the highest, it is still not the highest, but one of the highest. But that one, from six percent to seven percent, that one percentage point, when it was collected from all the population of the whole Province, that brought in three, four and five times as much money as all the school boards were able to collect in school fees up to that time. They have been collecting about \$2 millions a year and less. That was what the school boards were able to get from the parents of the children in school, less than \$2 millions a year. Today we are passing over to the schools, from that one percent tax on all the people, we are passing over around \$10 millions.

MR. ROWE: Eleven millions this year.

MR. SMALLWOOD: Eleven millions this year, but that is spreading the burden on all of the people. But, the parents are still paying what the school boards call "a school assessment," not a school fee now, it is not a

MR. SMALLWOOD: school assessment. It is not allowed to be spent to operate, to run the schools, it has got to be spent to build schools..

Now, we say that is wrong too. It is just as wrong to collect money from the parents of children in school to build schools as it is to collect money from them to run the schools. What is the difference? Money is money! Parents are parents! Children are children! Schools are schools! If it is right and sound and fair and just to spread the burden of running the schools on all of the people, so also it is right to spread the burden of building schools and equipping them over the shoulders of the whole population. This is our policy. We have announced that it is our policy. We have made it very, very public.

But, Sir, we do not own the schools. And you know, it seems to be sort of fair, it seems really, when you stop to think of it, whatever you think of denominational education, whether you think it should stay, should go, should be modified, should be mixed up with something else, whatever you think of denominational education, there does seem to be something fair and square about going to the owners of the schools. Go to them, and say to them; "look, what we would like to do is stop everybody, all schools, from collecting any money from the parents, for school construction and to equip the schools. We would like to pay it." How would we pay it? How would the Government pay it? We would pay it in the same way that we are paying the school fees. We would pay it by spreading the burden on the shoulders of the whole population. Now that is fair and square and reasonable, but is also reasonable to go to the owners of the schools, who are the owners? The Roman Catholic Church owns how many schools in Newfoundland? Got any idea?

AN HON. MEMBER: Inaudible.

MR. SMALLWOOD: No not 800 schools, there are only 1100 schools altogether.

AN HON. MEMBER: Inaudible.

MR. SMALLWOOD: What! All right 800 Or 900 schools now at the moment. How many of them are owned by the Roman Catholic Church? And how many are owned by the Anglican Church? How many are owned by the United Church? How many

MR. SMALLWOOD: are owned by the Salvation Army? How many are owned by the Pentecostal Assemblies? How many are owned by the Presbyterian Church? Can you give me any rough idea?

AN HON. MEMBER: Inaudible.

MR. SMALLWOOD: The Roman Catholic Church owns about one-third of all the schools we have in the Province. When I say they own them, I mean they own them. They built them. They will always own them. They did not acquire them the other day, they built them from scratch. True they got some financial help from the Government to do it. But, all we did was give them some money. They raised the money. They raised most of the money themselves. The same with the Anglican Church, the Anglican Church owns -

MR. ROWE: Inaudible.

MR. SMALLWOOD: Well, it does not matter. If the Anglican Church and the United Church and the Salvation Army had integrated, it is still the Anglican Church and it is still the United Church and it is still the Salvation Army. It is three churches operating together.

AN HON. MEMBER: Inaudible.

MR. SMALLWOOD: The Salvation Army own eighty-five schools in the Province and the Anglican Church so many, and the United Church so many and the Pentecostal so many. But these schools are not the property of the Newfoundland Government. They never were. Maybe, one day they will be, but only with the free and willing consent of their present owners, with the free and willing consent of their present owners.

Now the start could very well be this, that the Government would pay the cost of building schools and equipping them. The Government in that case would probably have to take over their debts, the debts of the churches. The churches now have certain debts that they incurred for building schools. They owe so much money. They went out and borrowed the money. The Government, I think, would almost certainly have to take over their debts, the debts of all the churches. And, Sir, this is our policy,

Mr. Smallwood.

This is what we believe in doing . We believe in this. We want to do it. But we are not going to ride roughshod over the churches and just do it. and let them lump it. That is why we are negotiating with them. We are in negotiation with them. I say that here publicly. I could not pick a more public place to say it, could you? We are negotiating with the various religious bodies, the denominations, the churches, with a view to getting their concurrence in our proposal. We will not go forward with our proposals to take over all responsibility for the building and equipping of schools until we have their concurrence, until they agree. Now that is our policy. That is what we are going to do as quickly as we can get the concurrence of the churches. Remember, Mr. Chairman, the money to build schools comes out of the pockets of the Newfoundland people. Now it may be taken out of their pockets by the churches, in the form of collections, in the form of sociables, picnics, garden parties. It may come out - it may be taken out by the churches in the form of assessments put on the parents of the children in school. It may be taken out of the people's pockets in the form of the annual collection for the Christian Brothers. It may be taken out in a number of ways by the churches or it may be taken out by the Government. But whether the Government take it out or the churches take it out, it all comes out of the pockets of the Newfoundland people. But the difference would be, under the present system it comes out of the pockets of too few and it comes out of the pockets of those who are least able to do it. That is why I say that it should come out of the pockets of all the people, and the churches cannot take it from the pockets of all the people, only the Government can do that, if this House orders it.

One of these days, we will come into this House. We cannot do it in the present session. We do not have the concurrence. The thing is not organized. It is not arranged. It is not agreed with, agreed to. But we will come in this House, not in the present session, and we will ask

Mr. Smallwood.

the House to pass a law prohibiting the collection of any money from the school parents by anybody, and putting in its place a tax arrangement whereby the whole population of Newfoundland will bear the cost of building and equipping schools, which is the fair and reasonable and sensible way to do it.

Now, Sir, when that happens, take a place such as St. John's or such as Corner Brook, such as Grand Falls, such as Grand Bank, such as Gander, take any place you like, take Labrador City, take the City of Wabush, take any place you like, just pick your own name, if the people in such places, paying their taxes like everybody, knowing that out of their pockets, as taxpayers, they are contributing money to the Government so that the Government may build schools and equip them and so that the Government may run the schools, pay the cost of running them, knowing that it is coming out of their pockets in the form of taxes, knowing that if they feel in Corner Brook, i.e., that over, and above what they are getting from the Government, they would like to have something special in Corner Brook for their kids or in Gander, Grand Falls, or anywhere you like. They would like to have something special that other schools do not have, here would be nothing, with their willing consent, the willing consent of the people in those areas, if they consented, there would be nothing to prevent them from contributing more to their respective school boards. That is our policy. I think it is a good Liberal policy. I think it is to the heart and essence of Liberalism. It is what Liberalism is made of. Liberalism from the beginning has always been the friend of education. It takes immense pride in that fact. In fact, it almost equates Liberalism with education and education with Liberalism, almost regards them as synonymous terms - always has. That is our policy in this matter.

Now I am going to deal with that next. I am going to talk about the Pentecostal Schools in Newfoundland. Term 17 of the Terms of Confederation, under which we entered Canada as a Province. We went into Canada as a Province

Mr. Smallwood

under certain terms and conditions, and they are all written out. Here they are. How many terms are there? There are fifty terms. Now Term 17 is headed "Education" and here is Canada's Constitution:

"Term 17: In lieu of Section 93 of the British North America Act, 1867, the following term shall apply in respect of the Province of Newfoundland. Here is our term on Confederation. "In and for the Province of Newfoundland, the Legislature (That is us the House of Assembly) shall have exclusive authority..." Nobody else, only us, we have the full authority. No one else has any. We have it all. We have exclusive authority to make laws in relation to education:

Is there a full stop there? Is that the end of the sentence? It is not. There is a comma there. The sentence goes on with further words. But, oh sure, this House has the sole right, the monopoly, the exclusive right to make laws affecting education for this Province. But, "the Legislature will not have the authority to make laws prejudicially affecting any right or privilege with respect to denominational schools, common amalgamated schools or denominational colleges, that any class or classes of persons have by law in Newfoundland, when at the date of Union, and out of public funds of the Province of Newfoundland provided for education, all such monies shall be shared on an equitable basis."

Now that is the Constitution of Canada and, Mr. Chairman, it applies only to the classes- class or classes of people who had rights at the date of Union, and the Pentecostal Assemblies had none. The classes of people who had rights on the date of Union were: The Roman Catholic Church, the Anglican Church, the United Church, the Salvation Army and the Presbyterian Church, five and the Seventh Day Adventists, six. There were six classes of people in Newfoundland that had rights by law on the day we became a Province. But the Pentecostal Assemblies did not. They had no rights. Therefore, the Constitution gives them no rights. What we want is to do what I suggested to the Pentecostal Assemblies. I say here publicly tonight, I am the person who

Mr. Smallwood

suggested to the Pentecostal Assemblies, when twelve or fifteen of the leading pastors of the Pentecostal Assemblies called on me. It was one of many, many, many visits they made to me at my office to discuss with me the problem of education for the Pentecostal people.

At this particular meeting, I came up with what I thought was, to put it frankly, a brain wave. The superintendent, pastors of them, all them there, Pastor Bursey, Pastor Shaw, the brilliant young Englishman, who is the education secretary of the Pentecostal Assemblies, was there and some eleven or twelve or thirteen other pastors. I said, "Gentleman, I think I know the answer. I think I know the way to security." I said, "You have a law now that recognizes you, but this law was passed by our House of Assembly and it was passed after we became a Province." I did that too. I brought in a law in this House, a year or two after we became a Province, I brought in a law and the House passed it. I am glad to say that. I brought in a law recognizing the Pentecostal Church as a denominational body in Newfoundland. By our law, made in this House, they have full rights.

AN HON. MEMBER: What year was this?

MR. SMALLWOOD: Oh, a year or two after Confederation.

MR. MURPHY: (Inaudible).

MR. SMALLWOOD: No, I brought a law in here and asked the House of Assembly to pass it, and they passed it unanimously, Liberal and Tory, all alike. We passed that law, about twenty or twenty-one years ago, giving the Pentecostal Assemblies the same rights as any other churches. They have that now by Newfoundland Law but not in the Constitution of Canada. This House can change that law any time it wants to do so.

We could give notice tonight of a Bill. The Bill could be brought in here and three days from now we could repeal the law. We could abolish it, that we passed twenty-one years ago, recognizing the Pentecostal Assemblies. We could do it by simply passing it here by a majority in this House. You cannot do that with the other denominations though, because they have their rights entrenched in Term 17. You have to change the constitution of Canada to affect their rights, because the rights of the other denominations now are frozen in, they are entrenched in, they are

Mr. Smallwood.

fixed in concrete? Not in concrete. They are fixed in stainless steel? Not stainless steel; the basic law of Canada, the basic law of the land, the constitution of our country; but not the rights of the Pentecostal Assemblies. My proposal to that notable group that day was: "Gentlemen, I think I have it." I explained it. They said, "Premier that is it, and why did we not think of it before? Why have we been satisfied to have less than the other denominations? They have their rights entrenched in Canada" Constitution. You are perfectly right Premier. We should have our rights put there as well, side by side with them."

All right, this was agreed to, and so I brought a Resolution before this House. I asked the House to support it and the House supported it unanimously. There was not a dissenting voice or vote in this House. We all voted for it here, every member of the House, on both sides. This was a Resolution to the Parliament of Canada, praying that the Parliament of Canada would be pleased, to pray the Queen, the Queen of Canada, who is also the Queen of England, that the Parliament of Canada would pray the Queen to cause Her Parliament - remember that the Queen is part of Parliament, The Queen is part of this House. All the laws are passed by the Queen and this House. Until our laws get the Royal Assent, they are not laws. They must get the Royal Assent. The Queen must sign them. She usually has Her Governor do it for her. But the Governor is sent; "In Her Majesty's name, I assent to these Bills." You remember, Mr. Chairman? "In Her Majesty's name." So, we passed a Resolution praying the Parliament of Canada to pray the Queen that the Queen would be pleased to cause Her Parliament in the United Kingdom to amend this section 17, to amend it to include the name of the Pentecostal Assemblies.

Now, the hon. John Turner, Canada's brilliant young Minister of Justice, was in my office the other day. He came down here on a visit, a week ago I think it was, accompanied by the Deputy Minister of Justice and four or five other very outstanding men in Canada. They flew down here in a jet.

Mr. Smallwood

We spent a number of hours together. We had a meal together. He was in the Chamber here for a short while. He has also visited the other Premiers, prior to our great conference to be held in June in British Columbia. The ten Premiers of Canada.

MR. SMALLWOOD:

Canada Mr. Trudeau, the eleven Premiers are meeting in what gives promise of being the greatest, at least the most historic Constitutional Conference since the one that founded Canada 103 years ago.

In British Columbia, where Her Majesty the Queen is at this moment, in British Columbia, which now is celebrating her 100th. anniversary as part of our lovely land of Canada, in British Columbia, later this summer the eleven Premiers are going to meet and we are going to repatriate Canada's Constitution. I tell this House now, that after all the miserable years, and I have attended every one, every conference, every Constitutional Conference in Quebec, in Ottawa, and in Toronto, in all of them, I have attended them all, I have attended more than any other living Premier. There is no-one in Canada living today, who is in office, who has attended as many as I have done, more than the Prime Minister, more than the Minister of Justice, more than any other Premier, more than Whacky Bennett, and I was attending them three, four years before he became a Premier.

Mr. Chairman, this year is going to see it done. The amending formula, not the Fabreau-Fulton formula or the Fulton-Fabreau formula but the Trudeau-Turner formula will be adopted, a formula setting forth the way whereby the Parliament of Canada, not the Parliament of the United Kingdom, will be able to amend Canada's Constitution. I tell this Committee tonight that the first amendment that will be made to the Constitution of Canada by Canada's Parliament will be the amendment here giving -

AN HON. MEMBER: Hear! hear!

MR. SMALLWOOD: I say that, I am not expressing any hope or any plus wish, I say that the first amendment that the Parliament of Canada will make to Canada's Constitution will be an amendment to section 17 of the Terms of Union which forms part of Canada's Constitution.

Now I have sat with the Prime Minister and discussed it with him. I have sat with Canada's brilliant young Minister of Justice, John Turner,

MR. SMALLWOOD:

and discussed it with him. I have sat and disussed it with our own brilliant young Newfoundland Minister in the Canadian Government, Donald Jamieson. I have discussed it with the Prime Minister, Mr. Jamieson and myself, the three of us as we sat and had a meal together.

You would have to be a pretty wretched kind of Canadian, Mr. Chairman, you would have to be a pretty miserable kind of Canadian not to know or not to understand what has happened in Canada this last couple of years, culminating as it did in these appalling things in Quebec, these murders in Quebec, these kidnappings. You would have to be a wretched Canadian indeed not to be in complete sympathy with the Government of Canada in its effort to solve this problem in a way that will please Newfoundland, will please Prince Edward Island, will please Nova Scotia, will please New Brunswick and all other Provinces of Canada, including and especially including the great Province of Quebec, which is about one-third of Canada, about one-third of the population of Canada.

This is the great work that our great Prime Minister is bent on doing. This is the work more than anything that will send his name down in the corridors of Canadian fame. The man who, after all others had failed, succeeded in repatriating, not repatriating but patriating Canada's Constitution bringing it here, not bringing it back as it never was here, bringing it back from the United Kingdom and domociling it in Canada. That is what is going to happen this year. I thank God that I will be there, that I will be part of it. I will be the veteran there, I will be the veteran member of that historic conference.

MR. MURPHY: Call the election first.

MR. SMALLWOOD: No, we will have the election before it maybe, and I will go right over or I will go over and come right back and have the election. I will let the hon. gentleman know. I will let him know. I will give him this information. I will give at least twenty-one days notice, at least.

AN HON. MEMBER: It will not be the first time.

MR. SMALLWOOD: Not quite, not quite the first.

Now I plead with my hon. friends across, especially, well with all of them to remember, I plead with them to remember that we are not playing petty politics here in this matter and that it would be a criminal thing to do. It would be a criminal thing to play petty politics with so great an issue as the rights of the Pentecostal people and the amending of Canada's Constitution. Somehow or other I do not think that this is the time to petition the Queen, to ask the Parliament of Canada to petition the Queen to change Canada's Constitution. The idea of the United Kingdom Parliament amending Canada's Constitution is not an idea that appeals any more to the people of Canada. This is not the time to do it. The developments and circumstances of the last three years are such that, believe me, it is not now the time to adopt that old method which was the only method there every was to amend the Constitution. There has to be a new way of amending it and that way is right inside the walls of the House of Commons and the Senate in Ottawa and this is what is going to be done.

The consent will be given in Victoria in the month of June.

AN HON. MEMBER: (Inaudible).

MR. SMALLWOOD: All ten provinces have agreed.

AN HON. MEMBER: (Inaudible).

MR. SMALLWOOD: Oh, that will be contained and described completely in the formula, in the formula of amending.

MR. HICKMAN: (Inaudible).

MR. SMALLWOOD: Now, Mr. Chairman, I pass on to the next point, I will not be drawn. Think I am a fool? Does the hon. gentleman think I am a fool?

MR. HICKMAN: The hon. Premier -

MR. SMALLWOOD: Does the hon. gentleman want to phone or one of his colleagues or cronies phone tonight to a Tory in Ottawa and tomorrow try to embarrass -

MR. MURPHY: They are not cronies, an hon. members of Parliament are doing

MR. MURPHY:

their part in Ottawa and they have as much right to be there as anybody else.

MR. SMALLWOOD: Frankly I think this Tory stuff, I quite believe that this Tory stuff will be cut out here in Newfoundland soon. I think it will.

MR. MURPHY: Yes, it possibly will.

MR. SMALLWOOD: I am fairly confident of that, but I am not going to have this played dirty, dirty Tory partisan politics in the House of Commons tomorrow when the House meets. Quote anything I have said here but only what I have said. Phone them and tell them what I say here tonight but make sure you say what I said and not something I did not say, and I chose my words very carefully and Hansard will prove it.

MR. MURPHY: Yes, I noticed that in your conversation.

MR. SMALLWOOD: Yes I chose them, I always do, I always do.

Now, Mr. Chairman, I want to mention another matter. I was struck by a remark made by the hon. the member for Burin, when he spoke of a tottering step made by the Government of Canada, a tottering step in connection with school construction. Sir, you know that word is almost beneath contempt, a "tottering" step. Remember that you could not have had Confederation 103 years ago, you could not have had it, The Provinces or colonies in Canada would never have united if you had not made education a provincial matter. It is in Canada's Constitution that education is the care and the jurisdiction of the Provinces and, Sir, from that day on the Provinces had been enormously jealous of their prerogative to control education. Go to any Province, I do not care who they are or what Province they are, go to them and you will try to get the Parliament of Canada to take their rights away in the field of education and they will lynch you.

Always in Canadian history, since the Canadian Union was formed in 1867, always the Provinces of Canada have been completely, have been utterly, have been absolutely determined that they would keep control of education in

MR. SMALLWOOD:

their own hands and let Ottawa control it. Ottawa learned that lesson in many bitter, bitter ways. The Manitoba question, do you remember that? Another bitter and savage fights in Canadian history, political history, the question of education and the one thing that the Government and the Parliament of Canada learned down through the years was that it was a buzz saw, it was a bomb, it was a dagger pointed at their hearts. They did not want to have anything to do with education, they did not want to touch it. They were scared to death of it. They wanted to have nothing to do with it because as surely as they did there would be murder in some Province or other. It became an article of faith of every Federal politician in Canada, an article of faith that Parliament must not monkey with education and it became an article of faith with every member of the Legislatures across Canada, the Provincial Houses.

The great wall of China was erected between the Federal and Provincial authorities, the great wall of China - East is East and West is West and never the twain shall meet - never will Ottawa have anything to do with education. Now they are pouring out millions of dollars here in Newfoundland to build schools, millions of dollars they are pouring out.

MR. HICKMAN: How many did they spend last year?

MR. SMALLWOOD: There is the small-minded, picayune, peanut brain. The great thing that has happened in Canada, the big thing, one of the great things in Canadian history is that there has been a complete turnabout, a complete reversal of Canadian philosophy, that the Parliament of Canada is voting money to be paid over to the Newfoundland Government to build schools with. The only schools that the Canadian Government ever built with money that was voted to them by the Parliament was schools for the Indians, the wards of the State, but the Indians had no vote, the Indians could not buy liquor, the Indians were like children. They were wards of the State and their schools were provided by the Canadian Government with Federal funds voted by Parliament.

MR. SMALLWOOD:

Also in bases, Military or Naval bases, schools were provided right on Federal property. These are the only schools that the Government of Canada ever paid for.

MR. EARLE: What about the vocational schools?

MR. SMALLWOOD: They are not schools, no. No, they are not. That is the whole point. Not only that but for a while, and they got out of it, very quickly they got out, for a while they were giving money for secondary schools in Newfoundland and across Canada, but they got out of that and the only money they give now is for a post-secondary, in other words a University, because universities are not regarded as schools. Trade schools, vocational schools are not regarded as schools. Schools are elementary and high schools, the academic schools where you get all your academic education.

MR. EARLE: (Insudible).

MR. SMALLWOOD: I did not hear the hon. gentleman.

MR. EARLE: Do they not teach academic subjects in the trade schools?

MR. SMALLWOOD: They may indeed do so.

MR. EARLE: They do indeed.

MR. SMALLWOOD: They may indeed do so, yes, but these are not considered to be schools. They are not, that is all, they are not. It is not I who am saying it; this is the case, this is so.

MR. EARLE: That is blindfolding the horse in the dark.

MR. SMALLWOOD: Maybe, maybe they are blindfolding the horse in the dark or the devil in the dark or whoever it is they blindfold in the dark in connection with giving us money with which to build schools. But they are, they are giving it. How much does it say here? \$20. million, \$18. million, \$15. million -

MR. SMALLWOOD: What kind of memories have you fellows got?

Twenty million. Twenty million dollars, Ottawa is passing over to the Newfoundland Government. Now, they are not passing it over to the churches. The Canadian Government are not passing the money over to the Roman Catholic Church, the Anglican Church, the Integrated School Boards, the Churches that own the Integrated School Boards, the Pentecostal Assemblies, they are passing it over to the Newfoundland Government and the Newfoundland Government is building the schools. Now whether we will sell those school, say for a cent or a dollar to the various denominations, or lease them for a cent a year. for fifty years or a dollar a year, is really immaterial. I do not know whether we could turn around and make a complete unrestricted gift of them. I do not know. I do not think it is very material. What is material, what matters is that it is the Canadian Government that are giving the money, it is Federal money, and that they are giving it to the Newfoundland Government and that it is the Newfoundland Government that are building the schools and owning them, until we sell them or lease them or something of that nature, to the churches for whom, in fact, we are building them. But nobody can get up in the Parliament of Canada and say to the Government, here you are asking us to vote money to give to this church or that church or the other church, or you cannot do that, if you are going to start giving Federal money to the churches in Newfoundland, what about the churches in Ontario, what about the churches in Quebec and the churches in Manitoba and all the other Provinces? The Government of Canada would say; oh, you are quite mistaken, we are not doing any such thing, we are not giving any money, we are not giving any Government money, any public, any federal money to any churches to build schools with. No such thing, you misunderstand. You are

MR. SMALLWOOD: mistaken. What we are doing is giving money to the Government of Newfoundland and the Government of Nova Scotia, and the Government of Prince Edward Island and some other Governments and they are building schools.

Some man gets up, yes that is all very well, that is all bluff, that is all camouflage, you are giving it to the Government and what are they doing with it? Well they are building schools. Yes but what are they doing with the schools? It is none of our business, none of your business. The Prime Minister could point to any member of the House and say: "None of your business. We are giving this money to the Government of Newfoundland. for the purpose of building schools, we are giving them other money for the purpose of building water and sewer systems, we are giving them other money again for the purpose of building roads and we are giving them still more money for the purpose of paving and we are giving them more money for this and that and the other thing and including money to build schools. Now it is none of your business," the Prime Minister of Canada can say. What the Newfoundland Government does with those school, that is their business. Education is in Provincial jurisdiction and we are not getting into education, we are merely giving the Newfoundland Government money."

Now that is a sensational breakthrough, that is a phenominal change in Canadian policy because if the Committee will remember, for at least the last ten years, at least, probably longer, the various Provincial teachers' organizations and all the education authorities, all across, well maybe not so much in Ontario and certainly not I think in Quebec but in practically all the other parts of Canada, for at least ten years, they have been demanding, passing resolutions, sending letters, sending telegrams to Ottawa, demanding that the Government of Canada should start to take over some of the burden of education and why. Why? For this reason - if you are living in a tiny, little village in Green Bay or

MR. SMALLWOOD: Fortune Bay, with twenty families, you are as much a Canadian as if you lived in Toronto or Vancouver or Montreal, are you not? If you have a youngster of school age, that youngster is as much a Canadian youngster as any other youngster in all of Canada is he not or is she not? And if you are going to build a great Canadian nation, if you are going to have Canadian unity, Canadian greatness, and Canadian harmony, surely every child born alive, just because they are born, for no other reason, just because they are born alive, every Canadian child should be born with certain birthrights, coming from the fact that they are born in Canada. They should have these rights in common right across the Nation, namely the right to good health, the right to a good education, at least that is basic, that is your foundation of everything, is it not, health and education, is it not?

Well if the amount of education that a youngster can get in this Province versus that Province or in that Province versus this Province or in this part of a Province versus that part of a Province, if the kind and amount and quality of education that a youngster can get, depends on how much money there is in the area where he happens to be born that is fine if that area happens to be Toronto or Victoria or Vancouver or Winnipeg or Regina or Edmonton or Quebec City or Montreal, that is just fine for a child to be born in places like that, but if they are born in Newfoundland, in Prince Edward Island, in Nova Scotia, in New Brunswick? Where now is your equality? Where now is your equality of opportunity? How now does the youngster born in a backward, underdeveloped Province, how now does that youngster get the kind of education that will make him the equal of a youngster in Ontario and, when he grows up, equally able to go into university? So this is basic and at last thanks, be to God, thanks be to God at last Canada, our Nation, the Capital, the Parliament of Canada, thanks be to God at last they are listening to the plea

MR. SMALLWOOD: that has gone up for so many years, that Parliament should take on some of this burden and not leave it to the unequal disparity of wealth and strength in the different parts of Canada. "Tottering." Tottering beginning? A sensational beginning. A smashing beginning. An epoch making beginning. A round-about historic turn in Canada's great march forward. That is what it is. Do you think five years from now, ten years from now, twenty years from now, people will remember that in the first year they began to do it, there were ups and downs, there were delays, there was red tape, there was bumbledom. It is a small mind that can only see the red tape and bumbledom in the first year or so that a great programme is brought in. I suppose, if the truth were known, there were people who condemned, who sneered at family allowances because they heard of some woman who did not get her cheque, some little delay, some little obstruction, some little obstacle, and they mount those obstacles and blow them up and puff them up and sneer at the whole thing and call it a tottering beginning.

No great programme is brought in easily. No great thing is done smoothly. Remember that large bodies move slowly and the Government of Canada, in Canada, is a large body. It is the largest body that there is, The Government of Canada. Compare it with us in this House, in this Government they are a leviathan, they are a mammoth, they are behemoth - and large bodies move slowly. Do not sneer and growl and complain because there is a hitch here and a hitch there and a hitch somewhere else. That is not statesmanlike. Well that is about it. I cannot get over it. I cannot get over it that eight years ago we were spending on everything under the sun only as much as we are now spending this very year on education, \$144 million.

Someone asked, I think the former minister of Education, the present member for Fortune Bay, asked the question, I have asked it so often myself, "where in God's name are we going to go on getting \$144 million?"

MR. SMALLWOOD: If we could even hold it. If we could feel that it is going to be \$144 million next year and \$144 million the year after and \$144 million every year.

Why it has gone up \$35 million this year. Now what is it going to go up next year, and where are we going to get it?

You know the penalty of not getting it. The penalty of not getting it. Mr. Chairman, is that Newfoundland goes down the drain. Down the drain! If you do not give your youngsters in this Province, our youngsters, my grandchildren and you children, Your Honour, and I have a great grandchild, you know, I suppose I am the only - am I the only great grandfather?

How about you? Have you got one? No. Just living in hope heh.

If you are going to keep these youngsters of ours here, in the Province, and if you do not, you kill the Province. You kill it. One way to kill Newfoundland is for the youngsters to leave. No surer, no quicker way is thereto kill it. You will kill Newfoundland dead in her tracks. If you do not keep your youngsters here and you are not going to keep them here if you do not give them as good an education as they can get anywhere in Canada. You have got to do that no matter where the money comes from.

Do you know what, Mr. Chairman, do you know what you have got to do in Newfoundland, if it becomes necessary? Stop building roads. You have got to stop paving roads. You have got to have outhouses instead of water and sewer systems. You have got to have wells instead of a central water system. You have got to cut down on all the or, what we have come to regard as the ordinary amenities of civilized living and spend it on education. We have got to get in this Province, something of the marvelous spirit of Scotland, where men and women have lived on porridge for years so that they could educate their children. A passion for education, a passion for it, an unreasoning and an unreasonable passion for education and an

MR. SMALLWOOD: implacable determination that their youngsters are going to get as good an education as the richest man's children in the land. We have got to have that, as it is our only hope. It is the only hope of keeping our people in the Province here. Now that is not all. You have got to do, you have got to do a lot more besides giving them this kind of educational opportunity, you have got to do more than that. You have to give them jobs too and you have got to give them roads and you have got to give them paving and you have got to give them parks and you have got to give them water and sewerage and you have got to give them electricity and you have got to make an exciting Province. not just a comfortable one. Not just one where you can get a job you can get a job anywhere except when there is a depression on.

You have got to make an exciting Province. You have got to make a Province where everybody raised up in it has deep faith in it, in its future, or they will not stay.

You know they say that fish have tails, the fishermen have a saying. "Fish have tails," they are here today but they are not here tomorrow, "fish have tails." Well our youngsters have tails too, they have feet. there are planes, there are cars, they can hitch-hike, they can go. You will not hold them. You cannot hold them unless you make a Province that is exciting for them to live in, and you cannot do that just with Health and Education and Housing and roads and the rest of it but you will not hold them anyhow, if you do not give them these things.

Now where it is all coming from is more than I know. I sit down with my pencil again and again and I sit down and I write it down, the paper-mill industry, the new paper mill at Stephenville, the new paper mill at Come By Chance the oil refinery industry, Petrochemical plants based on it, ship building in Marystown, greatly enlarged perhaps, off-shore oil succeeding creating a lot of jobs. make a guess at how many there might be.

How can you guess? How much oil are they going to find? Are they going to find any? Are you sure? How much? How many jobs? You make

May 6, 1971

Tape No. 532 (Night)

NC - 7

MR. SMALLWOOD : a stabb at it. Iron ore, John Doyle gets the other great iron ore mine, uranium and so on. How many will that be?

You figure it out. You add it up, you add it up, you add it up and then you look at your birth rate. You see the growth of your population and you add it up and you try to look ahead, five years, ten years, twenty years. Where are we going? As Dr. Harvey asked "where are we and whether tending." I know where we are, but whether tending. We are we headed for? Where is Newfoundland going to be five, ten, twenty years from now? If you do not get industries, you know, the goose that lays the

MR. SMALLWOOD: golden eggs. The goose that lays jobs, the goose that lays employment, wages, if you do not get that goose, it is not our goose, it is cooked.

So one of the great ways is education. I for one, inspired by the hon. gentleman on my immediate left and the one immediately behind me, inspired, because they do not give any of us any chance to forget, inspired by them and their ideas. I, for one, and all my colleagues in the Cabinet are implacably determined to build education in Newfoundland. If we are not remembered for anything else in Newfoundland history, I, for one, would liked to be remember as a devotee of education and an apostle and a disciple of these two hon. men here.

Let us pass these estimates and, in passing them, wish to God there were more. In passing them realize that when we come here next year - I do not know if it will be the same Minister of Education, he maybe in another portfolio, I do not know who will be presenting the estimates for Education next year, but let us hope when we pass them now, that they are going to be even larger next year.

MR. A. MURPHY: There is just one point I want to clear - Thank you very much! There is just one point for the record I would like to make, Mr. Chairman. When the Premier mentioned about one percent, social security, for assessment for education, I think, he quoted the figure as \$11 million....

MR. ROWE: No, he did not. No.

MR. SMALLWOOD: No.

MR. MURPHY: What was the figure?

MR. SMALLWOOD: I said that we are giving this year, this present year, to the school boards, in place of the school fees. we are giving them \$11 million this year.

MR. MURPHY: Mr. Chairman, I asked the minister what did that yield, and I thought he said \$11 million.

MR. ROWE: No, no.

Mr. Chairman, anything I have to say will be in the nature of an anti-climax after that exposition on education that we have just listened

MR. ROWE, (F.W.) to, first of all, I think I would be very ungrateful, if I did not thank the Premier for the kind things he said tonight and in the Budget Speech as well, about myself and my efforts. That reminds me to say this; While I am naturally proud, very happy to have been identified with a good many of the things that have happened in education this last twenty years in Newfoundland, I would like to say too, how much I personally owed, in my efforts to work in the field of education, owed to the man who was, when I was minister previously, the Deputy Minister in the department, the present Minister of Provincial Affairs. and who, for some years before that, had been the Deputy Minister there and who since then served as Minister of Education and who, since then, has sat in the Cabinet of Newfoundland and has never for one moment lost his interest in and his concern for education.

It is for that reason, among others, (there are other reasons as well) that he is today recognized and has been for some years recognized in educational quarters all across Canada. I think, too, Mr. Chairman, I would be lacking in gratitude, at a time when I am introducing the estimates for the largest amount of money even to be asked for by any minister in the history of Newfoundland, (I am asking for \$145 million in the one year for education, \$35 million more than I asked for last year, and \$55 more than I asked for the year before that) I think, I would be guilty of lack of grace and gratitude if I did not express my appreciation to my colleagues in the Cabinet, who have supported these requests for education. after all, we have to remember that every minister in the Cabinet, every minister -

AN HON. MEMBER: Inaudible.

MR. ROWE, (F.W.) If the hon. gentleman will stay on, I will deal with him in a minute too. I wish I had a chance to go out for five minutes too. Send in a cup of coffee here. I would enjoy a cup of coffee, if nothing else.

I want to say this, Mr. Chairman, that every minister in the Cabinet has his own empire, if you want to call it that, to look after, and in this particularly important year, every minister is very anxious that he, in his

MR. ROWE, (F.W.) department be able to carry out the biggest possible programme. This is only common sense. The fact that they have agreed to submit to this legislature a request for \$145 million in the one year is ample proof of their concern for education.

Mr. Chairman, a word about censured. I have the distinction of being the only Newfoundlander ever to be centured, certainly in my time, my memory in education goes back to at least 1930. I have the distinction of being the only Newfoundlander ever to be censured by a group of teachers. I find it a little ironically, a little intriguing, I also happen to be founding president of two of the largest branches of the N.T.A. in Newfoundland, and also of one of the other large branches, the Burin Peninsula Branch, I believe, I was the founding president of that and I know for sure I was the founding president of the St. John's Branch, the largest branch of the N.T.A. in Newfoundland. And, of course, I have been identified with the N.T.A. in a lot of other ways as well. I lent my support to their attempts to get statutory membership, which really made the N.T.A., and the check-off which guaranteed their financial survival. I lend my support to that and I was very happy to have done so, and, of course, it goes without saying that I will be lending my support to the N.T.A., I hope, in the years ahead as well.

The vote of censure to use the words of the hon. the Leader of the Opposition, was adopted by a large group. I take it that he means in behalf of a large group, because huge was eighty-two delegates, I am informed, who met in Clarendville. They did represent the various branches around Newfoundland. That vote of censure was a most surprising one to me, because here are the exact words. I have a copy of the censure a vote of the Resolution here in my hand. It says; by the way, I might say this too, I knew weeks ahead that a group of the teachers were planning this vote of censure. I knew it weeks ahead. I have friends in the teaching profession still, I am happy to say, and I knew this was being planned and I knew of course it was going to take. However, perhaps I do not need to say that,

MR. ROWE, (F.W.): I lost no sleep over it, or will I lose any sleep over it either. The wording was, "Whereas, the Minister of Education has generally not in our opinion served the best interest of the education of our children in Newfoundland by being party to the Government's statement in the "Daily News" of February 20, 1971 in the column, "A Column of Liberal Propaganda Witten by a Liberal Propagandaist," we the Parliament of the N.T.A. hereby declare our censure and disapproval of Dr. Rowe's interference with the legitimate goals and rights of the N.T.A." We the Parliament of the N.T.A. state emphatically to Dr. Rowe, in writing and supporting the above mentioned article that we will not and do not tolerate deliberate and partisan interference of any... "

Well, the unfortunate thing was that I was not censured for the right thing. I do not object to the N.T.A. I have no beef at all. It is none of my business. They will not censure me or anybody else. Frankly, I thought they would, common sense would dictate that they would censure the Government of Newfoundland, not me. I was only one of the Government, but they choice to select me and that is all right with me. But, since they decided to do that, I wish that, in the interest of accuracy and for the sake of history, if I am to be the only one to be censured in the history of Newfoundland, I should be censured for the right thing. And the right thing is, obviously, not that I was a party to that article, I knew nothing about it. I knew nothing about it; I told the House today. And it was repudiated by the Premier, speaking for me and speaking for other hon. members, It was completely repudiated and if any more of it, I still repudiated it. I repudiated it today. I am very happy to do so.

But, if I were to be censured, I think, I should have had been censured for the right thing. The right thing was my opposition to the stand taken by the N.T.A. It is as simply as that; in their salary dispute. I want to say now, Mr. Chairman, I make no apology for what I said or did, those public statements that I made on behalf of the Government I am prepared to stand by anytime, now or in the future, anytime at all, Never mind the famous the last words - we will see about the famous last words too. I make no apologies, Mr. Chairman, at all and if I am going to

MR. ROWE, F.W. be censured for that, well and good, that is fine. But, to be censured for this thing here, this of course is ridiculous. You know, it is just wrong. It is wrong. It is wrong historically. It is wrong factually. It has nothing to do with that article. I should be censured for the right thing. I do hope, I do hope now, I say this now, that the N.T.A., I hope that the N.T.A. will take corrective measures and censure me for the right thing which is I oppose, their stand in respect to the salary matter that they were plugging for a few weeks, a few months ago.

There are so many things, Mr. Chairman, the member for St. John's West is very much interested in my travelling, He challenged me today to give the details of it and taxed me for not having given it. I have to admit this that the fault does not lie with my staff, the fault lies with me, I have been so busy lately I have had the raw materials sort of, but I have not been able to get it ready. But, I can give him some figures now, if he wants to know them. He wants to know how many trips I took last year out of the Province? I took six, according to the records. I do not remember them all, frankly. He wants to know what the cost was? I can give it now, or I can give it tomorrow, whatever he wishes? The actually travelling was only \$394.00 that is for tickets. The reason why it was not higher, \$394.00. Did I say thousand? This is wishful thinking? It would have been more, but the two other bodies were kind enough to pay some of my travelling last year, and incidentally I did not do enough travelling, I do not like travelling anyway, particularly. I did not do enough of it, because the Council, and I say this in all seriousness, the Council of Ministers of Canada met on four occasions last year and I only attended one of those meeting. There is one tomorrow, in fact, in Montreal and I should be there, but I will not. I say this again in all seriousness, because this Council of Ministers is made up of all the Ministers of Education. They do deliberate on some pretty important matters, especially as far as the Government of Canada are concerned. I would like to be there.

MR. ROWE, F.W. The meetings that I attended in respect of the Council of Ministers, they paid my travelling. I am happy to report it to the hon. the member for St. John's West. He might be interested to know too, I think he is curious for some details about my visit to Paris. The Government of Canada were kind enough to pay most travelling expenses. One other important detail, I give it to him for what it is worth, my wife was with me in Paris.

MR. MURPHY: Inaudible.

MR. ROWE, F.W. By the way, the hon. the Leader of the Opposition, he shook his head ominously there, and he talked about this vote of censure by this huge crowd, this huge group, he said, at Clarendville. This huge group eighty-two people, He did not say so, but I really think what he was saying was, "look, why do you not resign?" You should resign. Well, one of these days I expect, I do not know when exactly, if I did I would not say so. But, I expect to find myself, not Minister of Education, but it will not be because of any resolution passed at Clarendville nor will it be because of any ominous shakings of the Head, the Leader of the Opposition. There are two persons, who will decide when I am going to walk out of the Department of Education. The two of them are not very far apart at this moment.

Getting back to— Oh, I forgot I should have had mentioned this, that, he almost today challenged me to resign. He almost did. I want him to know this, that he has the strongest possible support from another citizen of St. John's. It happens to be a citizen living in the same house, as I do, when she heard last year, last fall, last winter rather, that a group of the teachers were going to get up a petition, that was rumored, to demand my resignation. I do not know, but she said, when she heard it, she was so happy about it that she asked some friends of hers to try to get them to send her a copy of the petition, so that she could sign it too. So if my hon. friend is thinking about getting up a petition, I know at least where he can get one, one of the constituents of the hon. the member for

May 6. 1971

Tape 533 (night)

PK - 7

MR. ROWE, (F.W.) St. John's East Extern, would be glad to sign that.

MR. HICKEY: She has no confidence either.

MR. ROWE: F.W. To get back - she has no confidence either, not in this job. Getting back to travelling, the hotel expenses, they were a bit more \$1040.00, the hotel and all the other -

MR. ROWE (F.W.): all the other expenses for the six trips came to \$1,040.00. The dates, my hon. friend wants to know the dates. February 9th. to the 12th. to Ottawa. April 7th. to Montreal, June 11 to 13, to Ottawa, September 22 to 27 to Edmonton to the Council of Ministers, and from October 12 to November 7, I was away twenty-six days, ten days of which were on business for the Government of Newfoundland. The rest were on business for the Government of Canada, for which they paid me every cent of my expenses, Not all the rest, there was about a week which was on my business and my wife's business, and we paid for that ourselves. One other trip, December 1 to 4, I was in Toronto and Montreal attending some education meeting. I do not know what it was now. The total cost of all that, for that period, for last year, was \$1,434.00. It should have been more, but that is it, that is all it was.

He wants to know something about my executive assistant. He wants to know what he does. Well the answer, he helps me; that is what he does. He helps me, that is his business; he helps me. I am reminded too that for years, and my hon. friend from Fortune Bay must remember this too I am sure, for years the Minister of Education was the only minister in the entire Government who had a professional assistant. When the present minister here, the present Minister of Provincial Affairs, was minister of Education, he had a professional assistant in the person of Mr. Lloyd Bishop I think it was. Subsequently Mr. Fred Kirby, who remained there and was I believe assistant in some measure to the - when Mr. Kirby moved out and moved into another job in the department there was no assistant there. I want to say this now, I do not care who it is who is Minister of Education, he does need, and I say this in all seriousness, he does need an executive assistant. I hope who ever succeeds me in the job will have the benefit of someone who can relieve some of the burden, because, it is an absolute impossibility for any Minister of Education, under our set-up, to attend to the demands that are made on him.

Boards come in wanting to meet with him. People want him to

speaking here, there and everywhere, to attend openings and to get speeches ready, in some cases formal speeches. It is all right, some of us can get up and speak extemporaneously sometimes, but you cannot do that even all the time. If you are invited to give a special talk on some special topic you need research to be done, you need the person to do it. Of course the correspondence that comes in is absolutely fantastic. The correspondence that comes in addressed to me every day, hundreds of letters every day. My hon. friend knows this over there, and my hon. friend here knows it. This is part of the business of running what is - or trying to run what is, for what it is worth, the single biggest operation in Newfoundland. It is not Bowaters, it is not Price, it is not the Railway, it is the Department of Education. It is the biggest single operation in Newfoundland.

It is true we have improved the staff a great deal. We have far more, far better staff than we had, at least numerically, we have a better staff, but we still do not have enough there.

Several hon. members mentioned Little Bay Islands. Here again, I think they are probing, they are searching around, hoping to find some vulnerable spot, some Achilles' heel with which they can attack the Government and here again they are doomed to failure. I think though, in view of the fact that there has been so much interest in this, I should just briefly outline what the situation is. The present regulations, the laws of Newfoundland, made by the Government of Newfoundland, made by the Government under our enabling legislation, and laws which could be changed, the present one states, that if you are going to have four teachers in a school you need 106 pupils, 106. The school at Little Bay Islands has not had 106 pupils for two years. Under our regulations they are permitted to carry on for two years in the hope perhaps that the school population will increase. That has not happened. They are down this year to eighty-two and they were informed, the board was informed and...

MR. SMALLWOOD: Do they not hope to go to ninety-two in the fall?

MR. ROWE: They hope to, but we cannot predicate anything on that, we do not know that. Even if they got ninety-one, they still do not qualify.

MR. HICKMAN: It is a regulation?

MR. ROWE: It is a regulation yes, a regulation which is based on the - it could be changed.

MR. SMALLWOOD (J. R.): It is universal?

MR. ROWE: For all of Newfoundland?

MR. SMALLWOOD: Yes.

MR. ROWE: Oh yes, of course, the regulation applies to all of Newfoundland, I am coming to that. They have eighty-two. They have been told, and they are not the first board. The boards in St. John's were told that several years ago, when some of them had more teachers than they were entitled to. The boards all over the Province have had this. Whenever their number falls below the required number for the required number of teachers, they are advised by the Department of Education, and they are given ample time to try to make adjustments, as much as two years. Finally the time comes when we can no longer let them have their teachers, the full quota of teachers that they would like to have.

The people of Little Bay Islands are very disappointed about this, when they were told that next September they will lose one of the four teachers they have. The eighty-two children, or how ever many are there, will have only three teachers. That is not too bad a ratio, it is not too bad a ratio, eighty - I knew a lot of classrooms in Newfoundland where the ratio was considerably poorer than that. They are also aware of the fact that a three or four room school in Newfoundland can send all its high-school pupils to larger schools outside, with Government bursaries valued at \$600. each. This is being done by Change Island, for example, in the same Bay with the same kind of a school. Change Islands sends its high school children into Lewisporte and into St. John's and so on, with those bursaries.

Little Bay Islands can do it, as are dozens of other communities in Newfoundland, some of them isolated and some of them not isolated. They said the delegation told us and told the Premier, "well, we would like to have our children come home weekends and, being an island and so on, this is not possible." Well, the Premier assured them that we will use every effort to put a ferry on there. Not just for that, but because, after all where possible we have tried to put in ferry services. Even the ferry service apparently would not be satisfactory to them. Some of the parents took action, ill-advised action, and broke the law by picketing the school and preventing the children from going to school. It is an offence under section (28) in the Act to prevent or do anything to prevent a child from attending school.

We were in touch with this situation, we were in touch with the board, our chief superintendent was in daily and almost hourly touch with them and finally a meeting was held, earlier this week, and the result of it was that the parents decided to allow their children to go back to school, but to still keep on pressuring for some consideration. This matter of rigidity the member for Burin spoke about. He may not have used the word but this matter of the rigidity of our regulations, was not that what my hon. friend meant? Right. Okay I am not misquoting him, he did not use the word; my word.

Now, I agree with what the hon. gentleman said, and I agree and we all agree with this. This is why, months ago, months ago, the general advisory committee that I referred to this afternoon agreed to my suggestion to have a special sub-committee set up to examine the whole gambit of teachers' salary allocations, with special reference to those cases such as isolated and smaller communities. They have been working for weeks in fact for several months. They hope to have their report for me and of course, through me, for the Government, they hope to have it at the next meeting which is to be held the last week of this month. I think it is, the last week of May the next meeting is to be held. If they do have that report ready, I hope to then, I will bring it before the Government

the earliest possible opportunity and if, I do not know what the result will be but I would hope, I would hope this- that we can change our regulations so as to give boards of Education more leeway, not to simply pass regulations which would say that this school shall have that many teachers and other schools so many and so many less.

But regulations or a formula, which would permit schools to adjust, its school boards to adjust, For example, if that school board down there could this year adjust its programme in such a way that they could give an extra teacher to Little Bay Islands in September, this would solve the entire situation.

Now my hon. friend from Embree, the fact that I pointed out, as I had a right to do, that there was nothing to prevent a board from taking its own individual action and the example I used was very simple. There are boards, there are school boards, the ones right here in St. John's are employing teachers out of their own pockets, so to speak, They can do that they are allowed to do it. This is the point I was making. There are boards of education who are subsidizing teachers. They are doing it in my own district of Grand Falls where a board is subsidizing teachers. In Corner Brook they are doing it, I dare say a lot of boards do it. They subsidize specialists.

There are boards that are well known are subsidizing superintendents salaries. Not all. Not all. But several boards, I know of three at any rate who are subsidizing the superintendents salary, which is \$12,000 a year. The unit made available by the Government is \$12,000 for a superintendant's salary. The Board of Education can pay him \$15,000 if they want to. In one case they are paying \$18,000, I am informed, I believe it is the Green Bay Board paying eighteen. Several other cases they are paying \$16,000 or fifteen and sixteen thousand dollars. Well, if a Board of Education can take a \$12,000 salary unit for a superintendant, which is what most of the superintendents are getting, \$12,000 no more, If a board can take that \$12,000 unit and from its own funds take \$6,000 and put on that \$12,000

what is there to prevent that board, if it wants to in its wisdom, from taking \$4000 and putting in another Grade 1 teacher in a school, in this case in the school at Little Bay Islands?

MR. MURPHY: Because of the fact that -

MR. ROWE: I do not see that there is any weaseling out of, there is anything low-down, anything tricky or anything scurvy about suggesting that it can be done. I am only pointing out, I only pointed it out to the parents concerned what could be done. Just as I pointed out to them that there were bursaries available to them. Just as the Premier pointed out to them that we hope to put a ferry service on there that would improve the situation.

Mr. Chairman, I want to mention one or two points, I want to refer to one or two points made by the hon. member for Burin. Not so much for what he said as for what he implied. Not so much for his direct statement as his innuendo, The inference that we could draw from it. He said, he spoke of the tremendous burden on our churches, these were his words, he spoke and he used the words "concern" and "confusion" by the churches as to where they stand on capital cost. Now I am going to say something. It is getting late I do not suppose this statement will be - but I want to say it, I want to make this statement; "there is less concern and confusion in the minds of the churches tonight than in any previous night for this last twenty-five years, about the capital cost of education. This Government have given those churches assurance that not only this year are we asking the House to vote \$8 million, apart from the DREE funds, \$8 million when it was \$2 million, only three years ago, \$2 million three years ago, \$8 million we are asking for, but we have given the assurance to the churches, and this is a moral commitment, everybody knows that that we will invite the House, we intend, we are in power, to invite the House, and this is a moral commitment, no Government is likely to shirk this, no matter what the administration is, to invite the House to vote that same amount of money, not less than \$8 million, for the next six years.

I have it on record -

MR.MURPHY: With the qualification that you are the Government.

MR.ROWE: I have it on record, this is a moral commitment, My hon. friend knows that any Government succeeding us, if there were a Government come in, an administration coming in would be morally committed on that. I have it on record. I have it in writing. I have it in writing from the church -

Mr. Rowe (F. W.)

church educational authorities written with the approval, I am sure, of the church authorities, all the church authorities, thanking us for this commitment, expressing their gratitude and expressing the feeling that, as a result of this, the problem of meeting the capital needs of education is no longer the serious one that it was a few months ago, certainly a year or two ago.

MR. HICKMAN: Any letters from them expressing gratitude for the statement that the Government are investigating the taking over of the full cost of the ... ?

MR. ROWE (F.W.): I can deal with that to. My hon. friend has placed much stress. A half a dozen time I have heard him speak about the utterances of one chairman of the board who got concerned, who happened to hear me personally make the statement over at the conference and who got concerned and walked out in disgust and certainly in alarm. All I can say is this: That I do not know - I have no reason to believe tonight that there is a single board in Newfoundland concerned about that tonight. I have no reason at all - no reason at all, to believe that any board is concerned about it. The fact that the St. John's Board was at that very moment considering the possibility of putting in a tax structure here or getting in consultants to advise them and to make a survey, what does that mean? Does that mean that the Government are forevermore going to wait? There are only sixteen boards in Newfoundland that come under tax authorities - sixteen of the thirty-six. Are we going to wait until each one of the remaining thirty-six have consultation, looks into the possibility of bringing in a tax authority system? Is there any one time that we could ever hope to take a decisive step when some board would not at that time be planning some measure on its own? There is nothing to prevent any board from going ahead on its own. After all, sixteen have done it over the past fifteen years. The St. John's Boards could have done it, as my hon. friend very well knows. He was chairman of one of the boards, as I was. He knows very well that we could have done it. There was

MR. ROWE (F.W.):

nothing to stop the boards here in St. John's from bringing in a tax structure ten years ago, as they did in Lewisporte and as they did in Gander and Grand Falls and Deer Lake and Corner Brook and here and there and elsewhere. There were sixteen of them altogether. There was nothing to stop them, but they did not do it. In their wisdom, they did not do it. Now the plan to look into the thing. They are going to have a study made. They are going to get consultants in. They have a right to do that. Examine this whole thing and what happens? The Minister of Education, speaking for the Government, says that we are going to look into the possibility of taking over 100 per cent of the cost of building schools in Newfoundland. This frightens them to death. I do not know why. I do not know why. There are other boards in Newfoundland that were not frightened. There were only two boards that made inquiries of me at all as to what it meant, as to the significance. I was glad to give them the information. They were quite satisfied with the information. They are going ahead with their plans to put in their tax authority. If in the meantime, in six months time or two years time, the Government of Newfoundland, through this Legislature, decides to take over 100 per cent responsibility, (So what) they have lost nothing.

As the Premier hinted here tonight, we will probably have to take over all their debts anyway. I see nothing to be alarmed about at all. One final point, Mr. Chairman, on this thing. The hon. member for Burin said (to use his own words again) that we have had a bad year in education. This has been a bad year in education. He gave some instances of it. I take it he was referring in part to the teacher/salary dispute. He talked about some programmes that have been reduced or eliminated.

Now I am going to tell the hon. gentleman something. He may not know this. I know he was very familiar with the St. John's situation. He may be familiar with one or two other areas, I do not know. I am familiar, in general,

Mr. Rowe (F. W.):

with every area in Newfoundland. I do not boast about it. It happens to be my job. I am going to say this now. The year just ended was the best year that we have ever had in education in Newfoundland. That is number one. Secondly, he talked about reduction of programmes here and this thing eliminated and so on. Of course, boards have had to make adjustments and readjustments. They have had to select priorities here. They have had to relegate other things to the background.

I want to say this: There are tonight more gymnasiums in Newfoundland than there were two years ago. There are more auditoriums. There are more science laboratories in Newfoundland. There are more playing fields. There are more specialists. There are fifty more specialists tonight, tomorrow morning, there will be fifty more specialists in the schools of Newfoundland - specialist teachers, remedial teachers, reading teachers, music teachers, art teachers, fifty more than there were twelve months ago, fifty more. We still do not have enough. We do not have enough of anything, but we do have more than we had twelve months ago. How can any one say that we just had a bad year in education? We have had some turbulence in education. We may have it next year as well. But the truth of the matter is that tonight we have more boys and girls, more boys and girls getting a better education, under more competent and better trained teachers than we have ever had in our history. That is a simple fact.

The hon. gentleman says, level with the people. Let us level with the people. I am sure he said that in sincerity. I have spent a good deal of time - I have spent a good deal of time boasting about the achievements in education in the past twenty years. I have spent just as much time in public pointing out the defects in our Newfoundland educational set-up. I have spent hours at it in this House and outside. I level with the people. Is there anybody in this who has not heard me level with the people in that regard, who has not heard me say that we need more highly trained teachers, that we are still spending

Mr. Rowe (F. W.):

less per capita than we are in the rest of Canada, that we do need to spend more money on the University, that we do need to spend more money on this and that and everything else. Of course, we do. We need more libraries. Of course, we need more libraries this year. We are almost doubling the library grant alone. This thing is all relevant. We have to be fair about this, Mr. Chairman. The fact of the matter is - I am going to make another statement. I am sure it will not get any publicity. I wish it would though. I wish it would. I am going to make another general statement before I finish. It is this:

Having due regard for all the factors involved, having due regard for "all" the factors involved, our economic situation, the per capita income, the geography, the isolation, the special problems, having due regard for all of that, this Government and this Province are making a heavier expenditure in the cause of education than any other province in Canada. I am prepared to back that up any time, any where.

MR. CROSBIE: What about collective bargaining?

MR. ROWE (F.W.): I had a note here. I was going to mention it. Let me say just this: There was a Bill passed last year, in this House - there was a Bill passed last year and our advisers, my advisers, tell me that it is there understanding that that Bill would permit, when it is proclaimed, collective bargaining for teachers as well as for policemen and civil servants and others.

Mr. Chairman there are a number of other points I want to talk about, but it is 10:55 p.m. There is a hockey game on. We are all tired. We have had a long day. I deal with these other points - I would move, unless somebody is going to move, as somebody did last year, that my salary be reduced to \$1. I would move that this first item be passed.

MR. CROSBIE: No, we are not finished. The minister can move that it be passed,

Mr. Crosbie.

but it is not passed yet.

Does the minister want to move that we adjourn the debate on this topic until tomorrow or do you want us to go on?

I will move it, but if it not unanimous, we cannot do it.

I move that we adjourn the debate on this item until tomorrow, Mr. Chairman.

On motion debate adjourned.

On motion that the committee rise report progress, Mr. Speaker returned to the Chair.

MR. HODDER Mr. Speaker the Committee of the Whole on Supply have considered the matters to them referred and have made some progress and ask leave to sit again.

On motion report received and adopted.

MR. CURTIS: Mr. Speaker, I move that the House as its rising do adjourn until tomorrow, Friday, 11 a. m. and that the House do now adjourn.

MR. SPEAKER: It is moved and seconded that this House at its rising do adjourn until tomorrow Friday at 11 a.m. and that this House do now adjourn.

— This House stands adjourned until tomorrow Friday at 11 a.m.