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VERBATIM REPORT

MONDAY, DECEMBER 16, 1974

SPEAKER: THE HONOURABLE JAMES M. RUSSELL

The House met at 3:00 p.m.

Mr. Speaker in the Chair.

MR. SPEAKER: Order, please!

I note we have in the gallery today the M.P. for St. John's West. I certainly welcome him to the Chamber and to the gallery today.

MOTIONS:

MR. SPEAKER: The honourable Minister of Manpower and Industrial Relations.

MR. E. MAYNARD: Mr. Speaker, I give notice that I will ontomorrow ask leave
to introduce a bill, "An Act Further To Amend The Labour Relations Act."

ANSWERS TO QUESTIONS FOR WHICH NOTICE HAS BEEN GIVEN:

MR. SPEAKER: The honourable Minister of Education.

MR. G. OTTENHEIMER: Mr. Speaker, I would like to table answers to oral questions asked by the honourable Member for St. Barbe North last week.

MR. SPEAKER: The honourable Minister of Public Works and Services.

MR. T. FARRELL: Mr. Speaker, a question that the honourable Member for Bell Island directed to me last week concerning the Health Science Complex: The Health Science Complex is progressing very satisfactorily, exceedingly well indeed and besides public works officials exercising control over the project the results of a monitoring committee which is shared by the secretary of the Treasury Board; a quarterly audit is done and these audits are the responsibility of the Department of Finance. The Federal Government are also aware of every aspect of the project as they review our books from time to time. All of these contracts have been publicly tendered. The bids for some of the remaining mechanical work and electrical work on the complex will almost triple the estimates of the project managers.

This is due to the fact that the construction industry is in a highly unstable period and suppliers are refusing to hold prices until an actual purchase order is received and sometimes not even then. Therefore contractors are forced to protect themselves on larger projects which take a fair time to complete, particularly leading over six months. This has certainly reflected on some of the astronomical bids which have been received in the past year. It was decided therefore to reject the tenders for the remaining mechanical and electrical work on the Complex and publicly, Sir, retender, cost plus, fixed—fee contracts for this work. The lowest fixed—fee was recommended and accepted for the remaining mechanical work. The lowest fixed—fee has been

recommended as yet and not been accepted for the remaining electrical work. I sincerely hope that the honourable Member for Bell Island will be gracious enough to retract his statements as they relate to the administration of this project, my officials and also the project manager. Thank you, Sir.

MR. NEARY: On a point of order. Can the minister clarify that, Sir. That is a slur, that is a slur against my character, Sir.

MR. SPEAKER: Order, please! Order, please!

MR. NEARY: Sir, would the minister care to indicate -

MR. SPEAKER: Order, please! The point raised by the honourable member for Bell Island is not a point of order.

MR. NEARY: It is a point of personal privilege, Sir. I would like for the minister - the minister has made an accusation that is untrue and I want the minister to retract it, Mr. Speaker.

MR. SPEAKER: The Chair does not consider this to be a matter of personal privilege.

MR. NEARY: Inaudible.

MR. ROBERTS: Inaudible.

MR. SPEAKER: Order, please!

MR. NEARY: Mr. Speaker, the minister has -

MR. SPEAKER: Order, please! Order, please! The Chair has rules on this matter.

The Hon. the Premier.

MR. F. MOORES: Mr. Speaker, regarding a question that was asked last week. First of all whether information services, the allegation was made that they were at Gander to the annual meeting of the P.C. Party. That is incorrect. There was no one there from information services to our knowledge.

Secondly, the use of the government aircraft, it was alleged to carry delegates to that meeting - The aircraft was used on the 21st by myself to go to Gander the day before the annual meeting, not, Sir, like the honourable Mr. Jamieson for the honourable members edification who came all the way from Ottawa to see his Prench Canadian organizer for the leadership convention.

But in this case I went to Gander. Secondly there were no flights on the 22nd the second day of the annual meeting, Sir. Thirdly, on the day after the annual meeting the honourable John Crosbie and the honourable Tom Hickey returned to

St. John's together with two stretcher cases, four people from the Department of Health and the day after that -

MR. NEARY: Inaudible.

MR. MOORES: Myself and the Minister of Manpower and Industrial Relations returned -

MR. SPEAKER: Order, please!

MR. MOORES: That was the total use of the aircraft, Sir, for that particular week.

MR. F. ROWE: Mr. Speaker, I thank the Premier for the answers to the questions but I would like to make it quite clear that they were questions asked.

There were no allegations made.

MR. MOORES: Mr. Speaker, I am glad to give the reply.

ORAL QUESTIONS:

MR. NEARY: Would the Minister of Public Works, Sir, indicate to the House in view of the answer that he gave to my question this afternoon, if it is his intention to table in this honourable House all contracts that have been let by the Scrivener Engineering at the Health Science Complex, if the minister will table all renegotiated contracts, all tenders that have been called, the renegotiated contract with Scriveners themselves? Would the minister also indicate what it is I said about his official that has got him so up tight? HON. DR. T.C. FARRELL (MINISTER OF PUBLIC WORKS AND SERVICES): It should be put on the Order Paper but I would like to answer the last portion of the question. I never meant to reflect on the honourable Member for Bell Island, I just asked him to retract because there was an implication, I thought, in the question, that there was - I think the word was used hanky-panky or something of that nature, or finagling. I do not know. I may be incorrect. I am just saying I have no intent to reflect on the member for Bell Island, the honourable member for Bell Island, on that portion. The rest of it, I would like to table that, put it on the Order Paper and I will see later. MR. NEARY: Mr. Speaker, is the honourable minister then prepared to admit that the policy of calling tenders especially for the electrical and mechanical work at the Health Science Complex has been discontinued and they are now inviting tenders for this work? DR. FARRELL: Mr. Speaker, I have already stated twice that tenders were called for this work, Sir, and will retender because of the astronomical bids that were coming in. I tried to explain the reason for these bids today.

Under the system of project management that is in force at the complex, they have quite a large staff there. They can oversee the very much increased costs, the cost-plus fixed-fee contract. We have no intention at any time, of stopping to ask for tenders on every project in this government. As you know, Sir, there was a Tendering Act which was

put through during my absence and we intend to follow that to the letter.

MR. NEARY: A supplementary question, Sir. I just want to be perfectly clear -

AN HONOURABLE MEMBER: Inaudible.

DR. FARRELL: Excuse me, a point of order. What was that remark
AN HONOURABLE MEMBER: I agree it was put through in the minister's

absence.

DR. FARRELL: Oh, I am sorry.

AN HONOURABLE MEMBER: That is what I said earlier.

MR. SPEAKER: Order, please!

DR. FARRELL: All right, Sir.

MR. NEARY: Mr. Speaker, a supplementary. I just want to be perfectly clear on this point, Sir. In the minister's statement that he read to the House this afternoon in answer to my question, did I understand the minister as saying that the tenders for electrical and mechanical work were rejected and they were now negotiating on a cost plus basis? Is this what the minister is saying?

DR. FARRELL: No, Sir, I am not saying that. It went to public tender.

Tenders were received. They were too high. They were retendered and
the lowest tender coming in on a cost—plus, fixed—fee basis was negotiated
on part of the mechanical. This was the only way we could see to do
it, Sir. On the electrical, it is now being decided upon which direction
we should go.

MR. NEARY: Mr. Speaker, I am still not quite clear but I will try to get the information some other way, Sir, and the disclosures of course will come later.

I wonder if the honourable the Premier, Sir, will tell us whether he had any luck in this latest jaunt over to England and give us some details of the proposed second oil refinery and not just what we heard on the news and read in the newspaper.

MR. MOORES: Mr. Speaker, the situation is on the second oil refinery that negotiations have and are progressing very well. We will be in a position in this House, I would hope, in the early part of January, to bring in a bill

at which time it will be debated in full.

MR. ROBERTS: So, the present act does not touch the amendment or change or replace?

MR. MOORES: Are you asking a question or not?

MR. ROBERTS: I was asking a question.

MR. MOORES: Well, get up and ask it.

MR. ROBERTS: You do not have to answer it.

MR. SPEAKER: Order, please!

MR. MOORES: Or, are you not allowed to answer it.

MR. ROBERTS: We are a little tender now.

MR. SPEAKER: Order, please!

MR. MOORES: Are we tender?

MR. ROBERTS: Yes, we are tender.

MR. MOORES: You should be.

MR. ROBERTS: Yes, we are.

MR. SPEAKER: Order, please!

MR. MOORES: You have a tender bedfellow.

MR. ROBERTS: Going to slug me again?

MR. SPEAKER: Order, please! Order, please!

I would remind the honourable members that we are into the question period and some members do have questions to ask. I would suggest that they do have the right

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to be heard in silence.

MR. NEARY: Mr. Speaker, I presume the Minister of Fisheries is still the government's representative on the linerboard logging operations in Goose Bay.

MR. CROSBIE: Right on!

MR. NEARY: Right on! Well I wonder if I will be right on, on this question, Sir. Would the minister care to give details to the House of the new policy developed at the Linerboard logging operations in Goose Bay to pay the return fare for all senior officials to Montreal and St. John's and to other places for Christmas?

HON. J. C. CROSBIE (MINISTER OF FISHERIES): Mr. Speaker, I do not know if there is such a policy or there is not such a policy. I am Chairman of the Board of Directors of the company and the management, that decides management matters. If there is such a policy I can see that it would be quite a sensible policy that senior officers of the company, if their way is paid out and back over Christmastime, there would be nothing unusual. That, in fact, I think, would be an excellent idea. We want to attract the best kind of people up there we can.

I might say also, Mr. Speaker, that the management at Labrador Linerboard in Labrador this year, the new manager has vastly improved the operation up there. We are delighted with his work. I really hope that he is getting a trip out and back paid for by the company. In the meantime, I will just check and see if that is the policy. It is the policy to pay the way in and out of men who work there and stay for three months. I can assure the honourable members of this House that the manager has been in there now for a lot more than three months. He has done tremendous work. I hope he is getting such a benefit from the company. In the meantime, I will check and see just what the policy is.

AN HON. MEMBER: Bear! Hear!

MR. NEARY: Mr. Speaker, I wonder if the Minister of Finance,

Sir, will check to see if this policy will apply to all other government employees in Labrador?

MR. CROSBIE: Do not be so childish!

AN HON. MEMBER: Send them out for Christmas shopping.

MR. SPEAKER: Order, please!

The Hon, Minister of Finance.

HON. B. R. V. EARLE (MINISTER OF FINANCE): Mr. Speaker, the Minister of Finance will check very thoroughly with his colleague, who is the Chairman of the Board of Directors of the Linerboard Mill.

MR. NEARY: Mr. Speaker, the Minister of Fisheries is awfully concerned that the trawler fleet may not sail after Christmas. Would the minister care to indicate to the House what action his government are taking to try and bring the parties in this dispute together so that the trawler fleet will sail after Christmas? If the minister is so concerned what are the government doing about it?

MR. SPEAKER: The Minister of Fisheries.

MR. CROSBIE: Mr. Speaker, I have no objection to answering that question but I thought that everybody in the province knew what was being done about it.

MR. NEARY: Inaudible.

MR. CROSBIE: Certainly there has been enough in the papers in the last few weeks. Mr. Jamieson was just down here last Thursday and Friday and he was questioned on it. I have been questioned on it. What is happening, Mr. Speaker, is what this House has already been told, The Government of Canada have appointed a task force to look into what assistance should be given the industry. That task force is headed by Mr. Fern Doucette, the Chairman of the Fresh Fish Marketing Board in Manitoba, a very capable individual. the province has appointed five or six people to represent us on our end of that task force, the federal task force has reported to the minister, the Minister of Fisheries of Canada has made a submission to the cabinet. I understand this very day a cabinet committee is examining the submission and the documentation that goes with it. They are making recommendations as to some form of assistance for an interim period from now until, I believe,

the end of March or the end of April, assistance that they will recommend for the fishing industry on the East Coast of Canada not just for Newfoundland because the problem is one that effects the whole East Coast of Canada. They were hoping and expecting that the cabinet's decision would be made this week. We will then have to go to the cabinet. When they are ready to let the public know what the assistance is in the industry, know they will presumably at the end of this week or early next week, then the industry here in Newfoundland who are already sitting down, I believe, they had a meeting today with Mr. Cashin and his representative, will presumably sit down with them again to discuss what monetary offer they can make the union representing the trawler fishermen in light of what assistance they will get from the Government of Canada or from us, when they have that information. We are in contact constantly with the industry, with the federal government. I have not been talking to Mr. Cashin for a week or so since we at the moment have nothing to talk about. The government are anxious, of course, and hoping that this matter can be resolved. It will depend on the attitude of the employers and the attitude of the union and what assistance is forthcoming from the Government of Canada or from ourselves.

In the meantime, apart from this assistance for an interim period

both governments would be continuing to develop an overall plan of assistance to the industry, offshore and inshore, over January, February and March. It will take probably two or three months and when it is decided what form of long term assistance there will be and what the conditions will be, and in the meantime we will be looking at the structure of the industry and such questions as to whether or not there should be some change in marketing practices, whether or not a dozen other things should be done then the long term programme will be announced, between the Government of Canada and ourselves as to what is going to be done on the longer haul since this problem will not be resolved just in the next few months.

So I think that brings us up to date, Mr. Chairman. The situation is being kept in touch with every day.

MR. NEARY: Mr. Speaker, I wonder if the Minister of Transportation and Communications could inform the House if his department has received any complaints from the Community of St. Bernard's, complaints about the access road, it has been reconstructed to St. Bernard's.

MR. SPEAKER: The honourable Minister of Transportation and Communications.

MR. ROUSSEAU: I believe I received a letter last week. I cannot be certain because we received a number of letters but I will certainly undertake to check it out for the member.

MR. NEARY: Also, could be see what action is being taken on any complaints be may have had.

Mr. Speaker, I wonder if the Minister of Finance could tell the House whether or not he has received any objections or any representations from various government departments, either orally or in writing, about the Cabinet directive that Christmas parties in government offices will only be permitted between the hours of 4:00 P.M. and 7:00 P.M. on Christmas Eve.

MR. SPEAKER: Order please! The Chair considers it to be a question that does not require an urgent answer, however if the Minister of Finance wishes to answer it I shall permit him to.

MR. EARLE: Mr. Speaker, I just want to take the opportunity, seeing it is such a serious question that needs an immediate answer, I would like to inform the honourable member that I have not received one protest either by word of mouth or by letter or by phone call.

MR. NEARY: Mr. Speaker, I want to direct a question to the Minister of Recreation and Rehabilitation, would the minister care to - PREMIER MOORES: On the same subject.

MR. NEARY: No, not on the same subject, this is a more serious matter, would the minister care to elaborate on the public statements that he has already made concerning the health problem over at Exon House and if it is correct that the minister's department intends to hire another twenty cleaners at Exon House?

MR. DOYLE: Yes, that is correct, Mr. Speaker.

MR. NEARY: What is correct? That was two questions, doubled barrelled question. Well would the minister care to tell us what went wrong at Exon House? What created the problems at Exon House? There had to be an investigation into the health conditions over there?

MR. DOYLE: Mr. Speaker, one of the matters arising out of the recent strike at Exon House was the fact that it came to our attention that the cleaning facilities at the institution were not all that they could be desired to be. We have therefore decided to employ our own cleaning staff on a permanent basis rather than use the services of cleaning companies and this is all that is going on right now.

MR. NEARY: Mr. Speaker, I wonder if the Minister of Finance could inform the House if the government has completed its borrowing for the fiscal year ending March 31, 1975.

MR. SPEAKER: The honourable Minister of Finance.

MR. EARLE: Mr. Speaker, I am very happy to advise the House that the most recent issue of this province was taken up in a record time. It was a most successful bond issue at very favourable rates under today's conditions and this normally completes our requirements for the balance of this year.

MR. NEARY: Mr. Speaker, March 1972, the honourable the Premier will remember that his government undertook to conduct a study - MR. MARSHALL: On a point of order, Mr. Speaker, the honourable member is entitled to ask a question but not to prefix it with a preamble of statements or speeches no matter how short.

AN HON. MEMBER: Inaudible.

MR. MARSHALL: I am not through with the point of order yet, Mr. Speaker.

That is very clear by the rules of Beauchesne and in our Standing

Orders.

MR. ROBERTS: To that point of order, Mr. Speaker,

anybody who is the least bit familiar with the Premier's performances, the Premier knows that he needs to be reminded of what he said or done. It may have been one of his bad days. I suggest that my colleague is well within the rules. He is not being argumentative. He is merely pointing out the context in which his question is asked.

MR. MOORES: On that point of order, Mr. Speaker, on what the

Leader of the Opposition said, "The conduct of a Premier is something
that he really will never experience."

SOME HON. MEMBER: Hear! Hear!

MR. SPEAKER: Order, please!

AN HON. MEMBER: Inaudible.

MR. SPEAKER: Order, please!

SOME HON. MEMBERS: Inaudible.

MR. SPEAKER: Order, please! The question period and those honourable members asking questions are supposed to keep their questions very precise. The honourable Member for Bell Island was entering into a longer preamble than perhaps was necessary.

MR. NEARY: Well, Sir, is the Hon. Premier aware that in March 1972 his government committed themselves to conducting a study of the needs of members of the opposition with regard to office accommodations, staff and related matters?

MR. MOORES: Mr. Speaker, I am also aware that at that same time we found out that we were in need of a stable government which we got and a reduction in the opposition which we also got.

MR. F. ROWE: Well what a comparison!

MR. NEARY: Mr. Speaker, would the Hon. Premier care to table the study that his administration undertook?

MR. MOORES: Mr. Speaker, what I would be prepared to do if we had the space in this building is allocate more space to the opposition I think they need it. I think most government departments in this building need more space. It is one of critical concern. It is one that is badly required. It is one that shows a lack of planning in the past but

hopefully, Sir, we will have enough office space in a year or so's time.

MR. NEARY: Well, Mr. Speaker, can I take it from the -

AN HON. MEMBER: Inaudible.

MR. SPEAKER: Order, please!

MR. NEARY: Mr. Speaker, can I take it from the Premier's answer then that there will be an extension of Confederation Building or there will be some alternative arrangements made? Will the Confederation Building be expanded in the foreseeable future?

MR. MOORES: Mr. Speaker, as the honourable member well knows that is not the plan at the present time. The plan is that we get additional office space for government departments.

MR. NEARY: Well, Mr. Speaker, I do not know what the plans of the government are, so the Premier is wrong there. I am trying to find out, Would the Premier care to be a little more specific and tell us what the plans are for additional office space.

MR. MOORES: We will undertake if the House gives unanimous approval,
Mr. Speaker, to build an appropriate adjunct porch, outhouse for the
honourable Member for Bell Island if that is what he requires.

MR. ROBERTS: Inaudible.

MR. SPEAKER: Order, please!

MR. NEARY: Mr. Speaker, perhaps, Sir, this question may be more appropriate for the Premier to answer. Around the same time is the Premier aware, in March 1972, that his administration committed themselves to a short-term programme on a long-term basis to attack unemployment in this province? Would the Premier care to tell us what he has done about that matter?

MR. MOORES: Yes, Mr. Speaker, immediately after the next election we will do the best we can for the honourable member. The fact is, Sir, that unemployment as the honourable member well knows in North America today and in Canada is one of great concern, as is inflation. We are talking here about something that has international ramifications,

I am not talking just federal ramifications. We are going through what is basically a very difficult time, Sir, in the Western World. The honourable Member for Bell Island is somewhat isolated, blinkered, parochial and whatever, provincial in his outlook. The fact is, Sir, that this government are doing whatever possible to alleviate the unemployment problem. We have a situation because of the mismanagement of so many years where the industrial base of this province is not developed properly. The fact is we are doing our best to bring it into shape through Gull Island offshore oil, where we have taken a stand, other people in this House have not, and many other aspects, Sir, that we hope to improve the economy of this province to be as good as any in Canada.

MR. NEARY: My are we not in a great mood today!

MR. MOORES: More or less!

MR. NEARY: I wonder in connection with the same matter if the Premier will indicate to the House how many advisory groups, that is; town councils, development committees and so forth, development associations, have been set up to advise the government on their plan for provincial development, as indicated in the Throne Speech of March 1972?

MR. MOORES: All of them who are interested, Mr. Speaker.

MR. NEARY: We are not getting very far today, Sir. I wonder if
the Minister of Pinance and the President of Treasury Board, Mr. Speaker,
would indicate to the House -

AN HON. MEMBER: He is the President.

MR. NEARY: The Minister of Finance is legally the President of
Treasury Board, legally, Sir, until we change the Act, the Minister is
still the President of Treasury Board - would be indicate to the House
if there is any foundation at all to the reports that there has been
a freeze placed on hiring additional civil servants? That a directive
has gone out from the minister's department, putting a freeze on any
future hiring?

MR. SPEAKER: The Hon. Minister of Finance.

HON. H. R. V. EARLE (MINISTER OF FINANCE): The simple answer to that, Mr. Speaker, is "No."

MR. DOODY: So there is still hope until after the next election.

MR. NEARY: Mr. Speaker, I wonder if I could get back to the

Minister of Health there for a second. I am

not going to ask the minister about the mumps, Sir. I wonder if the minister could bring us up to date on the matter of the Regional Hospital for the Clarenville area? Just what is happening in that regard?

DR. A. ROWE: Mr. Speaker, as you very well know there was a public meeting recently at which was presented a report of the consultants. We have now completed the study on the various elements which will comprise the 138 bed hospital at Clarvenville and the plans are proceeding accordingly. The Chamber of Commerce have recently received a full report which was reported throughout the district there. I do not think there is anything further to be added at this particular point.

MR. J. CROSEIE: Mr. Speaker, can I ask the Leader of the Opposition a question. Did he receive a letter from Prime Minister Trudeau to the same tenor with the same attention as Mr. J.R. Smallwood did or has he not received such a letter?

MR. SPEAKER: Order, please! Order, please! I feel that the -

MR. ROBERTS: It is not a bad letter at all, Mr. Speaker.

MR. SPEAKER: Order, please! The idea of the question period is for honourable members to ask questions of the ministers and I feel not vice versa.

MR. NEARY: Mr. Speaker, -

AN HONOURABLE MEMBER: Inaudible.

MR. SPEAKER: Order, please!

MR. NEARY: Mr. Speaker, I wonder if the Minister of Recreation and Rehabilitation could inform the honourable House just what his department's policy is, Sir, concerning sending representatives from Newfoundland to the games that are going to be held next year in Lethbridge, Alberta? Are the people who will participate in these games, selected by the minister's department or have they farmed out the responsibility for picking out these people who will attend the summer games in Lethbridge?

MR. SPEAKER: The honourable Minister of Rehabilitation and Recreation.

MR. T. DOYLE: Mr. Speaker, the competitors who will represent Newfoundland in the 1975 Canada Winter Games in Alberta next February are in the process of being selected by the various provincial bodies of the particular sport which they represent. This is the way that the sport bodies want it done and this is the way it has been done over the years.

MR. NEARY: Mr. Speaker, a supplementary question: Does the minister's department have any control whatsoever over who will be selected to attend, I thought it was summer games, winter games, I am sorry, in Lethbridge? I presume it is the minister's department which is paying the expenses of these people. Well then, does the minister have any control at all? MR. DOYLE: The honourable member has asked two or three questions there. In the first instance the expenses for the athletes from all provinces are paid by the Federal Government. In the second case, the second question, to the best of my knowledge the department has no input whatsoever in who goes to the games. As I just said, the representatives are selected by the provincial organization of the sport which they are to represent. MR. NEARY: Mr. Speaker, I wonder if the minister could tell the House if there are any charges of discrimination in the selection of people who will participate in the winter games? What recourse do these individuals have? Can they appeal? Can they make an appeal? Could the minister tell the House how they can appeal any charges of discrimination? MR. DOYLE: Mr. Speaker, I have no jurisdiction to answer that question at all. All I can say is what I have said twice that these choices are made by the provincial bodies concerned and it is of no concern to my department, Well, Mr. Speaker, is the minister aware that the school girls curling team on Bell Island which will be attending these winter games, is the minister aware that they are not permitted to take their coach along with them?

AN HONOUPARLE WEMLET: Inaudible.

MR. NEARY: Their coach. c-o-a-c-h coach.

MR. DOYLE: Mr. Speaker, all I can do is say what I have said three times.

These decisions are all made by the provincial bodies representing the sports.

They have nothing to do with our department whatsoever. If he has any complaints he should bring they to the Provincial Curling Association.

MR. MOORES: Has the member asked them?

MR. NEARY: Yes, I have. Mr. Speaker, is -

MR. MOORES: Get a reply?

MR. NEARY: I was bounced back to the minister. That is why I am asking questions. So, obviously, Mr. Speaker, we are getting the run around on this but I will find out.

Mr. Speaker, I wonder if I can get back to my congenial friend over there, the Minister of Public Works. I would like to ask the minister if the residences for professors at Memorial University comes under the minister's jurisdiction or are they under the control of the university.

DR. FARRELL: Mr. Speaker, the answer to that question, as far as I know they are under the control of the university but I will check it out.

I am pretty certain they are under university control.

MR. NEARY: I would like for the minister to check it out, Mr. Speaker. If the minister could find out for me what happened to the thirty

Memorial University residences that were put up for sale some time

ago, if tenders were called, if they were offered for sale to the

occupants, if there were sweetheart prices or just what the story
is on these residences.

Mr. Speaker, I wonder if the Minister of Manpower down here could bring us up to date on how many recommendations of the Cohen Royal Commission on Labour have been implemented to date?

HON. E. MAYNARD (MINISTER OF MANPOWER AND INDUSTRIAL RELATIONS): None of the recommendations have been implemented to date because, as the honourable gentleman is well aware, the implementation of the Cohen recommendations will require legislation. The legislation is now being drafted and will be brought before the next session of the House of Assembly, hopefully, sometime in the early part of 1975.

MR. SPEAKER: The question period has expired.

ORDERS OF THE DAY:

MR. NEARY: Mr. Speaker, I ask leave of the House, Sir, in accordance with Standing Order No. 23 that the regular business of the House be adjourned to discuss a definite matter of public importance, namely,

Mr. Speaker, the state of our province and our people, consumed as they are this day by feelings of uncertainty and growing despair.

Mr. Speaker, the apprehensions of our people arise out of our failure yet in this House to deal with the matters which are of grave and urgent concern to them, matters which are uppermost in the minds of the people represented by all of us here, Sir, but matters which have been brushed aside at every attempt made over the past three weeks to introduce them. Mr. Speaker,

MR. SPEAKER: Order, please!

MR. MARSHALL: A point of order, Mr. Speaker. First of all it is obviously not a matter of public importance requiring immediate debate but the honourable member when he moves adjournment under this Standing Order has to get up and state in one simple sentence, in a very few words, the nature and the subject matter for which he wishes the business of the House to be adjourned. Then Your Honour determines whether this subject matter is adequate to warrant the adjournment of the House and then the honourable member is allowed to go on. The honourable gentleman is getting in the habit of getting up and making a speech with his motion which he is not allowed to do.

MR. ROBERTS: There is nothing in either the rules or the precedent that says anything about the marshall doctrine of one single sentence or whatever words he used. This House does not operate under Marshall Law, Sir, it operates under the rules of the House of Assembly and the 23 (b) to which I would refer Your Honour, Sir, says simply that the member desiring to make such a motion rises in his place, asks leave to move the adjournment of the House for the purpose of discussing the matter of urgent public importance and states the matter. That is all my colleague has been doing.

If the honourable gentleman does not like it, I invite him to leave the House. The rules are clear.

MR. SPEAKER Order, please!

Before the honourable Minister without Portfolio rose, I
was about to rise and express some wonder as to just what the matter
of urgent public importance was. The honourable member for Bell Island

has been kind enough to give me a copy of his motion.

MR. NEARY: Inaudible.

MR. SPEAKER: If the honourable member for Bell Island will let me continue, the honourable member for Bell Island in his motion, getting down to the latter part of it, in fact the last line or two, states two or three problems which he feels the House should debate.

Looking at the thing, the three problems are topics of which motions were ruled out on before. I consider his motion, as such, to be out of order.

MR. NEARY: Mr. Speaker, do I get

a chance to finish my motion.

AN HON. MEMBER: No, it is out of order.

MR. NEARY: I gave Your Honour the courtesy because the page came and asked me if I had a copy, but Your Honour is not supposed to have any idea what my motion is. I did Your Honour the courtesy of sending a copy up to Your Honour. For the information of members of the honourable House, Sir -

MR. SPEAKER: Order please!

MR. NEARY: I am on a point of order, Mr. Speaker.

MR. SPEAKER: I have ruled the motion out of order.

MR. NEARY: Is this a dictatorship we are running here, Sir?

MR. SPEAKER: Order please!

AN HON. MEMBER: Name him, Mr. Speaker.

MR. NEARY: Yes name him, I am not finished my motion yet.

AN HON. MEMBER: Name him.

MR. SPEAKER: I am sure honourable members are aware that it is within the jurisdiction of any Speaker to rule any motion that he feels such, out of order.

MR. NEARY: Your Honour was ruling on a point of order, Sir, not on my motion.

MR. ROBERTS: Then Your Honour surely is governed by the rules.

MR. NEARY: Well, Sir, do I finish the motion?

MR. SPEAKER: Orders of the Day.

MR. NEARY: Well, Mr. Speaker, I move that under Order number 23, Sir, that the regular order of business of the House.

MR. MARSHALL: On a point of order, Mr. Speaker, Your Honour has made a ruling, the honourable member for Bell Island obviously does not care to abide by Your Honour's ruling, his recourse is to appeal Your Honour's ruling if he so desires, if he does not he ought to be very careful before he starts challenging Your Honour's rulings.

MR. SPEAKER: If the honourable member for Bell Island has another motion apart from the one which we just discussed, I would be willing to listen to it.

MR. NEARY: Mr. Speaker, on a point of order, Sir, before Your Honour ruled on the point of order that was raised by the Minister without Portfolio, the page came and asked me for a copy of my motion, I did Your Honour the courtesy of sending him up a copy which I did not have to do, then Your Honour ruled before I had a chance to finish the motion, Sir. That is not parliamentary, Sir, it is not democratic.

MR. SPEAKER: Order please! That matter has been dealt with. The honourable member's motion has been ruled out of order. If he has another one I will hear it.

ORDERS OF THE DAY

MR. SPEAKER: Motion 1, Redistribution Bill, I think the debate was adjourned last day by the honourable member for Hermitage.

MR. SIMMONS: Mr. Speaker, how much time remains for me, Sir?

MR. SPEAKER: I will check for the honourable member and inform him.

MR. SIMMONS: Well, Mr. Speaker, our suggestions, although they have been ruled out of order or voted against as amendments, we certainly have offered a number of clear alternatives to the butcher job that the Premier had the face to bring into the House under the cloak of a resolution.

AN HON. MEMBER: Inaudible.

MR. SIMMONS: Considerable, yes. Oh he is back, he is smiling again,

Mr. Speaker. He got over the sulk session he had on Friday.

MR. SPEAKER: Order please! Order please!

MR. SIMMONS: The school boy is over the sulk session. He is back. He is back in all his grin.

MR. SPEAKER: Order please! I remind the honourable member for Hermitage in speaking to a particular motion he is certainly not being relevant at all.

MR. SIMMONS: Mr. Speaker, it is very difficult to be relevant but if I can - AN HON. MEMBER: Inaudible.

MR. SPEAKER: And he does have the right to be heard in silence. The honourable member for Hermitage has twenty-five minutes left.

MR. SIMMONS: Mr. Speaker, in the last couple of weeks during which we have been involved in this debate, we have yet to hear one single word of defence

for the government's resolution or any rationale for it. Now the Premier when he spoke at the beginning of this debate did give one of his most long winded and at the same time, by far, his worse speech on any occasion. He touched somewhat on community of interest. I am not sure he knows what it means, indeed I will rephrase that, I am pretty well sure he does not know what he meant when he talked about community of interest. How we can take the Baie Verte - White Bay monstrosity and rationalize that in terms of community of interest, or how anybody on that side of the House can do so, Mr. Speaker, is beyond me. Of those who have yet spoken, nobody on the government side has addressed himself to the question of the Baie Verte - White Bay seat, the Eagle River seat or the worse monstrosity of all in some respects, that Harbour Main -Bell Island seat. Well I can see the reasons for it, I have been able to sit here and watch the smirks and all that but nobody has bothered to stand up and tell us what the real reason was for that particular district. I would love to hear that from the Minister of Industrial Development. I believe he knows better than anybody else.

MR. NEARY: He will find out in the next election.

MR. SIMMONS: Nobody, Mr. Speaker, on the government side of the House has bothered to give us any rationale for this resolution

for the kind of butcher job that they did on the commission report.

All we heard Friday from the court jester in the Moores Administration.

the Member for St. John's Centre, quite -

MR. MURPHY: A lovely speech! A lovely speech!

MR. SIMMONS: Entertaining. A beautiful speech, Mr. Speaker, as lovely goes. A beautiful speech, nothing to do with the subject at hand though. Nothing that would help ease the pain for the Minister of Justice over there who must have really enjoyed the page over the weekend, in "The Evening Telegram", it sums it all up. I have to congratulate the reporter publicly, Mr. McCurdy, "Hickman's words back to haunt Tories." How is he going to live with it, Mr. Speaker? How is he going to live with it? The promise that the report of the commission would be brought here intact, unvarnished, unchanged these are his words, Mr. Speaker, "Untarnished, unchanged," great words. Is he going to stand by them? Is the Minister of Justice going to stand by them? Is he going to get up now and tell us why he had a change of heart? Or was he backed into a corner, Mr. Spacker? Did he have to compromise the principles he stood for? Has he suddenly changed his tack and his mind and his heart? Where does he stand now, Mr. Speaker? Was there some kind of an agreement behind the scenes that he would remain silent, that he would bite his lip on this one as he has being doing rather conspicuously during the past couple of weeks? Or will he now, this afternoon, get up and tell us where the wisdom is in the Premier's resolution? Tell us why he was wrong. There is nothing wrong with a man admitting he is wrong but when a man just sits there and will not address himself to the situation, will not tell us what was so wrong with his thinking a year and a-half ago, will not let us in on the great secret behind the Premier's resolution, I say that is cowardly, Mr. Speaker.

AN HON. MEMBER: Hear! Hear!

MR. SIMMONS: I say the Minister of Justice is capable of something better than that. I would invite him when I am through to sit down and tell us how he could live with this particular statement, this

commitment that no responsible minister would tolerate any change in any report that comes from the commission. No responsible minister would tolerate any change whether he was - he has gone further than I would have gone in making a statement like that. I could understand some peripheral change, some change as long as it were not a change in substance but a change in thirty-one of the fifty-one districts, Mr. Speaker, how can he reconcile that with his statement of a year and a-half ago?

MR. NEARY: No wonder he is having prayer breakfast.

MR. SIMMONS: We can only assume -

AN HON. MEMBER: Inaudible.

MR. NEARY: No, I am not a hypocrit. I go to church every Sunday

I do not have to go down and pay five dollars to pray.

MR. SIMMONS: I do not know where that puts me but

MR. ROBERTS: Inaudible.

MR. SIMMONS: Mr. Speaker, I can only assume too that - I will let my colleagues the Member for Bell Island and the Member for White Bay North fight out the merits of going to prayer breakfast or otherwise. I was there and enjoyed seeing the Minister of Justice there playing his full role.

MR. NEARY: Rolling his eyes heavenward no doubt.

MR. SIMMONS: He was probably, Mr. Speaker, looking for some escape from the words of a year and a-half ago. I would say, Mr. Speaker, there is only one escape for him and that is to get up and hare his soul this afternoon and tell us why he changed his mind or tell us why he was forced or how he was forced into making these statements in the first place. But in the absence of some explanation, Mr. Speaker, we can only assume that he was speaking for himself and for the government when he said that "No responsible minister would tolerate any change at all." Mr. Speaker, these are fighting words. these are words of commitment from a man who knows what he is talking about.

AN HON. MEMBER: Inaudible.

MR. SIMMONS: What now, Mr. Speaker, a year and a-half later?

AN HON. MEMBER: Inaudible.

MR. NEARY: We tried that, this afternoon,

MR. SIMMONS: We tried that, Mr. Speaker, if they want to talk about the business of the country -

MR. SPEAKER: Order, please!

MR. SIMMONS: If they want to talk about the issues of fishery and housing and unemployment, Mr. Speaker, we are willing to do it.

MR. NEARY: Adjourn the House and we will discuss the high cost of living.

MR. SPEAKER: Order, please!

MR. SIMMONS: Mr. Speaker, our fillibustering as the Member for Placentia
West calls it, is a fillibustering which is designed to get some of
these people up on their feet and see if they will explain what is
It is certainly unexplainable in our terms, we cannot find any reason
for it, perhaps they have some reasons. Why are they keeping it to
themselves, Mr. Speaker?

MR. BARRY: I said it all out for them.

MR. SIMMONS: He said it all out - Mr. Speaker, he talked about

Placentia West and that was the extent of his entire contribution
so far in this session of the House.

MR. BARRY: Inaudible.

MR. NEARY: I thought Ambrose Peddle

MR. SIMMONS: Mr. Speaker,

MR. F. ROWF: Mr. Speaker, would "The Evening Telegram" have something to say about that?

MR. SIMMONS: Mr. Speaker, did you hear that nonsense about the nine new ombudsmen. How can he explain that in terms of St. Barbe North where they are going to have - St. Barbe is it, it will be called where they are going to have a bigger district than they have now? How can he explain that in terms of Labrador?

MR. F. ROWE: The Straits of Belle Isle.

MR. SIMMONS: How can you explain it in terms of the Straits of Belle Isle, Baie Verte-White Bay where they are going to have several thousands more voters than they have now. A couple of thousand more

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than the average for the province. They are going to have 12,000 plus in Baie VerteWhite Bay and 8,000 in Grand Falls, ombudsman.

AN HONOURABLE MEMBER: Inaudible.

MR. SIMMONS: No, we do not agree with everything "Wick" says. Mr. Speaker, the only encouraging note of course in this whole gerrymandering job which lacks any other plausibility, the only encouraging note for us is that it is an obvious sign that the boys on the other side are really running scared, Mr. Speaker, really running scared. Mr. McCurdy has the answer.

AN HONOURABLE MEMBER: Who?

MR. SIMMONS: The "Evening Telegram".

MR. ROWE: The son of the Minister of Finance - Remember Dr. McCurdy?

MR. NEARY: The Minister of Fisheries knows who he is.

MR. SIMMONS: Mr. Speaker, the answer is here and I think it is recommended reading really for the Premier. They got together and they said, "Look, this St. Barbe Coast, this Northern Peninsula is Liberal anyway. Let us put them all in together." Part of the White Bay North seat, part of the Labrador South seat where they really took a trouncing in that by-election, Mr. Speaker, I would say it is almost a vengeance movement. It is almost an item of vengeance for the government to get at that Labrador South crowd down there for what they did to them, 100 plus voters, Mr. Speaker. "So we will lump them in with Liberal White Bay North and Liberal St. Barbe North and Labrador South. We will put them all in together." The old gerrymandering tactic. Now what do we do in Baie Verte—White Bay? The same thing.

AN HONOURABLE MEMPER: Inaudible.

MR. SPEAKER: Order, please!

MR. SIMMONS: The same thing, Mr. Speaker. 'We will put the Liberal part of White Bay South in with Liberal White Bay North and we will call it Baie Verte-White Bay." Down in Harbour Main-Bell Island, of course, the explanation is so simple, I would not undermine the intelligence of you Mr. Speaker, or those opposite by even bothering to explain it.

MR. NEARY: They are trying to do a hatchet job.

MR. SIMMONS: A hatchet job, Mr. Speaker, of the first order.

PREMIER MOORES: Inaudible.

MR. SIMONS: Mr. Speaker, I cannot help it Mr. Speaker, I cannot help it if the Premier is in a bad mood. I do not intend to entertain him. He had a bad weekend. He has had a had month. He gave a bad speech in the House of Assembly three weeks ago, by far his worst one. He had a bad time down in Boston. He has had a bad time all fall.

MR. SPEAKER: Order, please!

MR. SIMMONS: I cannot be responsible for that, Mr. Speaker.

MR. SPEAKER: Order, please! The honourable Member for Hermitage is not relevant.

MR. ROBERTS: The Premier had a very bad time in St. Mary's hall.

MR. SIMMONS: Mr. Speaker, I had a very good time at St. Mary's hall. The Premier watched it by television. He should have been there, Mr. Speaker, tremendous time.

MR. SPEAKER: Order, please!

MR. SIMMONS: Yes, Mr. Speaker, the one bit of encouragement for us here on this side in this resolution is that it is an admission by the government that they are running scared. They have to get away from the pious words of the Minister of Justice a year and a half ago, all the commitments that there would not be a change in the proposals of the report would be kept intact, unvarnished, unchanged and they come in with this gerrymandered butcher job. Thirty-one of the fifty-one districts - why, Mr. Speaker, why? - Because they did not believe what they were saying a year and a half ago? Not particularly but because the circumstances have changed in their opinion and now the overriding item on the agenda is "Get yourself re-elected". So somehow from some mistaken terms of reference they sit down with a pencil and they draw this, they think to their own liking. Well they can draw that map, Mr. Speaker, how they want. They can talk all they want about communities of interest, at the same time completely ignoring the geography of the country, the accessibility of various parts of the country, putting Roddickton in with Bale Verte although they are 400 miles in distance from each other. They can do all that just as they want, Mr. Speaker, they will get their answer when the next election comes. It is an answer they are fearing already, Mr. Speaker. It is a mockery of the first order,

a monstresity, the like of which Newfoundland has never seen in terms of redistribution or gerrymandering. This is the same crowd, Mr. Speaker, who gave promises, who raised the hopes of people that they were going to be a new breed, they were going to do things differently. None of this gerrymandering, Mr. Speaker. They were going to do it all in organized fashion, with independent methods, getting in an independent commission. This is the same crowd, Mr. Speaker, who were going to be the salvation in the rural parts of Newfoundland. We all know what happened to that programme. If ever there was a complete flop, it is the Rural Development Programme with this government.

We all know how they were going to be the salvation of the fishery. There were going to be more trawlers in this country than you could shake a stick at. Every year, Mr. Speaker, promises, promises, promises about trawlers in Harbour Breton and other parts of this province. The Premier would not want me to talk about it because it is an embarassing reminder for him, Mr. Speaker. If we had all the trawlers he promised for Harbour Breton, you would not get them all in the harbour down there.

MR. NEARY: You would be able to walk across the harbour on their spars.

MR. SIMMONS: These are the champions of tendering, Mr. Speaker. We have seen that one go down the drain.

MR. SPEAKER: Order, please!

MR. SIMMONS: We have seen how they botched that as well.

MR. SPEAKER: Order, please!

Two or three times now in the past ten minutes I have had to remind the honourable member for Hermitage that he is not being relevant to the motion. If he continues being irrelevant, I shall have to ask him to take his seat and recognize somebody else.

MR. NEARY: Inaudible.

MR. SIMMONS: There is always the consolation, Mr. Speaker, that the rules apply equally to all.

I was coming to my point, Mr. Speaker, perhaps rather slowly.

I was about to say that it is not surprising that the people of Newfoundland are being given the shaft on this redistribution thing. It is only par for the course, for an outfit that has given people the shaft on rural development, on the fishery, the trawler programme, public tendering, it is all par to the same, Mr. Speaker. In those terms we can understand it because this is par for the course for this outfit, Mr. Speaker. This is the way they operate. They feel no loyalty to live up to a word that they promised, a public commitment they gave a couple of years ago.

Every day they invent the terms of reference for that particular day. Tomorrow they forget the rules they operated by yesterday or promised they would operate by tomorrow. That is the way they operate, Mr. Speaker. How can you expect any different. How can you expect any better from a government that has no loyalty to anything except to itself, no loyalty even to its words of a month or six months or eighteen months ago. I would suggest, Mr. Speaker, they come to their senses on this one if for no other reason than to bail out a very embarassing Minister of Justice who stood and gave what he thought was the government's word eighteen months ago.

What are they doing now, Mr. Speaker? They are pulling the rug out from under him, completely. I would suggest, Mr. Speaker - he has only two or three courses of action at this point in time - either stand in his place and tell us why he was all wrong a year and a half ago or tell us why, though he thought he was doing the right thing then, why he now realizes this is a better course of action, why he has seen the light, how he has seen the light. Let him do that or let him do the other honourable thing, Mr. Speaker.

If he does not subscribe to this butcher job - knowing the man as I do, I cannot see for one second how he does - I think I understand what he stands for. He has always been in my mind a man of considerable principle and I do not think he subscribes to this kind of thing. It is one of the things he abhorred in many, many conversations with me. Yet, by his silence, I can only assume, Mr. Speaker, that somehow he agrees with what is going on. I hope I am wrong in that assumption and I hope

he will stand in his place and either deny it or else do the honourable thing and inform the Premier and his colleagues that he cannot go along with this thing, this butcher job, do the honourable thing and resign from the cabinet.

Mr. Speaker, I hope before the debate expires that the Minister of Justice will stand up and tell us exactly where he stands on this particular subject. We have been looking forward also, Mr. Speaker, for several days now to hear from the member for St. John's South. If I know that gentleman at all, I know he has very serious qualms on this matter. I know he is having a very, very uncomfortable time on this. He is also a man whom we know for his principles. We know him for his independence of thought. He is not a man to be railroaded. He is not a man to wait outside the cabinet door to see what the decision is so he can run off and carry it out. He is a man who acts independently, according to his principles.

The same, of course, Mr. Speaker, could be said for a number of other men on the government side of the House. I am not suggesting the other people have no principles. I ar suggesting though, Mr. Speaker, that they are treading on a few of their principles if they allow this thing to go through, if they vote for this. I am suggesting, Mr. Speaker, that many of the things they stood for, they articulated about publicly, are going down the drain at this particular time if they allow this motion to pass.

What about the member for Labrador West, Mr. Speaker? Is he going to stand by

and let this affrontery, this complete butcher job particularly on Labrador take place? Mr. Speaker, another gentleman that we know quite well for his principles is the Member for Labrador West. Where does he stand on this issue? - Not one solitary word from him, Mr. Speaker, not one word from the Minister of Justice, not one word from the Member for St. John's South, just to mention three.

MR. NEARY: The Minister of Justice is so busy -

MR. SIMMONS: There are other members too, Mr. Speaker, other members, Mr. Speaker, I could mention by name, by constituency. I shall not at this point in time because of the time limitations on me. I do hope, Mr. Speaker, that members on the government side will stand in their place and will tell us where they stand on this issue or how they can reconcile their present position if it is in accordance with the Premier's resolution, if they are going to support that resolution, how they can reconcile that position, Mr. Speaker, with the thoughts and words they voiced so many times about how there ought not to be gerrymandering or the appearance of gerrymandering.

I return just momentarily to a theme I was on last week, that even if this is the best thing since creation, Mr. Speaker, which I do not particularly think it is, but even if it is the impression is abroad, Mr. Speaker, that this honourable crowd have sat down and carved the country up to their own liking, to their own advantage. That is the impression, Mr. Speaker. They have taken -AN HOWOURABLE MEMBER: Who created that false impression? MR. SIMMONS: Who created it, Mr. Speaker? The people on the government side of the House created it by going through the mockery of a commission eighteen months ago and telling us that it is going to be done by an independent commission. That is who created that impression, Mr. Speaker, The government in going through the mockery of taking the country through, bringing in a resolution, - "It is going to be done just so, going to get the most respected and competent men in the country and they are going to do it and we are going to pass it then ladies and gentlemen untarnished, unchanged, intact," - these are the words of the Minister of Justice on behalf of the government. That is who created that misimpression in answer to the question from the Member for Placentia West. That is who created -

MR. SPEAKER: I just want to remind the honourable member that he has five minutes left.

MR. SIMMONS: Thank you, Mr. Speaker.

Even if this were the best thing since creation, the impression is clearly abroad, that the boys are doing things for their own particular advantage. They are scratching their own backs, Mr. Speaker, scratching their own backs.

MR. NEARY: In the back rooms.

MR. SIMMONS: Again, not something that is completely foreign to this crowd either, Mr. Speaker, scratching their own backs. They are good at scratching their own backs because they are getting a lot of practice in it, every day of the week. No, Mr. Speaker, the resolution before the House right now is not the answer. It is far from the answer and I appeal to members on the government side to vote against this resolution. I appeal to them to let principle take priority instead of the party game once in their lives. Their principles that they stood for for many years as they relate to gerrymandering and fairness and the business of justice not only being done but appearing to be done, these are principles that the Minister of Justice would know a lot about.

What is he going to do about them, Mr. Speaker? Is he going to stand silently and be identified with the "aye's" in this resolution? Silence is consent, Mr. Speaker, silence is guilt and I do hope -

MR. HICKMAN: Inaudible.

MR. SIMMONS: Not a new concept, Mr. Speaker. The Minister of Justice says a new concept, no, not a new one but one that obviously in view of the stance he is taking on this or appears to be taking, one that needs to be repeated and reiterated again and again. Not a new position, Mr. Speaker, but one that he needs to be reminded of apparently. I am prepared to remind him of it as often as necessary until he does come to his senses, the sense that he displayed eighteen months ago when he made that tremendous speech here in the House of Assembly on the subject of the redistribution bill.

Mr. Speaker, this resolution is not the answer. It is far from the answer. The situation we have now with all its gerrymandered districts, the forty-one seats we have now is better than what this resolution provides for. I would rather live

with the forty-one we have now, Mr. Speaker. They are not fair, Mr. Speaker.

Mr. Speaker, the Burgeo burp is back.

MR. EVANS: Inaudible.

MR. SIMMONS: The Burgeo burp is back.

MR.NEARY: He must have come with the snow storm.

MR. SPEAKER: Order, please! Order, please!

MR. SIMMONS: Mr. Speaker, what a tremendous three weeks we had here.

What a tremendous three weeks we had here without him.

AN HONOURABLE MEMBER: Inaudible.

MR. SIMMONS: No, some of the people are not satisfied. The people in Burgeo La Poile are not very satisfied, are not very satisfied, I can tell you that.

We are going to fix that after the next election.

MR. EVANS: Inaudible.

MR. SIMMONS: Mr. Speaker, as unsatisfactory -

MR. SPEAKER: Order, please!

MR. SIMMONS: As unsatisfactory as it is, Mr. Speaker, the present distribution

of seats -

MR. EVANS: Inaudible.

MR. SIMMONS: I hope, Mr. Speaker, that these delays -

MR. SPEAKER: Order, please!

MR. SIMMONS: Mr. Speaker, the present distribution as unsatisfactory as it is is considerably much better than the redistribution being proposed in the Premier's resolution. With that in mind, Mr. Speaker, I would like to move an amendment to the resolution -

AN HONOURABLE MEMBER: Inaudible.

MR. SIMMONS: I can if I want to.

MR. MURPHY: Seconded by whom?

MR. SIMMONS: Never mind about that. Well, let me move the resolution and we

will see. Mr. Speaker, do I have the floor?

MR. SPEAKER: Order, please!

MR. SIMMONS: Mr. Speaker, I would like to move an amendment to delete the schedule and replace it with the descriptions of forty-one districts as set out in Section (4) of the House of Assembly Act, chapter 159 of the revised Statutes of Newfoundland, 1970. I take pleasure in moving the amendment seconded by the member for St. John's North.

MR. MARSHALL: Could we have that amendment, Mr. Speaker?

MR. SPEAKER: Could I have a copy of the amendment, please?

Order, please! My Deputy Speaker is not here. I would like to recess the House for five minutes to look at this amendment.

The House recessed for five minutes.

Order, please! I have looked at the amendment. I have

MR. SPEAKER:

either side if anybody wishes to rise on a point of order.

MR. W. MARSHALL: The only thing is, Mr. Speaker, as I understand the resolution it is to return the representation back to forty-one districts and forty-two members, I believe. At the time I had a bit of difficulty hearing it because of the, this is the gist of it. Your Honour, I think we have already tackled this point before and to so do would negate completely the resolution because the resolution is not under debate. The numbers of seats have been fifty-one as set down by the enabling legislation that constituted the committee and to allow an arendment such as this would really negate the main motion and as such is out of order by virtue -

I can give Your Honour the quotation in Beauchesne but I think it is taken as given that an amendment which negates the main motion is out of order as you will see from the reference in Beauchesne. Consequently I think

MR. E. ROBERTS: Mr. Speaker, I submit that the amendment is in order. It is common ground that an amendment which achieves a purpose that could be achieved by a negative vote against a motion or resolution is out of order. I think that is the way actually it is put in the books. This amendment, the purpose of the motion though, Mr. Speaker, is to accept the report of the committee with alterations or with some alteration, I forget the precise wording but that is the operative part of the motion, the resolution before the Chair now. What my colleague, the gentleman from Hermitage, is suggesting by means of his amendment is a different set of alterations than the alterations which were suggested in the resolution proposed by the Premier. I suggest therefore that that is in order.

If I could speak to two other aspects of that point, Sir: The Minister without Portfolio, the gentleman from St. John's East referred to the enabling legislation. This House, Sir, has not created fifty—one seats. The bill under which that commission was constituted merely set up a commission with instructions to report back and it did so do and the government have now moved that the

it is obviously out of order as such.

committee's report be accepted with alterations. They propose alterations on the boundaries, the resolution as my colleague suggests proposes alterations on the number of seats and I suggest that is in order.

Furthermore, Sir, this amendment is different in substance from the amendment moved earlier by the gentleman from Bonavista North because that would have merely received the commission's report whereas the amendment now requests to add words on to it.

So I submit it is clearly in order, Sir, it is an alternative matter.

If Your Honour wishes I will give the exact citations but the relevant one
is Beauchesne and in the other authorities, May and all the others, Bourinot,
is simply that where

an amendment is in order where it purports to-present an alternative solution which would make the main resolution more acceptable to the House. This amendment, Sir, will certainly do that in our eyes, so I think, it is in order.

MR. BARRY: On a point of order. Just briefly I submit, Mr. Speaker, that the amendment is out of order for two reasons, at least two, there may be others. (1) It is an amendment proposing a direct negative even though it may be covered up by verbiage, so therefore it is out of order. This is set out in Beauchesne, Article 202 (12).

Also, Mr. Speaker, I would submit this is an amendment setting forth a proposition dealing with a matter which is foreign to the proposition involved in the main motion. It is therefore not relevant and cannot be moved, because, Mr. Speaker, the reason it is foreign to the proposition in the main motion is that the main motion is premised on the proposition set out in the Act "That there shall be fifty-one seats." The Act under which the commission was appointed.

make total nonsense out of the resolution as proposed. Therefore, the amendment is foreign to this resolution. It is not relevant to it, and for that matter, it should be ruled out of order.

MR. SPEAKER: The Hon. Leader of the Opposition.

MR. ROBERTS: Mr. Speaker, to deal with the points raised by the gentleman for Placentia West. First of all, Sir, this is not the same as a direct negative. The purpose of this amendment could not be achieved by voting against the resolution. The purpose of this amendment is to approve the resolution with some alterations. A vote against the resolution, Mr. Speaker, would be to disapprove the report of the commission, the Electoral Boundaries Commission, entirely.

Now, Mr. Speaker, to accept this amendment would be to

Secondly, the second point he made it being foreign to the main body of the resolution, Sir, is not valid, in my view. The commission were directed to set up a system of fifty-one electoral districts. They so did. The government then decided to move that

the House accept the report with alterations. The government proposed a certain set of alterations, Sir, We are proposing a different set altogether but they are still alterations to the commission's report. This House, Mr. Speaker, I would remind you, has not said at this point: 'There is a bill that will come before us." It stands on the Order Paper, presumably to that effect. This House has not said that it will have fifty-one seats. It merely directed, and if Your Honour chooses to look again at the Electoral Boundaries Delimitation Act, 1973, the whole warp and woof of the substance of that Act, all the Act did was to set up the commission and directed them to submit a report. They have done that. The government now propose to accept it with alterations. My colleague and a number of us on this side feel that we should have a different set of alterations. MR. BARRY: Mr. Speaker, just very briefly, without belabouring the point. I submit, if you look at Beauchesne, Article 202 (14) "An amendment which would produce the same result as if the original motion were simply negatived is out of order." Now, Mr. Speaker, I submit, that the issue of the enlargement of the number of seats is fundamental to the entire commission's report. That the resolution that is put to this House is that the House approve the commission's report dealing with fifty-one new seats. Now if the honourable members do not wish to have fifty-one seats they may reject or the House may reject by vote the resolution as put and that would have the effect of keeping the status quo, which is the subject of this resolution, namely; the forty-two seats.

In other words, the same result can be achieved by voting against the main resolution as would be achieved by voting for that amendment and, therefore, by the rules it is out of order.

HON. MEMBERS: Hear! Hear!

MR. SPEAKER: Perhaps some consultation, I have come to the conclusion that there are two main elements in the resolution (1) to approve the commission's report or (2) approve it with some alterations. The amendment as moved

by the honourable Member for Hermitage and seconded by the honourable Member for St. John's North really is a complete reversal of (1) what I consider to be one of the two main elements of the resolution and thus it really negatives the main motion and, therefore, I cannot accept the amendment.

MR. ROBERTS: Mr. Speaker, we feel we should appeal Your Honour's ruling please.

MR. SPEAKER:

The motion is that the Speaker's ruling be sustained. Those in favour "Aye". Those against "Nay". In my opinion the "Ayes" have it.

DIVISION:

MR. SPEAKER: Call in the members.

Order, please! Those in favour of the motion please rise.

The honourable the Premier, the honourable the Minister of Mines and

Energy, the honourable the Minister of Industrial Development, the
honourable the Minister of Health, the honourable the Minister of Manpower
and Industrial Relations, the honourable the Minister of Transportation
and Communications, the honourable the Minister of Justice, the honourable
Mr. Marshall, the honourable the Minister of Fisheries, the honourable
the Minister of Public Works and Services, the honourable the Minister
of Finance, the honourable the Minister of Tourism, Mr. Dunphy, Mr.
Aylward, Mr. Wells, Mr. Senior, Mr. Wilson, Mr. Evans, Mr. Morgan and
Mr. Howard.

Those against the motion please rise. The honourable the Leader of the Opposition, Mr. Gillette, Mr. Neary, Mr. Rowe, Mr. Simmons, Mr. Martin.

MR. MARSHALL: On a point of order, Mr. Speaker. I do not believe there was a member in the House who has not risen. I do not think one is allowed to.

MR. CARTER: Mr. Speaker, on that point of order. I was unaware of the rule. I shall vote to sustain your ruling and I shall amplify it later.

MR. SPEAKER: The rule is quite clear. Those in the House when a vote is taken must cast a vote. I declare the motion carried.

If the honourable the Premier speaks now he closes the debate.

MR. CARTER: Before the Premier speaks I wish to say a few words on this main motion. Mr. Speaker, the last time I spoke was to the amendment, one of the amendments. This was the amendment, as I recall, to enlarge the House to fifty-two members but yet to accept the report of the commission. I gave notice at the time that I would vote against it and I did vote against the amendment but I also served notice that I would be voting against the main resolution, that is to say if it were unamended. The only acceptable form for the resolution in my - well, there are a couple of acceptable forms. I will go over that later on.

I am not at all surprised that the Speaker ruled the previous attempted amendment by the member for Hermitage out of order. In my view, it tended to negate the main motion. I am not a past master on the rules but it seemed quite obvious to me that it would be ruled out of order. The point I wish to make now is that I feel that the member for Hermitage or any member has a right to make as many amendments as they wish. This strikes me as being an anomalous situation. They had run out of seconders and the member for Hermitage came across the House yesterday - that would be Friday - and asked me if I would second this amendment. I looked at it. I said at the time, "I doubt very much if it will pass but I will certainly second it for you." I think everyone should have the right to make an amendment. It was on that basis that I seconded it and I am not sorry. I think that it is an anomalous situation if a person, a member of this House cannot make an amendment.

The position I am forced to take on this particular resolution, as far as I am concerned, to some extent demonstrates the poverty of the adversary system. Now, I know that at least half of the members on this side of the House are not in favour of this

resolution. I know that. They are very uneasy about it and yet those who have spoken have been practically proselytizing in their fervour to say how good this resolution is. Now this is the House -

AN HONOURABLE MEMBER: Inaudible.

MR. CARTER: No, I am not leaking any secrets out of caucus. No, I do not wish to name any names either. Now, their position is simply this. While they are unhappy about certain aspects of this redistribution they prefer the summary redistribution to none at all and there I must say I am in great sympathy with them. The map that we operate under at present is far from satisfactory and certainly needs to be redistributed, no question about that. However, as I was saying the adversary system that we operate in this House, I think does leave a lot to be desired. The members on the opposite side of the House see everything wrong with the government resolution and the members on the government side are forced to see everything right with it. This is why the American system seems to have some advantages being founded on those three great principles of compromise, compromise, compromise.

Now, again it is not easy to redistribute, it is not easy to redraw the district lines on the map. Even the former Premier in all his power did not dare to try a complete redrawing of the electoral map at any one time but was satisfied to do it piecemeal, did a very bad job, very bad job and I have no sympathy with what he tried to do. In fact I suspect his motives very greatly, and left us with the situation we have now which is far from satisfactory. But it is not something that is easy to do and I think that no one in this Chamber will seriously dispute that statement. It is extremely hard. Of course there is a tremendous need that redistribution be done equitably and I am very disappointed that it cannot go through unanimously. Any redistribution bill, to redraw the district lines in this House, should in my view go through unanimously or else the opposition should be painted into such a corner that their position is demonstrably illogical.

The most embarrassing thing from my point of view is what has happened or is about to happen or may happen to St. John's North. I cannot sit by and see two districts, two communities in my district, carved in half and I will not stand

by and see that done to them, the community of St. Phillips and the community of Portugal Cove. I have received more phone calls in the last week, ten days than I can count on fingers and toes.

AN HONOURABLE MEMBER: Inaudible.

MR. CARTER: Well, the situation down - Now I am completely mistaken. Maybe people do not care where district lines are drawn. Perhaps the Member for St. John's Centre is absolutely right when he says that people in the City of St. John's could not care less whether they are St. John's West or St. John's Centre or the fact that when they look out their front window they are looking into another district. I do not think there is any way you can carve up a city so that neighbours do not often find themselves in different districts but when it comes to small communities there is absolutely no justification as far as I can see for cutting them in half. I am obliged to vote against the resolution. I cannot vote against part of it. The way the House system is, I have to vote against all or not at all. So I serve notice that I will be voting against this resolution unless it is amended.

I wish the opposition had come up with an acceptable amendment. In my view, the sort of amendment I would like to see would be to have a continuing electoral commission, an electoral commission that would sit permanently, that would be composed of a political figures or nonpolitical figures because the people that I would put in that commission would be there by virtue of their office and these offices would be high offices that people reach not as a result of political - Who will second it?

AN HONOURABLE MEMBER: Inaudible.

MR. CARTER: You will? I should address the Chair, Mr. Speaker. I am very tempted to. I would rather one of the members of the government, of the administration to move it because that would assure its passage but if this type of amendment were to be brought in then I think it could possibly receive unanimous approval of the House. Then the redistribution

could go through, the members would be secure in the knowledge that any anomalies, that any present anomalies, could be changed by mere representation. A permanent boundaries commission could have a permanent secretariat and representation could be made to that secretariat.

MR. NEARY: Would their decisions then be binding or could they still gerrymander?

MR. CARTER: That would be a difficult situation because if you make it binding, then you are removing power from the government but I think a prestigious electoral commission, their recommendation would be very, very - would carry a great deal of weight.

Were it a permanent institution and were its members there by virtue of their office — in other words, you would appoint offices not persons. People who would be there would be there by virtue of their office.

AN HONOURABLE MEMBER: Inaudible.

MR. CARTER: Well, the member for Labrador South has said that he would second such a motion. If he would get in his place, perhaps I might make one. It appears to me I am in as much trouble as I can possibly be. So, I might as well get hanged for a sheep as a lamb. Quite frankly, Mr. Speaker, I am doing something I believe very deeply in, very, very deeply. I am not doing it lightly or inadvisedly or frivolously. So, I therefore move, Mr. Speaker, that a permanent electoral commission be established.

I presume, Mr. Speaker, that I must write this out. It will be very short. Therefore, Mr. Speaker, this is my amendment, that a permanent electoral commission be established.

MR. SPEAKER: Though I cannot accept the amendment, I understand the member for Labrador South has already spoken to the main motion, so he does not have a right to second the amendment.

MR. ROBERTS: Any member who has not spoken, can second it. John Crosbie can do it.

MR. CROSBIE: Not any more. Now he is in the cabinet.

MR. SPEAKER: Order, please!

There is no seconder to the amendment, so I cannot accept the amendment.

MR. CARTER: Mr. Speaker, I certainly accept your ruling. You are the -AN HONOURABLE MEMBER: Inaudible.

MR. SPEAKER: Order, please!

MR. CARTER: I was merely saying that I accept Mr. Speaker's ruling and I close but I think it is a pity that such an idea cannot be adopted.

MR. SPEAKER: If the honourable Premier speaks now he closes the debate.

MR. MOORES: Unlike what has gone before, this past three weeks, I will endeavor and intend to be very brief while speaking to the resolution.

The fact is, Mr. Speaker, that this resolution for the first time in electoral history in this province isolates various districts

with the periphery of between 8,000 to 12,000 people with I think it is three exceptions. For the first time since anyone has sat in this House, we are looking at a redistribution bill which in effect gives fair representation of one vote one person for the people everywhere in this province.

We have heard three weeks of total filibuster based on the arguments of a group of people who were part and parcel to the total abuse of the one vote one person system of years past.

Here we have a group of people all of a sudden getting upset because there is between 8,000 and 12,000 people in a district when those same people sat in the House of Assembly, supported a government where one district had 34,000 and another district 6,000. The hypocrisy,

Mr. Speaker, of this particular group at this particular time has to be seen to be believed. The situation is, Sir, that we have seen three weeks of wasted time, wasted time for the people of this province whilst political games are being played by little men.

Mr. Speaker, the member from Hermitage keeps saying, "What nonsense!" His judgement once again shows true to form because what nonsense is something he should realize after his experience of the last six weeks. The only thing missing, Mr. Speaker, is his five piece band. It really was, Mr. Speaker, he says that was funny, the fact is, Mr. Speaker, the fact is it was very funny, Mr. Speaker. It was a riot.

MR. SIMMONS: Point of order, Mr. Speaker, the Premier as usual is irrelevant, I would ask you to rule on it.

MR. MOORES: Mr. Speaker, I was -

MR. SIMMONS: Mr. Speaker, are you going to rule on the point of order?

MR. SPEAKER: Order please! As it has been said many times the rule

of relevancy is rather difficult to rule on. I recall mentioning it to

the honourable member for Hermitage when he was speaking earlier and I

also suggest that the honourable the Premier, indeed any other member, does

have the right to be heard in silence.

MR. MOORES: Thank you, Mr. Speaker.

MR. SIMMONS: Sit down, sit down and shut up.

AN HON. MEMBER: Inaudible.

MR. SPEAKER: The honourable member for Hermitage did not raise a valid point of order.

SOME HON. MEMBERS: Inaudible.

MR. MOORES: Thank you, Mr. Speaker.

AN HON. MEMBER: You are crazy boy.

MR. SPEAKER: Order please! I certainly do not intend to sit here and hear such comments as just came from the honourable member for Hermitage and I would ask him to make an unqualified apology to the Chair.

MR. SIMMONS: Mr. Speaker, I withdraw the comment and I would now raise a point of order if I may?

SOME HON. MEMBERS: Inaudible.

MR. SIMMONS: Mr. Chairman, I have already withdrawn the statement.

MR. SPEAKER: Order please! Maybe the honourable member for Hermitage misunderstood my request. I did not request him simply to withdraw the statement, I requested him to make an unqualified apology.

MR. SIMMONS: Mr. Speaker, I without qualification apologize for saying that I think the ruling was crazy.

MR. SPEAKER: Order please! The Chair is not prepared to accept a qualified apology.

MR. SIMMONS: Mr. Speaker, tell me how to do it. I am saying, Mr. Speaker, that without qualification I apologize for saying that I think your ruling was crazy.

MR. SPEAKER: I will ask the honourable member for Hermitage once again to make it what the Chair considers to be an unqualified apology. If he is not prepared to do so I shall name him.

MR. SIMMONS: MR. Speaker, would you tell me the words and I will say them.

I say without qualification, Mr. Speaker, without qualification, without qualification, without qualification, I say that I apologize for saying that I think the ruling was crazy.

MR. SPEAKER: The Chair is not prepared to accept that from the honourable

member for Hermitage and shall name him.

MR. SIMMONS: Mr. Speaker, tell me what he is prepared to accept?

MR. SPEAKER: The Chair is not prepared to put words into the mouth of any honourable member and I will name the honourable member for Hermitage, Mr. Roger Simmons.

MR. MARSHALL: Mr. Speaker, I move that the honourable the member for Hermitage be suspended from sitting in the House for the balance of the day.

MR. ROBERTS: Mr. Speaker, on a point of order: Is that a debatable motion.

MR. SPEAKER: No, it is not a debatable motion. All those in favour of the motion, "aye," those against "nay," the ayes have it.

MR. ROBERTS: Inaudible. Mr. Speaker, can we divide the House please?

Me and my colleagues, we have the right to appeal Your Honour's ruling.

MR. SPEAKER: The motion is that the Speaker's ruling be sustained, those in favour, "aye," those against "may," the ayes have it.

AN HON. MEMBER: Divide the House please!

MR. SPEAKER: Call in the members.

Those in favour of the motion please rise: The Hon. Premier, the Hon. Minister of Industrial Development, the Hon. Minister of Health, the Hon. Minister of Manpower and Industrial Relations, the Hon. Minister of Transportation and Communications, the Hon. Minister of Rehabilitation and Recreation, the Hon. Minister of Education, the Hon. Minister of Justice, the Hon. Mr. Marshall, the Hon. Minister of Fisheries, the Hon. Minister of Public Works and Services, the Hon. Minister of Finance, the Hon. Minister of Tourism, Mr. Dunphy, Mr. Aylward, Mr. Wells, Mr. Senior, Mr. Carter, Mr. Wilson, Mr. Young, Mr. Evans, Mr. Morgan, Mr. Howard, Mr. Martin.

Those against the motion please rise: The Fon. Leader of the Opposition, Mr. Gillette, Mr. Rowe.

The motion is carried.

MR. SPEAKER: The Hon. the Premier.

HON. F. D. MOORES (PREMIER): Thank you, Mr. Speaker, it is a most unfortunate occurance, Sir, it is too bad that such things happen, as I was saying the excess verbiage that has been used in this House this past three weeks and the waste of time is something that, I think, we can well do without.

We talk, Sir, about wasting time and we have looked at the opposition, since this Redistribution Bill was put forward, come in in support of fifty-one members when it was originally passed, in this session go back to forty-two members, with an amendment to go back to fifty-one members and today support an amendment for forty-two members.

Now, Mr. Speaker, they say "They have the right to change their mind." This is very true. But only the opposition, Sir, can manage to do it three times in three weeks. The fact is when the Minister of Justice who was supporting and stating government policy in this House last year, when he made those statements, it was government policy and he should be backed up on that and is. The fact is, Sir, that the commission were given certain terms of reference but as the

elected representatives of the people we were the people in the end analysis who were going to be accountable. We are the ones who stand accountable for the changes which we think are correct, changes which identify, in the main, the community of interest of various areas. Changes which we, on the government side, have made. We have only changed our minds once, Sir, unlike the opposition, who as I have said, done it three times in three weeks.

Dealing with all of the remarks that have been made,
Mr. Speaker, is impossible and fruitless at this particular time
because most of it was done for political mileage, most of it was
done to prolong and try to make an issue out of this particular
subject. The fact is, Sir, in the one area where I have some sympathy
was when the Member for Labrador South spoke in the House and I would
like to explain on that repard that I disagree with his suggestion of
Labrador South, North as we knew it, but regarding Labrador West first,
I will speak on the three districts involved.

Regarding Lahrador West first, the only figures, Sir, that the commission or the government had to go on were the census figures that were available. If it proves that these figures were wrong, that they were as far out as we have been led to believe (I am not arguing with that fact by the way) I am just saying if they were that far out certainly the area we now know as Labrador West has to be reassessed and looked at in a meaningful fashion. It is not the intention of this government to have Labrador West as the biggest district in the province. It is quite the reverse because of the isolation of Labrador it is the intention of this government that it be treated fairly in every respect and if anything, lesser population rather than more population.

I would also like to talk, Sir, about the Coastal seats the Eagle River Seat in that, where I disagree and where this government disagrees with the arguments that have gone before, we have heard, for instance, the Leader of the Opposition say "That it is 700 miles from Mary's Harbour to Nain." Sir, if he went 700 miles in a direct line

from Mary's Harhour to Nain he would be three-quarters of the way back again. The fact is that it is 400 miles in a direct line.

The fact is. Sir, on that Lahrador Coastal seat we believe very strongly that if that coastal seat of Lahrador is to be represented and given the opportunity to project and live and take part in the society and the century in which we live in it has not to be isolated. It has been isolated through representation for twenty-three years. Since that time we have done the best we can in setting up a commission to study that particular part of the coast but if it is going to play its part in the province that we have, in the future it must not be governed by remote control and even, Sir,

I suggest to say Goose Bay, Happy Valley is remote control for the coastal part of Labrador. I would say, Mr. Speaker, and I would suggest that air strips in that particular area are of critical importance because coastal traffic as we all know is not always easy. As a matter of fact it is usually very difficult plus the fact we have 150 miles or a member has 150 miles to go by boat just to get out of Lake Melville. The fact is that, for instance in the New Development Corporation for the Coast of Labrador, it is my feeling right now that the headquarters for that particular development corporation should be in Cartwright and not Goose Bay. I think if the Coast of Labrador is ever going to be identified and given the opportunity to mlay its part in the sun or to have its place in the sun then it should be dealt with on its own merits and not by government, department or any other indirect or remote control. I think the action has to be taken to the people where they live on the coast and that involves communications through air strips and location of headquarters of various agencies there.

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So, Mr. Speaker, with all due respect to those who have spoken, we feel very strongly that the Coast of Labrador be given an opportunity. The other system and the other distribution has not worked. I would say, Sir, in all respect, give this one an opportunity to work, equally as I said Labrador West, the government's hind is one of waiting the census figures on that one to see what can be done.

Now, Mr. Speaker, we have heard a lot about the other districts in the Province. I think most of them, the community of interest for instance in the District of Exploits, the community of interest of the people of the North Share of Green Bay being in Baie Verte, White Bay, the community of interest of the people with all due respect to my friend from Fogo who said that the people from Change Islands have more in common with Twillingate, the fact is that Change Islands, when the new road is completed, the ferry system will be into Port Albert which in fact makes the natural line of communication from Change Islands to Lewisporte. I think most members in this House will agree with that.

When we talk, Sir, about the community of interest of various areas, I think in the main the opposition have said very little about the majority

of the changes. They say there are thirty-one changes in the seats. The fact is, Sir, as we have said there may be six or seven changes of major significance and as a matter of fact these are the only ones that have been debated to any preat degree.

The opposition members have said though however, that they are opposed to Grand Falls having its own seat. I think that, Sir, should be on the record. They are opposed to St. Mary's having a seat put back and I think, Sir, that the people of St. Mary's should put that on the record, that they never mentioned the new district of Bellevue, they said it should be everywhere else but that particular district should not have a seat of its own. They have talked, Sir, about Ferryland as being a district where it should be swallowed up into something else as well. The fact is, Sir, that the opposition are against having quite a few districts in this Province. I think the people in Ferryland and St. Mary's, Grand Falls and these other seats should be well aware of the fact, Bellevue,

that if the opposition had their way they would not have the seats that they have always had before or even that they are going to have now.

The fact is, Sir, that most of the districts in this province have now fair representation. Harbour Main, Bell Island has come in by the opposition as saying that Harbour Main, Bell Island, the reason this was done by the government is because it was a hatchet job on the present member for Bell Island. Well, Mr. Speaker, how about a hatchet job on the present member for Harbour Main? Why is it that the member for Bell Island is so sensitive? There is no lack of confidence on this side. I am sure there should not be on the other side.

Sir, I really would suggest that they see the writing on the wall. They see, in fact, that there is no opportunity of winning an election other than calling foul play. The fact is, Sir, if one vote one person is foul play — I can understand why they think that is foul play, they were never used to it. In the October election of 1971 when it was, I think, sixty-four or sixty-five per cent of the popular vote was for the party that I happen to lead, we ended up in what was basically a stalemate.

I can understand why they think they should be the government with forty per cent of the vote. That is the way it was done all the way before. The fact is, Sir, it is no longer there. With all due respect, Mr. Speaker, the honourable member for Bell Island mentions Mr. Saunders but I would like to ask him about Mr. Shea and Mr. Burgess and all the other gentlemen as well.

AN HONOURABLE MEMBER: Would you care to debate that now?

MR. MOORES: Mr. Speaker, the answer is obviously, no, this is not the

time to debate it. What we are talking about now, Sir, is the redistribution
in the province. What we are talking about is the waste of time that keeps
coming out of the honourable member for Bell Island's mouth. He wants to

waste time in this House. He wants to get cheap, small, political points
at a time when this province and this country needs good government, good
legislation and needs to do things that matter rather than just taking up
the peoples' time to further their own cheap political ends.

Mr. Speaker, I would like to get back to the fact that the

opposition position on this particular bill has been particularly bad. I think the fact is that as I said before, we have now for the first time, distribution based on 8,000 to 12,000 people in every district with the exception of three whereby before we had 3,400 to 6,000 was the ratio. The fact is, Sir, that we have, I think, made a constructive step forward.

We have in the case of Labrador isolated one area with an intent of trying to develop it. We have also said that we would look at the other Area of Labrador if the census warrants such doing. Also, Sir, I would suggest that, with all due respect again - I have said this so many times now it does not seem to matter - but personalties continuously and continuously seem to lend itself to part of the debate in this House. I suppose there are moments when we can all get carried away with that sort of thing but for it to be carried on on a continuous basis, I really do not think is any credit to any member of this House, whether they be on the government side or the opposition side.

Mr. Speaker, as I have said before, I would like to go over, at this time, the adoption of this resolution. This bill is the fairest bill on redistribution this House of Assembly, in my opinion, has ever had. As I said before, all the issues have been discussed. All the points have been made. The only point that I would make, Sir, is that this is the best bill on redistribution that this province has ever had. I hereby move the reading.

MR. SPEAKER: All those in favour of the motion "Aye". Those against "Nay". In my opinion, the "Ayes" have it.

DIVISION:

MR. SPEAKER: Call in the members.

Order, please! All those in favour of the motion please rise. The honourable the Premier, the honourable the Minister of Mines and Energy,

the Hon. Minister of Industrial Development, the Hon. Minister of Health, the Hon. Minister of Manpower and Industrial Relations, the Hon. Minister of Transportation and Communications, the Hon. Minister of Rehabilitation and Recreation, the Hon. Minister of Education, the Hon. Minister of Justice, the Hon. Mr. Marshall, the Hon. Minister of Fisheries, the Hon. Minister of Public Works, and Services, the Hon. Minister of Finance, Mr. Dunphy, Mr. Aylward, Mr. Wells, Mr. Senior, Mr. Wilson, Mr. Young, Mr. Evans, Mr. Morgan, Mr. Howard.

Those against the motion please rise: The Hon. Leader of the Opposition, Mr. Gillette, Mr. Nearv Mr. Rowe, Mr. Martin, Mr. Carter.

The motion is carried.

On motion of the Hon. the Minister without Portfolio, A Bill, "An Act To Amend The House Of Assembly Act," read a first time, ordered read a second time, on tomorrow.

HON. W. W. MARSHALL (MINISTER WITHOUT PORTFOLIO): Mr. Speaker, I just wonder, if I may, on a point of clarification more than anything else. This bill was introduced pursuant to a resolution in the same manner as a money hill is introduced.

AN HON, MEMBER: On a point of order.

MR. SPEAKER: Order, please!

MR. MARSHALL: Normally bills have to be read three times in each successive day under Standing Order (5%) but the notes to the Standing Orders of the House of Assembly which have guided the House for quite a period of time written by Mr. Speaker Sparkes I believe, ves, say that "When you have resolutions of this nature, bills that are introduced nursuant to a resolution (This is on page 34) "The resolutions are adopted by Ways and Means, by a report of the House nut by the Speaker and incorporated in the Bill of Supply etc." The bill is usually - Standing Order (5%) which is the one which requires reading on succession days usually suspended.

Now you know this is almost the same type of bill and by way of discussion as to the procedure of the House I just wonder whether it might not be in order because all we will be doing after all, Sir, is regurgitating probably the same points that have been made, I do not know if the Leader of the Opposition wishes to address himself to that situation.

MR. SPEAKER: The Hon. Leader of the Opposition.

MR. ROBERTS: I would be persuaded to , Mr. Sperker, and if the honourable gentleman's tongue was any further in his cheek, well that is not parliamentary but any way, you know, the honourable gentleman cannot be serious.

The note to which he refers on page 34 refers specifically to Supply Bills that have been considered by the Committee of Supply. This matter has vet to be considered by any committee, the House has debated a resolution, we have now given a bill first reading. The rules are cuite clear that the bill will now have to be called tomorrow for second reading if that is when the government choose, the most urgent item of business before the House then we can go on from there in the normal course but there is nothing in the rules or in the precedents which would in any way would support any course of action with this bill other than exactly the same course as every other bill takes with the single exception of money bills. This, Sir, is obviously not a money bill.

MR. SPEAKER: It is not a money bill and except by leave, of course, it has to follow the same procedure as any other bill.

MR. ROBERTS: I am prepared to meet Christmas on such urgent business.

Motion, second reading of a Bill, "An Act Respecting The Newfoundland Medical Association And Governing The Practice Of Medicine In The Province."

MR. SPEAKER: The Hon. Minister of Health.

HON. DR. A. ROWE (MINISTER OF HEALTH): It is my pleasure to introduce to this honourable House Bill No. 119 which is the Act Respecting The Newfoundland

Medical Association in governing the practice of medicine in the province.

Mr. Speaker, I am very pleased publicly to give my full support to this

bill which if approved by the House and proclaimed in force will repeal

the existing Newfoundland Medical Board Act and replace it with a modern

act to govern the registration, the licensing and the disciplining of

medical practitioners in the province.

Tape 2160

The present act, Mr. Speaker, although amended dates back to the late 1800's and in fact the Newfoundland Medical Board was first constituted in 1893 with the famous Dr. Henry Shea as its first president. Dr. Shea has been remembered in the province as a person whom after Shea Ward at the general hospital is named. Dr. J. Sinclair Tait was the first registrar. The various amendments have been introduced from time to time. The present medical board operates under Chapter 264 of the revised statutes of 1970 and the last amendment was in 1959. The act is long overdue for revision and indeed replacement.

Mr. Speaker, in introducing this bill I would be remiss if

I did not pay some tribute to those members of the medical profession who
have given of their time and their advice in the development of this
bill. One would have to publicly recognize the indefatigable work of
such members as Dr. Brownrigg who for some years was registrar of the
board. Indeed he was a member from 1955 and registrar since 1966. He
is well-known as one of the most senior and most respected members of
the medical profession in our province. He has contributed mightily to
the development of this bill and especially those parts which deal with
the functions of the new medical board. I am sure that Dr. Brownrigg
would agree that much of the effectiveness of the board in modern times
was due to the very commanding presence down through the years of one
of our very senior member, Dr. Tony MacPherson, a most respected and
long time practitioner. Among his many monuments is his outstanding
devotion to the work of the Newfoundland Medical Board.

As this is a combined bill, referring not alone to the Newfoundland Medical Board but to the Newfoundland Medical Association, one must include a tribute to the executive of the association, both past

and present who with Dr. Henderson, the present president, have considerable input into development of the bill. Indeed I have also to mention the secretary, the executive secretary of the Newfoundland Medical Association and the Department of Health officials who played important parts in this and deserve their mention.

The bill we are considering today, Mr. Speaker, is the result of repeated discussions and long hours of study and negotiation between the professional body of the Department of Health and naturally the Department of Justice whose assistance is acknowledged. This bill will provide among other things for the statutory incorporation of the Newfoundland Medical Association which is currently incorporated as a charitable company under the provisions of the Companies Act.

The bill specifies the powers, the functions and the duties that the association may exercise. These matters are enumerated in part (2) of the bill under discussion. An important part of the new bill is part (3) which deals with the regulatory matters pretaining the the practice of medicine and the registration and licensing and disciplining of medical practitioners. That part provides for an enlarged medical board of twelve members with more diversified membership and the existing board of course comprises of seven members.

As I have said, the new board as proposed by this bill will consist of twelve members including at least two who would not be members of the medical profession. I am indeed happy that at least two members of this new medical board will not be medical practitioners for I am a firm believer that in the principle of consumer representation, I am particularly pleased that the medical board is the first professional licensing board in the health field to provide for consumer representation in its membership. As Minister of Health it is my desire to see all future health licensing and regulatory boards so constituted. The member will find it in part (3), section (11).

The bill provides for three registers, a general register which shall contain the names of all medical practitioners who are registered in the province.

a specialist register which would contain the names of all specialists who are registered in the province and an educational register for the registration of clinical clerks, interns and residents.

At present the specialist list is administered by the Newfoundland Medical Association but this will change with the coming in of the act and of course the education register becomes necessary with the development of the Memorial University Medical School.

Now the bill provides for the qualifications for registration in the various registers and also provides for the publication of these registers on an annual basis. But in addition to establishing criteria for registration, the bill provides an appeal procedure for applicants who are aggrieved by a decision of the board to refuse to enter the applicant's name in one of the registers.

Mr. Speaker, as well as the licencing and registration of medical practitioners, this bill also provides for the disciplining of medical practitioners in instances where the board decides that disciplinary action should be taken. While the bill empowers the board to exercise disciplinary powers, it also enables the board to deal with situations where a medical practitioner may, as in the case of any other member of society, be admitted to hospital for treatment of psychiatric illness or for addiction to alcohol or drugs and these provisions were inserted at the request of the medical profession and in my opinion it is a clear indication of the profession's desire to take all possible steps to protect and to safeguard the interests of the public.

Now a very significant provision of the bill is that it provides for compulsory membership in the Newfoundland Medical Association. In other words, all medical practitioners who hold a licence and who wish to practice medicine in the province are required, within one month from the date of issue of their licence to become members of the association. I understand that the association is now considering revising its membership fee

structure with a view to having different fees to be paid by different categories of physicians.

For example it is proposed that the present system of reduced fees for physicians practicing for their first year would be continued. It is further proposed that there be different fees in respect of physicians who are not actively engaged in clinical practice. Another matter under consideration is that members only be required to pay the Newfoundland Medical Association's portion of the existing full membership fee and that the Canadian Medical Association portion be optional. In other words there is incorporated in the present fee which is paid by members an amount which goes to the Canadian Medical Association and this will be optional. They will be required to pay the Newfoundland Medical Association portion but not necessarily the Canadian Medical portion although I would assume that most perhaps will continue.

I decided to support this provision after much deliberation and consideration and at the present time the Newfoundland Medical Association is carrying out work on behalf of many medical practitioners in the province and not alone those who are its members and it is the opinion of the Association that all medical practitioners who wish to become actively engaged in the practice of medicine should contribute towards the maintenance and operational expenses of the Association in return for the services rendered by the Association and these are indeed many.

MR. NEARY: What is the membership now? Do they have one hundred per cent now or -

<u>DR. ROWE:</u> No we do not have one hundred per cent but it is well over four hundred and the total doctors in the province is about five hundred so we have —

AN HON. MEMBER: Four bundred in the Association?

DR. ROWE: Yes, something like that. We have something like eighty or ninety per cent. But I shall have some figures later on which will - While this position of the Association was a reasonable one it was not

sufficient to convince me to support the principle of compulsory membership in the Association. As far as I can ascertain, two other provinces,

New Brunswick and Quebec have compulsory membership. One province,

British Columbia is working towards a check-off by the Medicare agency of that province. Another province, Saskatchewan, is working toward a form of Rand formula. So then to accept this principle of compulsory membership would be quite a departure from the norm. I therefore felt that it was a decision not to be taken lightly and certainly not without the opinion of the overall medical fraternity of the province.

For those reasons some months ago I requested that a vote by secret ballot be conducted of all medical practitioners in the province, not just those who are members of the Association.

to determine the collective feelings of the profession with respect to the concept of compulsory membership within the association. Accordingly ballots were sent to all medical practitioners to determine their wishes on this question.

AN HONOURABLE MEMBER: Including all those who are not registered?

DR. ROWE: All doctors in the province that were known. Not just those who were members of the association, that is the whole point.

MR. NEARY: Inaudible.

DR. ROWE: We did not just go to the members, we went to every doctor in the province, members and nonmembers. The result of the vote substantially favoured compulsory membership by the association. Out of 506 ballots distributed to medical practitioners, 358 responded and 280 voted in favour of compulsory membership while seventy-one voted against it and seven ballots were invalidated.

In other words, eighty per cent of those voting were in favour of compulsory membership.

MR. NEARY: A little over fifty per cent of the total number of doctors in the province, and that is very significant.

DR. ROWE: Five hundred people got the ballots but only three hundred odd sent them back.

MR. NEARY: Five hundred and sixty and only 280 voted in favour of compulsory membership.

DR. ROWE: Relatively good numbers considering the number of ballots sent out. There were well over 500 of those sent out. A number did not reply but one cannot tell me that 280 out of 358 which came in was not an overwhelming majority.

MR. NEARY: Two hundred and eighty out of 506 really.

DR. ROWE: Three hundred and fifty-eight responded to the 500 sent out.

One hundred and twenty odd -

MR. NEARY: Well, did anyone ever try to find out why the others did not respond?

DR. ROWE: Well, they are probably as administratively inactive as some of us. I think you would have to say that of this eighty per cent of those voting - I think that is very decisive and I have no hesitation in asking the House to approve this provision. If some of us were elected

with an equal majority, we would feel very much more comfortable.

MR. NEARY: But it is very significant -

DR. ROWE: Oh, very significant that most of our doctors should favour it.

MR. NEARY: Most of the doctors did not vote in favour of it.

MR. CROSBIE: Mr. Speaker, let the man continue his speech.

DR. ROWE: I think you should also realize -

MR. NEARY: I am not trying to get information out of the minister.

DR. ROWE: - that the concept of compulsory membership presently exists in the case of a number of other professional bodies.

MR. NEARY: Unions, trade unions movements.

DR. ROWE: Lawyers, engineers, dentists -

MR. ROBERTS: No, that is not with respect to lawyers.

DR. ROWE: Pardon?

MR. ROBERTS: We only pay a registration fee in the law society.

DR. ROWE: In order to practice you must pay that fee.

MR. ROBERTS: Inaudible.

DR. ROWE: But we are saying now to practice you must pay the fee.

MR. ROBERTS: Yes but we do not have to belong to the Newfoundland Bar Association.

AN HONOURABLE MEMBER: By statute, by statute.

DR. ROWE: Well, I would say that in the case of the medical association there is no hesitation in saying that this compulsory membership now is a result of the democratic process. However the legal or dental or -

MR. NEARY: Is this the same across Canada?

DR. ROWE: No, I have just said that there are only two other provinces.

MR. NEARY: Only two other provinces.

DR. ROWE: There was one other with the Rand Formula.

MR. NEARY: Where is the other one? Where is the other province?

DR. ROWE: If you would listen.

AN HONOURABLE MEMBER: For the love of jumpins, will you listen for a while?

DR. ROWE: Do you want me to go back about two pages?

MR. NEARY: No, I happened to be out of the House for a few minutes.

DR. ROWE: New Brunswick.

MR. NEARY: New Brunswick. Okay, good.

I did not realize this point was so significant until I started to listen to the -

AN HONOURABLE MEMBER: When did you start to listen?

MR. NEARY: Two hundred and eighty out of 506.

DR. ROWE: I will find that for you in the course of time. I think,

Mr. Speaker, it might be of interest to the House at this time, to
hear some details of medical manpower as it is at this time in the
province. We have in excess of 500 doctors in Newfoundland. The breakdown
of this figure shows that we have in salaried medical services in
Newfoundland, 163 practicing physicians. In 1971 there were 121. That
represents an increase of forty-two. These doctors work in government
medical services and with such other organizations as IGA, the Notre Dame
Bay Memorial, the M.J. Boylen Hospital, etc. In this period we have
increased the number of doctors in practically every hospital. We
have added three new areas where doctors were not practicing at the
time, areas such as Port au Port, Trinity and one other one, Kings Cove.
Of the increase of forty-two doctors, only ten were from our own University
Medical School because the full effect of our own medical school has not
yet been developed.

For instance, this was the first year that our graduates were eligible for full registration. That brought twenty-three into practice in the province, into full practice and fifteen of these are now in the province but the remaining eight have left the province. From July, 1975 the number will escalate yearly. If we look at private, general practice in the province, we have in private, general practice in medicine 170 doctors who are not, of course, under any government direction. This number compares with 101 in 1971. That is an increase of sixty-nine.

There were eighty-one medical specialists in Newfoundland in 1971. In 1974 there were 113.

Now new posts and vacancies in the specialities of ophthalmology and E.N.T. are the hardest specialities of all to fill but I am happy to announce that we have now obtained an ophthalmologist who will bractice from Stephenville, another who will be based in St. John's in affiliation with the university but whose appointment will require him to visit regularly areas such as Placentia, Come-by-Chance, Carbonear and certain other areas where out-natient eye clinics will be established to bring this needed service to further areas. We will continue to expand these services.

So there has been an overall doctor increase since 1971 of well over one hundred, which has been accomplished in spite of the attrition due to doctors leaving the province to undergo most-graduate training or to practice in other provinces. Therefore, our total of more than 500 positions for our population of about 500,000 gives us a ratio of one doctor for 1,070. This compares not unfavourably with most other provinces of Canada. For instance, in 1970, the doctor-patient ratio in Newfoundland was one doctor for 1,210 people, in 1974, it is one doctor for 1,070 people.

MR. NEARY: How are we doing on dentists?

DR. ROWE: Not so well but we are improving, and next year we will do more. But the problem in the province at the present time is not so much the scute shortage of medical manpower but rather the maldistribution of medical manpower.

MR. NEARY: They all want to get in the City.

DR. ROVE: More or less.

But another interesting fact, is that, in the year 1971 the turnover of doctors in cottage hospitals and district medical practices was thirty-eight per cent, for the year 1974, the turnover was only twenty per cent. I think this indicates a much greater degree of medical stability which is partly to be desired by the patients, by the people and by the profession for frequent changes in doctors do not provide the best basis for a desirable doctor-patient relationships.

AN HON. MEMBER: Tory times.

<u>DR. ROWE:</u> People need a doctor especially a general practitioner who has some permanent roots in his area of practice.

Now, Mr. Speaker, among the members who are in the medical profession in Newfoundland there are well over one hundred doctors who are listed as provisionally registered, these doctors are graduates from universities where there is no direct reciprocity with the Newfoundland Medical Board, and these doctors have not had qualifying examinations giving them full registrable status but they can be employed by government through the Department of Health, by Memorial University and by some of our larger hospitals on a salary basis, and their employers have accepted responsibility for their professional services.

You will find in here, another section of the Act which will now give the Medical Board the right to accept perhans certain other areas, and I think particularly we do not have reciprocity with the United States and certain of the forty odd states and the board will through this now have the benefit of being able to develop some reciprocity with the States.

But down through the years these doctors have filled and indeed are filling -

MR. NFARY: What about England, you know - coming over

DR. ROWE: We have full reciprocity with the United Kingdom.

Down through the years these doctors have filled, indeed provisionally registered a tremendous place in the work with the medical services of the province and whilst we have no intention of changing that arrangement, we have requested and are continually reiterating our request to these doctors that they write the necessary examinations, especially the L.M.C.C. in order to gain full registrable status in Canada.

I could sneak at considerable length, Mr. Speaker, regarding the accommaniments of this administration in the field of health. I think, that these would be many and I think they are well documented. The ambulance programme: the provision have approved in new facilities, the increase in the personnel other than medical. I think much

remains to be done especially in the field of public health, especially public health nursing where there is a shortage which concerns me very much and also the unfortunate and almost desperate shortage of sufficient dental personnel within the province.

I think that along with other areas where we need to have further input is that in providing some assistance to people in our province with regards to improved drug, denture and eve-glass programmes. We hope next spring to undertake a vigorous recruiting campaign aimed especially at public health nurses and dentists which are the immediate, and I think, most urgent need in the health mannower field.

MR. NEARY: But somehody said some time ago, I think, they did not need any more nurses to be brought over here and discontinued the programme.

DR. ROWE: Public health nurses are very short.

MR. NEARY: Oh, public health nurses.

DR. ROWE: We are short and it is a category that we find very difficult These are R.N.s that have an additional year or two of training in special
public health work.

Mr. Speaker, I am pleased at the progress we have made in the provision of medical mannower in this province. I think that really there can be few families or patients or indeed few areas of Newfoundland who have not benefited in some way because of the improvement of medical mannower since the election of this administration.

MR. NEARY: Thanks to M.C.P., a Liberal concent.

DR. ROWE: A lot of these are on salary, you would be surprised, not M.C.P. Mr. Sneaker, it is my opinion that this -

MR. ROBERTS: They are still paid by MCP.

DR. ROWE: Well we are not entirely saying that they are all working fee for service as was the indication from our honourable friend from Bell Island.

MR. ROBERTS: He knows that MCP pays for all medical services.

DR. ROWE: Yes but the indication was that MCP, fee for service field is wide open -

MR. NEARY: Thanks to the medical college, a good Liberal concept.

All you did was put in a poor little old ambulance service. We did all
the rest. We laid the foundation.

DR. ROWE: There are many other things in Health we can talk about apart from ambulance programmes, if you would like for me to give you a list sometime. But I think that this bill significantly updates and upgrades the statutory provisions in the province with respect to the registration of the licencing and the disciplining of those engaged in the practice of medicine and I ask for the support of the House in the presentation of this bill.

MR. SPEAKER: The honourable Leader of the Opposition.

MR. ROBERTS: Thank you, Mr. Speaker. Mr. Speaker, my colleagues and I will support the bill. There may be one or two points in it to which we take some exception but generally we feel that the bill is a piece of legislation that is long overdue. I am sorry I did not hear all the minister's remarks in moving second reading of the bill. I was away from the Chamber saying kind words about the government and so forth on the -

AN HON. MEMBER: Politics was only at the end.

MR. ROBERTS: Right! on the conduct of the government in the House.

I do not know if the minister mentioned it but the Medical Act or the

Medical Board Act that is in effect still and will be in effect until and
unless this act is passed, that act dates from about 1890 or 1891.

DR. ROWE: 1893.

MR. ROBERTS: 1893. I am sorry. The minister is considerably older than I am and thus is closer to the date of the passage of that act but it is a very old piece of legislation.

DR. ROWE: More wisdom.

MR. ROBERTS: Well then, Mr. Speaker, if age is wisdom I would suggest they go down and get the lady in St. Anthony Bight who just celebrated her one hundredth birthday because obviously she would be wiser than anybody in the House right now. I might add to them that if they think age equals goodness they might try a month old egg as the Canadian Egg Marketing Agency have had recently.

But as I was saying before the honourable gentleman opposite decided to try to lower the debate to the level with which they are normally associated, as I was saying the Newfoundland Medical Act, the act now in force, was passed in the early part of the 1890's and has been in effect for eighty years.

I suspect that many parts of it, if applied strictly and according to the letter of the law would cause a number of doctors on the medical register in this province a considerable deal of difficulty. I have not looked at the act for a couple of years but as I recall there is a section there which says that no person shall be entered to the practice or admitted to the practice of medicine in the province unless he has first mastered Latin and trigonometry. Well trigonometry may or may not be useful. Latin, I have doubt if it is of very much use to a doctor any more.

But the point is that the act is a very old one. It is outdated. It has served us well. I think over the years in Newfoundland we have been well served by the medical profession. I can speak in many senses but here I am speaking particularly in the sense that we have not had any difficulty or any pronounced difficulty with unqualified people being admitted to the practice of medicine. After all, Sir, that is the major purpose of the state's intervention in these so called self-governing professions, to ensure that a standard of proficiency is attained by any person who holds himself out as qualified in a given profession.

The medical profession legislation is probably the oldest. No, I

am sorry, the Law Society Act of 1842 is the oldest. We lawyers were first with the idea of a closed shop, the trade union, the protected profession and I can say incidentally that I do hope that the minister of Justice would bring in some amendments along the lines of these because if we could have some lay representation in the disciplinary and governing processes of the legal profession we might be further ahead than we are now.

AN HON. MEMBER: Inaudible.

MR. ROBERTS: Well I do not know if the honourable gentleman is an honourary member but I know a number of my brethern at the Bar who will be quite willing to have him participate in the disciplinary process. They might have a different kind of process in mind.

But the whole idea of the self-governing professions is that they
do run themselves subject to a general supervisory role by the state. The
legislation here is not new. It is not terribly exciting. As a matter of
fact the only wonder I have is that it has taken three years for it to
come to the floor of the House. I have

followed its peregrinations with some interest, back and forth. Indeed

I think that the minister will find (I have no doubt it is in the files in
Health) that shortly before I left the portfolio, in June or July of 1971.

I had some discussions with the officials in the department and some
tentative discussions with the profession about the form a new medical
act might take.

Tape 2165

AN HONOURABLE MEMBER: Inaudible.

MR. ROBERTS: Yes, it has been going on for a number of years. In any event it is done and it is a good thing to have done and let us be done with it. I am particularly pleased to see that Newfoundland is doing what a number of other provinces have done and that is introducing the concept of lay representation into the governing process. I am not overwhelmed with the quantity of the representation, as I read it two and possibly three, I am not sure, ll(b) I think is a badly drafted clause, the Minister of Justice might want to have a look at it, but two out of twelve is not a very large number but it is two more than we have now, it is two more than we have on the present medical board. All we are doing is following a trend that I think is well established in other provinces. Indeed Ontario I think has gone much further than that now and all their professions are governed by boards that contain a lay representation.

So I will welcome that, I think it is a step forward. I have mixed feelings about the other major point in this act which is the compulsory membership in the N.M.A. I think the minister and I are probably on the same ground on this. I do not know what I would have recommended to a Cabinet if I had been asked to recommend anything on the point but I am rather pursuaded by the fact that the practitioner as the profession has considered it and have evidence of showing some - have agreed in effect with this. I think I would feel a little happier if there were some provision for the Rand Formula. The Rand Formula would simply provide that practitioners. members of the profession who do not choose to take part in the work of the association would have to pay the financial cost, whatever it might be of being a member, \$50 or \$100 or \$200 a year but that they would not have to be a member. I rather like the idea of the Rand Formula. I am quite prepared

to concede the merit in the argument that if the N.M.A. are negotiating in behalf of the practitioners, the profession with the government, with M.C.P. that no person who benefits from that should be entitled to a free ride and if the practitionerdid not belong to the N.M.A. it could be said that he was getting the benefit of the negotiations, if a new fee schedule came into effect and then he has not paid anything towards it. I do not think he should be allowed to do that.

Equally I have doubts. I have always had them about requiring a person to belong to what amounts to a trade union. The N.M.A. in this sense, and I say this proudly, I do not think it is a derogatory comment at all, is a trade union. It is a group of men and worken who banded together and are now doing under authority of statute, up until now they have done it under authority of the Companies'Act incorporated under that, who banded together to foster their common interests and certainly one of their chief interests is the economic one, nothing wrong with that.

AN HONOURABLE MEMBER: Inaudible.

MR. ROBERTS: Well, the membership, I think we should have a Rand Formula but I am certainly not prepared to vote against the bill just for that reason. I would hope the minister in closing the debate though would speak to the point as to why we do not have a Rand Formula option. I do not see why a doctor should have to belong to the N.M.A. If he does not want to.

I am all for making sure that he pays his share of the costs. He will benefit and I do not see why he should have to belong.

Now it could be said he does not have to participate, nor does he DR. T. FARRELL: (First part inaudible) and still not belong to -

MR. ROBERTS: Well, pay his fees.

DR. FARRELL: Inaudible.

MR. ROBERTS: Yes, it is well known in labour law, the late Mr. Justice Rand-Let us say the N.M.A. is \$200 a year or whatever its fee is going to be. The fellow would have to send in his -

AN HONOURABLE MEMBER: Closed shop.

MR. ROBERTS: A closed shop as opposed to a union shop. The fellow would have to send in his fee of \$200 but he would not be an N.M.A. member, he

would not be entitled to come to a meeting or to do whatever memhers could do. Now if I were a doctor if I were paying I would just as soon belong but there are men and women who for reasons of their own choose not to belong.

Tage 2165

I see no reason they should have a free ride but equally I see no reason they should be made to join the Medical Association. Remember, remember, Mr. Speaker, the act makes quite clear the Medical Association and the Medical Board are still two separate and distinct entities. The Medical Board is a board appointed under the authority of the statutes to govern the medical practice, to say who should come into it, what the qualifications are, whether an individual meets those qualifications and then if there is some disciplinary problems to deal with those problems.

The Medical Association is essentially a trade union, a group banded together to foster their common interests.

DR. ROWE: A professional body.

MR. ROBERTS: All right but a trade union is a professional body too. I mean the Minister of Health seems to feel that the term is pejorative but it is not. I mean I am fond of saying the Law Society is a trade union. Of course we are. I mean what does profession mean? The hairdressers are banded together. They are under authority of a statute and they refer to themselves as a professional body and I am quite willing to give them that status. I do not quite know what the term professional means in that sense. If one takes it to mean, Mr. Speaker, a person who has measured up to a given standard as imposed by a third party, an impartial party then I am all for it.

AN HON. MEMBER: Inaudible.

MR. ROBERTS: Well I sometimes think that is the traditional profession. Certainly the doctors and the lawyers always operated on that basis. I am on common ground with my friend for Harbour Main. In any event, the government have taken this position and the profession is large, have by quite a good majority supported the idea.

AN HON. MEMBER: 280 out of 506.

MR. ROBERTS: Is it? I do not know the figures.

AN HON. MEMBER: 226 did not respond.

MR. ROBERTS: Well you know the fact remains by a majority they have chosen to do it. I would like to know why they did not respond.

AN HON. MEMBER: 226 did not respond.

MR. ROBERTS: Well was it 120 or 220?

AN HON. MEMBER: Inaudible.

MR. ROBERTS: So of the 400 in round numbers returned, three-fourths said aye, one-fourth said nay, and another 120 said nothing. They may or may not have got their ballots, they may not have cared enough to send it back in. Well, all right, 280 out of 560 is still a majority. A large number of the members in the House, Sir, would not be here if they had had to achieve a greater majority than that.

But I would suggest to the minister, there may be arguments against using the Rand formula. I have never heard it explored one way or the other. A number of members of my family presumably got that ballot but I was not consulted by them. Indeed I do not know whether they voted on the issue at all. There may be arguments. I do not know. But I would like to hear the point discussed and I would like to know why the government have chosen to do this. There may well be doctors who do not want to belong to the NMA. I do not know why. But I mean if they do not want to that should be their right in my submission, provided they pay the shot, they pay their share of what it costs to secure the benefits which they will secure, mainly as a result of NMA negotiating with the Medicare Commission. I think that is perhaps the chief benefit. The other benefits that an operation like the NMA offers, the various insurance plans and conventions of one sort and another, well you know you can take them or leave them, whatever you want.

The other point which I would raise, Mr. Speaker, is found at the end of the act when we come to the disciplinary sections. I am particularly quizzical about section 26 which deals specifically with the mental illness of a medical practitioner. Now I know that there have been cases in the province. Indeed there were several during the period while I was Minister of Health and I do not think it would serve any purpose to go into details of any of those cases.

It is obvious that a doctor, like any other person, may become mentally ill. I do not know what the proportions are. A certain proportion of the population, I have always been told, will sustain mental illness. There is no law or no provision that says that a doctor is not at least as liable as anybody else. I do not know why we need special sections.

We do have in this province quite good mental health legislation. It is about to be proclaimed. It is quite good and it provides a way in which a person who needs medical treatment for mental illness can receive that treatment.

This section does not touch upon that at all. This section really just makes some special provisions for disciplinary action, taking a man out of practice on the grounds

he is mentally ill. Obviously a person who is of a degree of mental illness should be taken out of practice. I do not know what that degree is that is a professional question that would obviously depend upon the individual case. There may well be a number of doctors around us, as there may well be a number of lawvers or a number of members of the House of Assembly or a number of any group who have a degree of mental illness but it is not sufficient to incapacitate them.

But I want to know why there is a special section here.

Under Section (25) the immediately preceding section the medical board
is given quite wide powers to take a man out of practice. Among the
nowers it says simply that "Where the board is of the opinion or has
reasonable cause to believe that a medical practitioner may by the
continuation in the practice of medicine constitute a danger to the
public or any person..." It goes on to say that "The board may add."

I would have thought that covered the situation of mental illness, because a doctor who has come to a degree of mental illness where he should not be in practice obviously constitutes a danger to the public or to any person. I want to know why we have some special legislation with respect to that. We do not have a special section with respect to criminal charges. They would fall under the general rubric of Section (25). Why then single out mental illness?

Now the minister has made some speeches and I made them when I was minister and other people have made them saying that mental illness is really no different than any other illness. You know, a person could fall, Mr. Speaker, and break his leg or a person can sustain or suffer a mental illness but society has this thing about mental illness that somehow we should be, you know, because so and so is mentally ill we should recoil whereas if so and so is in hospital to have his appendix out that is a different thing altogether. Well why are we separating it out here? If a doctor is not fit to practice medicine, that can happen, it can happen through mental illness, it can happen because he is addicted to drugs, it can happen because he

has been convicted say of murder and the board might then feel that he should no longer be allowed to practice medicine and subject to the appeals and everything they could go ahead and take him out. Why is there a special section covering mental illness? You know, there must be a reason for it.

AN HON. MEMBER: Inaudible.

MR. ROBERTS: No but the public, I submit, is adequately protected under Section (25).

AN HON. MEMBER: Inaudible.

MR. ROBERTS: I will yield if the honourable minister wishes me

DR. ROWE: The question is, if I am admitted to a mental hospital and then I am discharged from the mental hospital somebody them I think, would have to certify whether I am able to go back into medical practice. I may have been a drug addict. I may have been a gross alcobolic. I think that my mental state someone has to certify to the Registrar that I am sufficiently recovered and that there is good grounds to think that I am back with my compos mentis before I can re-enter the practice of medicine. If I have had shingles or smallpox or a broken leg I do not think the same thing applies but where my mental ability has been affected to protect the public I think this is rather an excellent clause that the psychiatrist say, "Yes, this man is now mentally capable of returning to practice." I think it is an excellent safeguard for the public and an extra safeguard for the practitioner.

MR. ROBERTS: Mr. Speaker, I appreciate what the minister says but I can quarrel with that on two grounds. First of all, you could take the position that if a man has to be mentally fit to be readmitted to practice perhaps we should require on a part of his admission to practice he produce a certificate of mental competence.

AN HON. MEMBER: Inaudible.

MR. ROBERTS: Yes, a general fitness of character or something. Perhaps we should - the welfare officers do it - unless the procedure has been changed, every welfare officer as part of the admission process go to see a psychiatrist and the report is sent back into the deputy minister of the selection board and it is part and parcel of the selection process. Maybe we should do that with doctors. I know the minister can say, this only applies when a doctor has been deemed mentally ill and has been admitted to a hospital.

I might point out that many neonle have degrees of mental illness, possibly even sufficient to require them to be out of practice that neople who are not admitted to hospital, so the section does not apply to them. You know, the section, I think, is offensive in principle. If a practitioner is, I can see a section saying simply "Whenever a medical practitioner is admitted to a hospital for the purposes of treatment of any mental illness that fact shall be communicated to the hoard and let the hoard satisfy themselves. If a doctor now, if he goes into hospital all his medical history is forthwith sent off to the Registrar and that is the Chairman of the Board, I do not think this is required "Shall forthwith report in writing to the Registrar of the admittance." I do not think think that is necessary.

I do not think it is necessary

at all. I have no doubt that no medical practitioner will be admitted to hospital in this Province or anywhere for treatment of addiction to alcohol or drugs or for any mental illnesses without the board hearing about it. I would be quite willing to see a clause put in requiring them to be notified. This thing has loopholes all through it. If a person goes up to the Donwood Clinic in Toronto there is no requirement that the administrator of the Donwood Clinic in Toronto has to send a note down to, I do not even know who is the registrar now, Dr. Simms, is it?

AN HONOURABLE MEMBER: Dr. Brownrigg.

MR. ROBERTS: Dr. Brownrigg. Dr. Gary Brownrigg. There is no requirement. So in that sense there is no protection. Equally it is no protection against a medical doctor who chooses not to go into hospital for whatever reasons - I am sorry?

AN HONOURABLE MEMBER: Inaudible.

MR. ROBERTS: Well, I mean unless the section is going to be amendment, I am suggesting it be amended by being deleted but I am speaking to the principle of it. This section by its words only deals with the case where a practitioner has been admitted to hospital. It does not deal with the case of a practitioner who has not been admitted to hospital.

Now, Mr. Speaker, if we are talking of a man or woman who is in the tragic circumstance that either through addiction to drugs or through addiction to alcohol which after all is only a form of drug or through some mental illness, that person is no longer capable of performing properly within the normal range of competence as a doctor. Now if that is the situation, this amendment does not deal with it. This section will not deal with the doctor who goes off to the mainland to see a psychiatrist or to check into the Donwood Clinic or what ever place he happens to go.

Nobody here might even hear about it. Just, "What happened to old Bob Smith?" "Oh! Bob has gone off to Florida for six months," when really old Bob Smith is up in some institution drying out or being treated for whatever his problem is. It does not apply to a doctor who is treated outside a hospital and I can think and it is not difficult to imagine many cases or many

possible cases where a doctor is quite unfit to practice medicine because of addiction to alcohol or drugs and yet has not been admitted to any hospital. I do not think the minister and I would have to scratch very far to name actual cases to our knowledge. The minister is nodding to me. I am not attacking the bill. It is a point that concerns me. I do not think this section will achieve the purpose it set out to. I would suggest that the whole section be dropped . If the ministry wish to make sure the registrar is notified whenever a doctor is admitted to a hospital for treatment of mental illness, then that is one thing, then the board could take whatever action is appropriate.

Under Section 25 the board have all the authority in the world to take out of practice any person who is a danger to the public in their opinion. Now there are all sorts of safeguards and all that Section 26 does really is require a reporting system. Well I find that offensive.

I think that medical records are privileged and I do not see any reason why the medical board should have access to those records automatically. They would become germane if old Bob Smith comes back and he goes into practice, he is back in his office at work and then the board says, "Now, hold on, where was old Bob Smith?" Then I think they should send for old Bob Smith and say, "Doctor Smith, would you be good enough to tell us where you have been?", and there is a reasonable doubt. But I am a little tender of chief administrators of hospitals and medical practitioners banging around reports. I do not think it is needed. I do not think it is needed.

AN HONOURABLE MEMBER: Inaudible.

MR. ROBERTS: Well, no they will not necessarily show up in the "Evening Telegram" or on the open line show but why send them unless one needs to. The whole principle of the doctor/patient relationship does not have the relationship in law that the solicitor/client relationship has. We lawyers have managed to enshrine the solicitor/client relationship in law. The doctor/patient relationship, I do not think has quite the same protection. It has a lesser degree of protection. I do not see any reason why we need

to put this in here and I do not want to belabour the point, I just raise it. I think it is worth further examination.

AN HONOURABLE MEMBER: Inaudible.

MR. ROBERTS: I am all for protecting the public but I could suggest that it is far more immortant to protect the public from other things besides or in addition to mental illness.

I know of a case, so does the minister, or he must have heard of it, where the board moved against the practitioner and was not able to establish sufficient grounds to take that practitioner out of practice. I know of another one where a practitioner took himself out of practice. I do not want to mention the name. The honourable gentlemen who are in the profession will probably have heard it. I heard of it as minister. It was reported to me. He took himself out of practice but the board were of the opinion, based on their earlier experience with the other gentleman, that they could not have moved.

I might add Section (26) does not give the board any greater powers in that sense. It is Section (25) which has that broad catchall phrase, that whenever the board says, "The continuance of the practitioner in the practice of medicine", in their opinion, constitutes a danger to the public or to any person. That is the authority the board would have to cite when they are saying to a person, "You are mentally ill. In our opinion you should not be practicing medicine. Here is the order of the boot. You may appeal following the clauses in the act."

AN HONOURABLE MEMBER: The Supreme Court.

MR. ROBERTS: The Supreme Court and from thence wherever it takes.

At any length, it is a minor point in the overall scheme but it could become a major point. It could involve a person. It could cause needless harm. I do not see any reason to put the clause in. I do not think the minister for one second would feel, and if he felt this way, he would be wrong, that I am not as zealous as anybody else in assuring that the board, the disciplinary body, have authority to protect the public. I mean, that is quite necessary.

The gentleman from Burgeo has once again raised the debate to his own level. He is not the one, Mr. Speaker, to talk of psychiatric care and people who need it.

MR. EVANS: Inaudible.

MR. SPEAKER: Order, please!

MR. ROBERTS: I can quite seriously say, there are far more serious things in my experience of the medical profession than mental illness. I think anybody in the practice grows increasingly concerned about men who get old.

The member from Humber East, as a practitioner, nods agreement. It happens. Men get old. Women get old. There comes a point when people should not be allowed to practice medicine, particularly if they are in the cutting skills, in the surgical specialities. There comes a point. The board hopefully can get to the point where that sort of thing can be acted upon. It should not have to be acted upon formally. One would imagine that whenever a doctor got to that point, he would agree to sort of reshape his practice. I think, ninety-nine per cent of them do. There is always the odd one who insists on carrying on as if he were half his age and in the prime of his performance.

At any length, the bill -

AN HONOURABLE MEMBER: Inaudible.

MR. ROBERTS: Oh, I think so.

AN HONOURABLE MEMBER: Inaudible.

MR. ROBERTS: Yes. I would hope the board can now act. I am all for that. The old act was quite deficient because whoever drew it up in 1891 or 1892 or 1893, whenever it was drawn up, had no idea these problems would come. There were, what? One hundred and twenty doctors in those days? In those days they were not too far removed from the old barbershop type. I mean, they were presumably qualified for medical schools but not the type of qualifications that doctors have today before they are let into practice. Let us face it, the real control on admission to practice is the LMCC qualification. That is the one to which we look to and we have the provisional registrations to govern the doctors who one of the best qualified specialists in this province cannot be registered. We all know who we are referring to but, I mean, a man who does superb work, I suppose, one of the best in his field in Canada. Yet the fact remains that gentleman can never be granted full registration unless there are some pretty fundamental changes in the whole legislative scheme. AN HONOURABLE MEMBER: Inaudible.

MR. ROBERTS: Oh, I would be the first indeed - I once sent some informal communication to the board.

AN HONOURABLE MEMBER: Inaudible.

MR. ROBERTS: Well, I will come back to that. I once sent some

informal communication to the board to the effect that there was some chatter that he should be removed from practice because he had been provisionally registered for ten or twelve years at that point and informally the word went back from me as the minister that if they did that, there would be legislative action taken. He has not graduated from a university that is in the list of universities that can produce recognized guide rules. Yet, the man has qualifications. He has taught at medical schools in Canada. He has been on the faculty of medical schools in Canada.

There is no doubt at all about his qualifications but his initial M.D. degree was granted by a university that simply is not recognized by all the powers that be for the purposes of issuance of M.D. degrees. It is that simple.

AN HONOURABLE MEMBER: Not recognized by -

MR. ROBERTS: No, no, not recognized by any Canadian medical authority. They are pretty standard across Canada but yet the man can be a superb practitioner, a superb technician and a magnificent man as well and as the minister says, all sorts of practitioners refer patients to him with every confidence in his work and in his skill. The provisional thing I guess will always be with us and I would hate to think where we would have been over the years without it.

MR. NEARY: Is there no way around that?

MR. ROBERTS: The only way around it would be to pass a law saying that he is deemed to have been fully registered. You see, it was a Newfoundlander who set up the scheme, Sir Thomas Roddick, for whom Roddickton is named who first set up the whole medical council of Canada, Dominion Councils, back in 1912. Thomas Roddick from Harbour Grace, his widow was a great confederate, only died a few years ago. Does the honourable gentleman want to move the - Well, look, I mean I go on but I do not think I need to, Mr. Speaker. I simply say that my colleagues and I will support the bill. I would like to see a second look taken at that Section 26. I would like to see a second look taken at the question of the Rand Formula and if I have anything more to say, there will always be a committee meeting. So I say I will support the bill.

MR. SPEAKER: If the honourable Leader of the Opposition then has concluded his remarks, is it possible to recognize somebody else the next day?

MR. NEARY: Mr. Speaker, I move the adjournment of the debate.

MR. SPEAKER: The honourable member for Bell Island has moved the adjournment of the debate.

On motion, the House at its rising adjourned until tomorrow, Tuesday, December 17, 1974 at 10:00 a.m.

INDEX

ANSWERS TO QUESTIONS

TABLED

DECEMBER 16, 1974

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In answer to an oral quastion from the Monourable Member for St. Barbe North:

The approximate amount of indebtedness on capital account for the School Boards of the Province is \$40 million dollars; the approximate amount of indebtedness on current account is \$3 million dollars.

I should point out that the DEC's and School Boards are at present conducting a review of their current indebtedness and priorities in the area of capital expenditure. We expect to have the result of this study in early 1975 and approximately between January 20th and February 20th.

In answer to an oral question by the Monourable Chaber for St. Barke North, the following are the Operating Expenses for the year anding June 30th, 1973, for the indicated Strool Fox Authorities:-

AUTHORITY	OPERMYDIG EXPONSES
Channel-Port aux Basques	\$ 9,520
Deer Lake	7,478
Corner Brook	44,912
Regional Dist. # 1 (Gander)	56,821
Grand Falls (Exploits Valley)	14,696
Notre Dame	25,131
Green Pay	31,602

I should point out that we have not yet received the audited statements from the Auditor General's Department for the year ending June, 1974. Therefore, until we have that information we cannot provide Operating Expenses for that year, or any Operating Expenses for Authorities for whom their first year of operation was 1973-74.

DECEMBER 16, 1974.

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