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VERBATIM REPORT

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SPEAKER: THE HONOURABLE GEORGE W. CLARKE

The House met at 3:00 P.M.

MR. SPEAKER: Order!

HON. J. R. SMALLWOOD (Premier): Mr. Speaker, on behalf of all hon. members of the House, I would like to extend a very warm welcome to some fifty students who are here from Grade VIII of St. Peter's High School in Upper Island Cove. These fifty students are accompanied by Mr. Greeley their vice-principal, and the Rev. Mr. Rowsell their rector. They are most cordially welcome here to the House, oh for a number of reasons. One is they come from a very famous and historic place, one of the best known place names we have in our Province today, Upper Island Cove. People by colourful and strong personalities, who have been noted down through the years for their common sense, and their sense of humour and their great wit. In fact I suppose Upper Island Cove is known more than any other place in Newfoundland for its native wit. Some very eminent men and women have been produced by Upper Island Cove, and I think every citizen of that famous place is very proud of the history and the background of Upper Island Cove.

We are glad they are here also because we are always happy to have students, young Newfoundlanders visit us, and we have had now in the present Session, something between 1200 and 1300 young Newfoundland men and women, boys and girls from a great many schools, about half of them from St. John's and nearby, and the other half from places farther away. I am very glad too, that the Vice Principal of the school Mr. Greeley could come along with them and above all, I am very proud and very happy that the rector of Upper Island Cove, the Reverend Mr. Rowsell, who is a personal friend, is able to accompany them here today. I do not know frankly, if they are going to see anything very exciting here today in the House. We have legislation, we have laws we are going to talk about and discuss. And there will be some debate on these and I hope that all these students will find the proceedings interesting. One thing please they should remember, and that is that the way a House of Assembly operates

is not something that was invented in Newfoundland, certainly it was not invented by the House of Assembly. It was not invented by anyone in Newfoundland, The way this House proceeds and does its business, is a way that was not discovered, but evolved over a period of centuries in the Mother country in England in the House of Commons and the House of Lords at Westminster. And you have to watch it for awhile. You have to see it in operation for awhile before you begin to make head or tail of it. So do not judge us just by what you have seen and heard here today. It will be necessary to do that more than once. I hope that in these students who will one day sit here as members of the House, elected to represent their districts to sit in this House to make the laws of the land.

In the meantime, I know the Leader of the Opposition is eager to get and tell the students how happy he is and his Party are to have them here. I am sure the whole House unite in extending a very warm and cordial greeting to them.

MR. A. J. MURPHY (Leader of the Opposition): Well Mr. Speaker, I would like to join with the hon. the Premier in his words of welcome to the fifty students of Grade VIII from St. Peter's High School in Upper Island Cove, and particularly to Mr. Greeley and the Reverend Mr. Rowsell. As the Premier said the Upper Island Cove people have a distinction all their own for their great sense of humour and great wit. During this past year I have had two or three occasions to go down and visit the beautiful place, and I was quite surprised when I discovered that perhaps I knew it before, but had a great number of Upper Island Cove people, were formerly working on Bell Island. I think it was a great source of employment for them. Mr. Premier it has produced some splendid men taking their place in the affairs of the country, and I think today, I am very proud to say that one of their native born sons in the person of John Lundrigan, Conservative M.P. in Ottawa and doing a tremendous job for our Province. He is a native born son of Upper Island Cove. His family are still there, so as the Premier has said, that he looks forward to seeing some of these young pupils take their place in not only our Parliament here, but perhaps

the Parliament of Canada. I am sure they will follow with great interest their own personal member in Ottawa and feel quite proud of him. I am very pleased indeed Mr. Speaker, to welcome these young gentlemen, Mr. Greeley and the Reverend Mr. Rowsell, and I trust the few minutes or hours they have to spend with us will be very enjoyable.

MR. MOORES: Mr. Speaker, I want to associate myself with the hon. the Premier and the Leader of the Opposition, in extending a warm welcome to the Grade VIII pupils of St. Peter's High School in Upper Island Cove, also the Vice Principal Mr. Greeley. I am very pleased as well to see Reverend Rowsell here this afternoon. Reverend Rowsell was always a great hockey fan in Harbour Grace at the Stadium there, and I hope that he will enjoy his visit to the House this afternoon. Mine of course, if a personal welcome. Upper Island Cove was one of the larger towns in my district. To give you some information Mr. Speaker, there are some 550 pupils Grade VIII and under attending St. Peter's High School, classed by seventeen teachers. In addition of course, Grade XI, X, and XII attend the Ascension Collegiate in Bay Roberts. That will give you some idea of the number of young Newfoundlanders attending school in the town of Upper Island Cove.

I trust that your visit to the House this afternoon will be pleasant and enjoyable, and trust that you will return to your classrooms tomorrow refreshed and inspired by what you hear here this afternoon. I am also pleased to see in the gallery Mr. Speaker, a delegation from the town council at Spaniard's Bay. I welcome you here, and I trust that your visit to St. John's will be very fruitful. Thank you very much.

MR. CROSBIE: Mr. Speaker, we would like to join in welcoming the students from St. Peter's High School at Upper Island Cove - Reverend Rowsell and Mr. Greeley. And we trust that they will see or hear something of interest here today. It is not bound to be interesting every day in this House of Assembly. And although our procedures and rules are supposed to be based on those that originated in the United Kingdom Mr. Speaker,

I think there are enough differences observable here that anybody interested in parliamentary procedure would be quite taken aback almost to how this House is conducted and how these rules are changed, how the customs have changed over the years in the present House of Assembly. As a matter of fact there is a Resolution on the Order Paper that suggests that the Standing Orders be reviewed Mr. Speaker, which we consider to be a very good idea. So we are not prepared to concede that the rules in effect in this House are those in effect in most of the Parliamentary Legislatures in the United Kingdom. But still at High School I doubt whether the students are likely to note that there are any differences or not. But we trust they will enjoy their stay here this afternoon.

MR. ROWE (W.N.) Mr. Speaker, before you call Orders of the Day, I would like to mention an event of unspeakable sadness and sorrow for myself personally, and for the wife and family, relatives and friends of Mr. Prince Dyke who met his death by drowning over the weekend. This young man who was in his early thirties was on the staff of my department and was undoubtedly loved and respected by all ministers and Civil Servants who had any occasion to deal with him. He played Sir, a very major role in our negotiations with Ottawa over the DREE program, and he had undoubtedly brilliant career in the development planning ahead of him. And that promise that he showed Sir, makes his tragic death all the more heartbreaking.

I am sure I express the sentiments of this entire House in extending our sincere sympathy to wife and family over his tragic death.

MR. MURPHY: I rise to my feet also to express my sentiments and ours with those of the hon. minister, but I am sure for such a young man with such a promising career in our Civil Service, I know it must be a terrible blow indeed, and we join with the minister in extending our sincere sympathy, to his relatives and to all those who suffered by his grave and tragic death.

MR. CROSBIE: Mr. Speaker, we also would like to associate ourselves with the minister's expression of condolences to this young man's family. The minister of course, would be in the best position to know how valuable a

Public Servant he was, and the minister has said that he was indeed a very valuable public-servant, and is a great loss not only to his family, but the Province, and we join in expressing our sympathy.

Presenting Petitions:

HON. J. R. CHALKER (Minister of Public Works): Mr. Speaker, I ask leave to present a petition on behalf of 600 residents of St. Barbe North from the settlement of Anchor Point to Savage Cove, which includes some seven settlements in my district. The petitioners pray that we the undersigned from Anchor Point to Savage Cove inclusive, request you as the elected representative of St. Barbe North, to assert all the influence and pressure at your command to aid us in obtaining the necessary funds to begin construction immediately of a new elementary school planned by the integrated school board for the Straits of Bell Isle and Flower's Cove. The school approved by department officials has had to be postponed two years due to lack of funds. It is desperately needed to upgrade our backward educational system at the elementary level. The obtaining of the necessary funds to build this school would do much to offset the lack of assistance for our educational system over the past years.

if the
Mr. Speaker, in presenting this petition and said petition is granted it will mean the acquisition of a modern elementary high school for the Flower's Cove area, which would include the proper education of all the children from the seven settlements concerned. It would be a centralized elementary school with most of the students being transported to this school at a central location. It would also mean Mr. Speaker, the closing out of some eleven classrooms, which to say the least, are outdated even without proper facilities as one is used to practically everywhere else today. In conjunction with this Mr. Speaker, this morning I was very fortunate to receive a petition from the Straits of Belle Isle School Board, who on their, at their own expense came into town this morning. At this meeting this morning, I was fortunate in having officials from the

Department of Education, Community and Social Development, and representatives from the denominational education council. The Board who arrived in St. John's last night have done magnificent work in winning over the people to the idea of centralizing the school system. And I may say Mr. Speaker, a few years ago I did not think this would be possible, but evidently through their persistent efforts they have done so. The Board wholeheartedly endorses the prayer of the petitioners as they only know too well the deplorable conditions of the existing one and two room schools that this new elementary school at Flower's Cove will eliminate.

Mr. Speaker, I can personally vouch for these poor conditions of those one and two room schools, and the lack of modern facilities such as water and sewerage facilities. Library and playground facilities, as well as many other facilities now common in elementary schools throughout this Province. I make a special plea to this hon. House Mr. Speaker, on behalf of the residents of my district, to wholeheartedly support this petition, when a very low income in my district is prevalent at the time, and where an education must be the best to assist the children to better themselves academically and through a good education to better themselves economically. I give my strongest support to the prayer of the petitioners, and ask for this petition to be laid on the Table of the House and referred to the department concerned.

MR. SPEAKER: It is moved and seconded that this petition be received and referred to the department to which it relates.

MR. SMALLWOOD: Mr. Speaker, I have great pleasure indeed, in supporting the prayer of the petition. I am not sure that this House is the right objective or the right place to address the petition. But the petition essentially is one that prays as all petitions must do of course, for school improvement in the great northwest coast of this Island home of ours, and what Newfoundlander could fail to approve and support such a petition as that. Mr. Speaker

MR. SMALLWOOD: Mr. Speaker, in every part of the Province today, I suppose, with very few exceptions, people are demanding, asking, requesting, petitioning, praying and demanding, most schools, better schools, bigger schools and more transportation and more facilities for the children to get back and forth to these schools, because, Sir, there has settled down into the minds of our people in Newfoundland and into their hearts a very powerful conviction that education must be made more and more available and that it must be better and better, if the children, if the young generation of Newfoundland are to have the opportunity in life to which they are entitled for two reasons entitled: one the fact that they are born and that they live and the other the fact that they are not Canadians. Because of these two adequate reasons, every child born alive in Canada, no matter where, should have an ample opportunity. Here in this Province almost from the beginning, the Minister of Education could tell us more about that, he has written a book to give the history of Education, but almost from the beginning of Education in Newfoundland, it has been the church or the churches who have provided it with more and more, as time passed, more and more the Government paying the cost. This House voting the money and passing it over to the churches and the churches dividing it up among their various school boards. Nevertheless, it is here on the floor of this House that the money originates so far as the authority is concerned. It does not really originate in this Chamber at all.

It originates in people's pockets. People earn it and the Government gets a share of it and it comes into the coffers and in this Chamber, the House votes money to be paid over to the churches - the churches and it is to the churches that the money is paid and the churches divide it up among the various school boards and, I suppose, technically this petition ought to have gone to the - would it be the Anglican School Board or Integrated School Board and the Integrated School Board would worry about it and become tormented about it and they would scratch their heads

and possibly they would come to the Government and demand that more money be given to the churches so that different school boards would have a bigger share.

No one can deny the justice of this request and I give it my most hearty support.

MR. NEARY: Mr. Speaker, may I say that I find myself in the same position today as the hon. member from St. Barbe North who just presented the petition on behalf of his constituents for improved classroom space in his area, and I would like to draw to the attention, Mr. Speaker, if it is permissible, that seated in the members' gallery is a delegation from Bell Island who just left my office a few moments ago with a similar request. and I just finished explaining to them how the Educational system in Newfoundland works, and I think the Premier just summed it up and has verified what I had said to the delegation. I am very happy to support this petition. Mr. Speaker, and I hope that if the delegation from the people of Bell Island, in my own district, have to bring a petition before this House for the same reason that my hon. friend just presented the petition, I hope he will give it his support.

I am very happy to see the delegation here today in the House, Sir and I want to say that our meeting was very friendly and congenial and that I wish them the best of luck and I say, 'God bless them' for fighting for their rights.'

MR. CROSBIE: Mr. Speaker, I would like to support the petition presented by the hon. member from St. Barbe North. There is no doubt that the district of St. Barbe North, in the area he speaks of, needs centralized school facilities and better school facilities, if the children of the St. Barbe North part of this Province are to have an equal opportunity to some kind of a good education here in the Province.

I do not agree with the hon. the Premier, when he says that he is not sure whether this House is the right place for the petition. I feel sure, Mr. Speaker, that this House is the right place for the petition, because no matter what the legal fiction is: the denominational authorities will only be able to construct schools if the Government of this Province or the taxpayers of this Province provide the money for it and this is where the money has to come from. This business of the Government always attempting to get the praise when ^{is} the school constructed and finished, but avoid the blame when there are not sufficient funds for schools to be built, is a bit ludicrous. If the people of St. Barbe North are to have this centralized school that they wish to have, there is only one place they are going to be able to get the money from and that is from the Government through this hon. House. No matter, if afterwards, the money has to go to the Integrated School Board or committee or not.. So I feel sure, Mr. Speaker, that this is the right place for that petition, and I notice that there are not any extra monies voted this year by this House for school construction. There are additional sums under the DREE program, which I do not believe cover the hon. minister's district. In any event, I am glad to support this petition. I think it is a good petition and it would be a step in the right direction.

Also, Mr. Speaker, I would like to welcome the Bell Island delegation that the Minister of Social Services and Rehabilitation mentioned. They, also, have their problem on Bell Island with the construction of a new R. C. school to replace the one that was destroyed by fire. I am sure we hope that they will be successful in their endeavors in dealing with the school board, and we have no doubt that the hon. minister will attempt to help them all he can. We hope that he does.

MR. MURPHY: Mr. Speaker, I, too, would like to add my support to the petition. It is not my desire at this time to go into a debate on

this matter, but with reference to the petition from St. Barbe North, and also the lovely ladies here today from Bell Island. I know this House has the greatest of sympathy with reference to schools, and I am sure that when the proper time comes, this House will face up to its obligation and do all in its power to further the cause of Education in many of these districts.

But, Mr. Speaker, as everybody else has pointed out, this Government up to this date anyhow had not accepted responsibility and we can legally say, it is not our responsibility but the various school boards, but I feel the time is rapidly approaching, where with the great demands and the small monies available to these boards that some means will have to be found, and I think we are beginning to think on the Federal level now for huge amounts of assistance for these school boards to assist them in meeting the great demands of our young people and up-to-date education. I am very pleased, indeed, to support the petition and also with the hon. member for Bell Island to extend a very warm welcome to our beautiful ladies and lovely gentlemen in this House. I am very happy indeed, Sir, to see that they are sat in this Chamber today to hear this matter discussed.

MR. SPEAKER: Is the House ready for the question?

MR. ROWE (F.W.): Mr. Speaker, I had not intended to rise at this particular time, because as the Minister of Education, I think it is assumed, passibly, by everyone that I am in support of anything that would benefit for improved Education in Newfoundland. It has to be taken for granted, that is my business, my duty, my responsibility, constitutionally responsibility.

I would, however, in giving my general support to these two matters that we have heard about here today - again, I would remove the possibility of any misunderstanding arising from the statement made

by the hon. member for St. John's West. Yes, there could very well be a misunderstanding arising from it and it is simply this, and I am just voicing a constitutional matter here: that we all agree, of course that more money is necessary for Education and this is one of the reasons that we have worked so hard to get Ottawa into this business of Education and it is a great triumph, a great victory for us, a great victory for the Premier of Newfoundland who first voiced and fought for it at the Federal/Provincial conferences, a great victory for Newfoundland, because we have hammered on this for this last twenty years and Ottawa has consistently avoided it until this present administration.

The misapprehension which might arise, Mr. Speaker, is this: that if this House were to vote today, \$500 million for the building of schools in Newfoundland, this House, neither this House nor the Government can decide where or when or how those schools would be built. That is the constitutional right in the Education Act and in the terms of union which is part of the British North America Act; that is the constitutional right of the churches of Newfoundland.

MR. CROSBIE: Point of Order, Mr. Speaker. Hon. members opposite keep us always getting up on Point of Orders, Mr. Speaker, and this is now becoming an invitation and if the Speaker is going to permit the hon. Minister of Education to debate the constitutional aspects of Education, then we will have to insist on our right to debate it also. The hon. Minister is not speaking to this petition. I, therefore, ask your Honour to rule him out of order.

MR. SMALLWOOD: Mr. Speaker, I would like..

MR. SPEAKER: These petitions, as a matter of privilege, are being presented to the House anyway. It is a custom that has grown up, no other House ever had the system of a petition being presented. Our

rules say that these petitions may be presented, which has grown up by custom over the years. Five minutes is permitted for the person presenting a petition. Now the custom is growing up where every single person in the House has the right to support the petition for the obvious reason, but that turns into a debate in general, which has happened long before the hon. Minister of Education stood up, and as I understand it, he was entering a door that had already been opened by one other speaker. Will the hon. minister continue, but we must remember that nobody has the right to speak for more than five minutes.

MR. SPEAKER: The hon. member has already spoken to the petition.

MR. CROSBIE: I spoke to the petition. The hon. minister is not speaking to the petition.

MR. SPEAKER: If the hon. member wishes to ask a question by way of explanation of the person speaking, I still feel that it would not be the best thing to do, but he will have the right to do it, if the hon. member resumes his seat and he could ask him any question he wishes.

MR. ROWE (F.W.): Thank you, Mr. Speaker. I will simply content myself by repeating again the last sentence which I was making at the time the hon. member for St. John's West interrupted me. If this House were to vote today \$500 million for the building of schools, neither this House nor the Government could decide where, when or how those schools would be built. It is the constitutional right of the churches whether they are represented by a single board, by a single educational committee as is the case with the Roman Catholic Church and the Pentecostal Church or by an Integrated Committee as is the case with the Anglican, United and Salvation Army churches. It is their constitutional right, under our legislation passed in this House, only repassed last year, first passed in 1876, passed again last year, and contained in every Education Act since 1876 and that right is crystalized in the terms of

union and is part of the British North America Act. In other words it is part of the constitution of Canada that the churches decide, when, where and how the schools will be built. This is not to evade responsibility, Mr. Speaker. It is not to disclaim responsibility. It is to enunciate once more a principle which a lot of hon. gentlemen, apparently, on the other side of the House are not prepared or do not like to have to accept. It is there. I did not make it. It is there.

MR. HICKMAN: Mr. Speaker, ^{as} the former board chairman, I have great sympathy with the gentlemen and ladies who are present here today and who have presented these petitions, and I have great pleasure in supporting them. The petition that was presented by the hon. the member for St. Barbe North and the ladies whose attendance here is brought on by their desire to improve the situation on Bell Island.

Mr. Speaker, I do not propose to review all the reasons why these petitions should be supported other than to say that I do support them, but I must take issue with the statement just made by the hon. Minister of Education. As I read the Terms of Union, that statement is not correct. Under the Terms of Union of Newfoundland with Canada, monies voted by this House for Education must be distributed on a non-discriminatory basis. There is nothing in Term (17) that I can find which says that it is the exclusive and sole prerogative of the Integrated Committees or the Denominational Educational Committees to decide when, where and how schools are to be built.

This is a convenient misapprehension that seems to be fostered from time to time in this hon. House. It is not correct, Mr. Speaker. As far as Education is concerned, the buck stops right here in this House and nowhere else. We are given the sole and exclusive responsibility to

provide funds for improving and maintaining our Educational services in this Province, and Mr. Speaker, as hon. members who have spoken, whilst we support this petition and support it very much indeed, when we look at the Estimates and when we see the statement of the Integrated Denominational Committee to the effect that unless there was an increase in vote this year for capital account, for elementary and primary schools, that no new schools could be built and then we look at the Estimates and we see \$4.3 million precisely the same that was voted last year, then I say that our sense of priorities is all wrong, that they are all out of whack, and I do not believe, Mr. Speaker, that we are going to be able to find or this House is going to find or this Government is going to bring to this House a vote for sufficient funds to meet even the barest minimum or requirements for school accommodation this year.

Mr. Speaker, if these hon. gentlemen and our visitors continue to sit in this House this afternoon- there is a debate on a Bill presently in progress that is very closely allied to their problems and which, in my opinion, will indicate very clearly where this Province is going, insofar as school construction. I do not like the way it is heading. I think it is headed on a very disastrous course, and we cannot expect our

MR. HICKMAN: People to sit back for year and years and years and say, your priorities are different from ours. I do support these petitions.

MR. SPEAKER: I think we have gone just about as far as we should on this side issue altogether. I was possibly very much amiss when I allowed the matter to be introduced right at the beginning. Having allowed it then we had to hear two or three members, which is the danger on every single occasion. Once you open the door the slightest little bit we can go on. Every hon. member knows right now that the issue before the Chair is not the petition presented by the hon. member for St. Barbe North.

If those in favour of the motion that is made by the hon. member for St. Barbe North re: this petition please say "aye," contrary "nay," carried.

FURTHER PRESENTATION OF PETITIONS:

PRESENTING REPORTS OF STANDING AND SELECT COMMITTEES:

NOTICE OF MOTION:

ANSWERS TO QUESTIONS:

HON. J.R. SMALLWOOD (Premier): Mr. Speaker, question no. 457, on the Order Paper of April 17, in the name of the hon. the member for St. John's Centre. The answer to the first part is as follows; power distribution district of west Newfoundland \$85,000. twenty years. Town Council of Bale Verte \$195,000. forty years. Town Council of Bale Verte \$314,000. (I am rounding out the figures) forty years. Town Council of Bay Roberts \$65,000. twenty years. Town Council of Bishop's Falls, \$315,000. forty years. Town Council of Botwood \$45,000. twenty years. Town Council of Burin \$176,000. forty years. Town Council of Channel - Port aux Basques \$550,000. forty years. Local improvement district of Dark Cove \$39,000. forty years. Town Council of Deer Lake \$34,000. thirty years. Town Council of Dunville \$270,000. forty years. Town Council of Gander \$373,000. forty years. Town Council of Grand Falls \$742,000. forty years. Town Council of Happy Valley \$585,000. forty years. Town Council of Harbour Breton \$270,000. forty years. Town Council of Harbour Grace \$90,000. forty years. Town Council of Jerseyside \$36,000. twenty years. Town Council of Lewisporte \$220,000. fifteen years. Town Council of Mount Pearl \$108,000. twenty years. Town Council of Wabana \$40,000. twenty years. Town Council of

Wesleyville \$203,000. forty years. Town Council of Windsor \$120,000. twenty-five years. Power distribution district of South Newfoundland \$1,259,000. twenty years. Power distribution district of Labrador \$66,000. twenty years. Power distribution district of West Newfoundland \$303,000. twenty years. Power distribution, district of West Newfoundland \$40,000. twenty years. Power distribution, district of West Newfoundland \$45,000. twenty years. Power distribution, district of North-east Newfoundland \$360,000. twenty years. Power distribution, district of North-east Newfoundland \$47,000. twenty years. Power distribution, district of North-east Newfoundland \$22,000. twenty years. Power distribution, district of North-east Newfoundland \$99,000. twenty years. Town Council of Badger \$578,000. forty years. Town Council of Baie Verte \$245,000. forty years. Town Council of Burgeo \$750,000. forty years. Local improvement district of Centreville \$100,000. forty years. Town Council of Channel-Port aux Basques \$300,000. twenty years. City of Corner Brook \$250,000. twenty years. Local improvement district of Dark Cove \$42,000. forty years. Local improvement district of Flowers Cove \$167,000. forty years. Town Council of Gander \$190,000. forty years. Town Council of Grand Bank \$200,000. twenty years. Town Council of Winterton \$600,000. forty years.

Rural District Council of Badger's Quay, Valleyfield, Poole's Island, \$240,000. forty years. Local improvement district of Buchans \$65,000. twenty years. Town Council of Burin \$110,000. forty years. Town Council of Carbonear \$96,000. forty years. Town Council of Channel - Port aux Basques \$267,000. five years. Town Council of Deer Lake \$65,000. twenty years. Town Council of Fortune \$67,000. twenty years. Town Council of Gander \$334,000. forty years. Town Council of Happy Valley \$500,000. forty years. Town Council of Glovertown \$750,000. forty years. Town Council of Harbour Breton \$170,000. forty years. Town Council of Stephenville Crossing \$60,000. twenty years. Power distribution, district of Labrador \$250,000. twenty years. Power distribution, district of North-east Newfoundland \$74,000. twenty years. Power distribution district of South Newfoundland \$176,000. twenty years. Power idistribution, district of South Newfoundland \$695,000. twenty years. Power distribution, district of West Newfoundland \$255,000. twenty years. :

The rates of interest charged for these loans run from six and three quarters per cent to seven and one quarter per cent up to eight and one-quarter per cent, which is the highest rate charged. The total of it is not given here, but I ran quickly through the column and it runs to some figure between \$14 million and \$15 million loans made by the Newfoundland Municipal Financing Corporation to various town councils and power distribution districts throughout the Province. These are two amounts here. I have read both of them. As at December 31, 1968 and December 31, 1969:

One other answer: Question No.494, on the Order Paper of April 30, in the name of the hon. member for St John's West: Section (1): The first part is "yes". The second part is 6,000 sq. ft. and the third part is; "not yet determined". These are the answers to the first section of the question.

The second part of the question: The answer to the second part is; October 1, 1969. I will repeat it. The answer to the first part of Section (1) is "Yes", the answer to the second part is 6,000 sq. ft and the answer to the third part is not yet determined.

MR ROWE: Mr. Speaker I have the answer to Question No.353, on the Order Paper of April 10, asked by the hon. member for Fortune Bay:

"What was the total amount of the government's contribution to the highschool for indians at North West River, in Labrador?" The answer is that the total cost was \$842,000, and the Newfoundland Government's share of that was \$488,280. The Federal Government's share was \$353, 620. I have not added these up. These figures were given me by our officials. I assume that those two figures will add up to \$842,000, total cost.

The second question: "What is the estimated total cost to the Government toward the building of the new school and dormitory for the Grenfell Mission at North West River, Labrador?" The answer, to avoid misunderstanding I will say that this is not the indian school referred to in the first one. I know my hon. friend knows that, but for the benefit of the public. This is another school, on the other side of the river, in the Settlement of North West River itself, as distinct from the indian settlement on the south side of the river.

The estimated total cost of the school, that school at the Grenfell Mission, is \$701,490. That was a new school. I do not have the answer in

regard to the dormitory because that does not come under the Department of Education in any case, it comes under the Department of Public Welfare, the dormitory itself. And I am quite sure that any question concerning that, that department will be happy to answer.

The third question is: "How much did the Central Government contribute to each of these buildings?" Well, to the indian school the Federal Government, as I said a moment ago, contributed \$353,620, to the North West River School the Federal Government have contributed nothing as yet but I believe there is an estimate of appropriation in aid in our estimates this year, part of which I think would apply to that.

No. 4, "How many children are served each year by each of these buildings?" The answer is that the indian school has, according to our records in the department, now 165 children in it. My recollection is and I opened that school, I think two years ago, and my recollection is that all of these are indian children. The hon. Minister of Labrador Affairs nods in confirmation of that. These are all indian children. It is owned, incidentally, by the Roman Catholic School Board. All the indians in Labrador are belonging to the Roman Catholic Church, all the indians in our two indian settlements. It is 165. In the North West River school, I do not know the answer. There are 208 children. You see that school is not finished. I do not know how many it will be taking in, because it is planned to take in more children from the coast than is now the case. Right now there are 208 children, most of whom are local children but some of whom come from the coast and are boarded in North West River. My understanding is, and this is not a confirmed figure but I believe they hope to bring in an additional seventy-five children and board them; from the coast. So, that being so, the number of children we might estimate for that school when it does go in operation would probably be somewhere in the neighbourhood of 280 or so.

ORDERS OF THE DAY:

MR CURTIS: Mr. Speaker, I am not a reader of the "Advertiser," issued at Grand Falls, but my attention has been called to an item in that paper, of date April 25, which I think unfairly criticizes Your Honour.

The sentence is in an article entitled "Twixt you and Me," and the paragraph reads as follows: "We thought the questions asked by the members on the Opposition side of the House were sound and logical," he is referring to the question of the Shaheen group who were here the week before. "And we feel that in every instance the answers could have been precise and concise with no need to hide behind Law (86)." Then the following paragraph appears: "The only person in the House of Assembly who could have helped get these answers which were sought after, was His Honour the Speaker. But for some reason, he chose to let this Shaheen party be as evasive as they wanted to be."

Now Your Honour, we all know that Your Honour was in the Chair at that time with the witnesses that were giving answers to questions. They were not witnesses that had been summoned. These gentlemen were under no obligations to answer any questions, as the House knows. It would have been highly improper for Your Honour to have interfered and required them to answer any questions.

I feel quite sure that the item in the paper which I am passing the Clerk was not done maliciously. I think it was done in ignorance of the true position, but I think now that it has been called to the attention of the paper in question, that that paper will be glad to withdraw the reference it made.

MR. COLLINS: Before we get to the Orders of the Day, I have a question for

MR. SPEAKER: Before this matter is concluded, if the hon. member does not mind. I just want to say this, if the Speaker is as defenseless here in the House as he outside of course, he cannot speak in his own behalf, one way or the other, either in a public statement neither can he defend himself actually in the House. This is the first time that I have seen an instance of this kind take place where the integrity and the honesty of the Speaker of this Legislature has been brought into question in the twenty years of which I have had any knowledge, either reading or sitting here as a member of this House. It has been done, and

MR. SPEAKER: and are done in my opinion, of course, most unfairly. But as I say the Speaker's is completely defenceless and it is one of these instances where a breach of privilege would be raised. I said the other day, that a breach of privilege ought rarely to come to the House. I say the same thing today. But it is one of these things, where the Law provides most conclusively for a reflection upon the integrity and the character of the speaker to be dealt with, I am not asking, I do not want it to be dealt with. It is also a reflection on the whole House, because obviously, if the members of this House, or any other house, they feel that the Speaker is a person who should not be in the Chair, that his conduct and his behaviour is not as it should be with regard to his impartiality, his honesty and fair play, then it is a reflection on the whole House to say, that they have not the ability to either stand up for him, or put him where he should be, which is altogether outside. So they have two remedies, one to support him, or the other one, use the Law as it is, to put him where he should be, and that is outside the Chamber altogether.

And I feel very strongly about this, and if it is something that is allowed to go on completely, it brings the House itself into disrepute. Yes, the hon. gentleman.

MR. MURPHY: May I speak on this, Mr. Speaker. I am at a loss to understand just what position we are in as such. I know the integrity of the House is at stake, and the reason I did not stand before, because I thought that when the Minister read the statement, I thought it would be treated in some manner, is there any other way that to just bring it to the attention of the House and that we regret that this action, or is there any formal way this could be treated. I mean, I feel much in the same position that the integrity of the Speaker has been impuned; if you like, and this is a reflection on the whole House. And if it is the feeling I think here, that we agree with the article, then there is only one thing we can do, is just ask the Speaker to perhaps, if he cannot, then we will get someone else who can. I think basically this is what it amounts to, and I mean, I feel the Speaker is in a very unenviable position he is there, and unfortunate at that time, I use the word unfortunate in a sense, the whole proceedings were exposed and people

MR. MURPHY: were concentrating, with perhaps minds made up on one thing or another, and figured that the Speaker could take action which the rules of the House did not permit him to do so. Basically, as I say what action as the Leader of the Opposition I can take, I must agree with the reference of the hon. Minister of Justice to the thing, I think we deeply regret it, and as he said the article should be taken back more or less. I am in perfect accord with the suggestion that was made by the Minister of Justice

MR. SMALLWOOD: Mr. Speaker, If I may, It has very rarely happened in our history, it has happened before, but it has rarely happened that an attack has been made in print on Mr. Speaker. The House could I believe order the arrest of the writer, have him arrested and brought to the bar of the House. Very rarely is an attack made on Mr. Speaker in print, very rarely, this is I think the first time since the restoration of self-government to our country to Newfoundland. The first time in twenty-one years, this has happened.

Now, Sir, I have not for one moment any thought that the author of this piece in question was malicious, I think he wrote innocently, I am quite sure of it. He probably does not know the enormity of what he was doing. I am sure he did not understand he was laying himself open to a pretty serious action on the part of this House, an action that the House has not taken for a long time, it can always take, he did not understand that. And to him Your Honour was just another politician. Here again, but of course while that is true of every politician in this House, it is not true of Your Honour or whoever occupies the Chair. Mr. Speaker is not liable to attack, except for some grievance where he deserves attack. And if he deserves attack, it is not an attack from outside that will be effective, it is an attack from inside a simple motion to remove the Speaker from his office would be the punishment of an offence serious enough to warrant that punishment. This would be the punishment.

Now I think the Grand Falls Advertiser is a fine newspaper, well edited, well produced, has not in the least any thought of being offensive to consciously and deliberately offensive to the Speaker. And I think Mr. Speaker if this incident is properly reported, that paper will follow the customary journalist ethics and express its regret. And it think that would be the end of it, and I think it might be then a long time before on

MR. SMALLWOOD: radio, or television or in the press, the printer press another attack, another unjustifiable attack, unwarranted attack is made on the Chair of this House which commands the respect of all hon. members. No hon. member likes to have a ruling from the Chair that is against him, every hon. member likes to have a ruling that is in favour of his position. But the momentary pleasure, the momentary anger is very momentary indeed, very transitory and Your Honour enjoys the respect of this House, I believe, every hon. member of this House has nothing but respect for Your Honour, and the high position that Your Honour occupies.

MR. JOHN C. CROSBIE: Mr. Speaker, I have not read this article, I do not know a third what the hon. Minister of Justice has read. I think, the hon. the Premier says it is very rarely has an attack being made on Mr. Speaker in print. Mr. Speaker, it is very rarely that this House is televised, and the debate in question over two days was televised. If there was any fault arising out of the situation, it lies just as much with this House because the order of procedure for those two days was confusing in any event. The order of questioning was confusing, and it is very easy to see why anybody watching the proceedings of this House on T.V. could get confused, as to what the position was in the House, and what the Speaker's powers were. So I think Mr. Speaker that much too much can be made of what the writer said in his column there, and it was very lightly confused as to what confusion between Your position and that of a judge, when a case is on in court.

But, Mr. Speaker, as for myself there has been several breaches of privilege brought before this House in this session, and I do not like, and I would not support any imputation that if anybody outside this House criticizes the dignity of the House at all, that their arrest might be ordered. It is certain very rare that anyone's arrest has been ordered in this century anyway for a breach of a privilege of this House, and it would have to be an extremely heinous event before I would lend any support for the arrest of anybody in bringing them before the House.

In this particular instance, I think, the writer is probably being confused by the procedure used during the two days of questioning the Shaheen group, and I have no doubt that the writer would correct his misimpression, but it is easy to see how that impression arose, and how anyone not used to the procedure in this House, would be confused by what they saw during those

MR. CROSBIE: two days.

MR. F. W. ROWE: Mr. Speaker, I think I would like to make a comment on this, a matter raised by the hon. Minister of Justice. As Your Honour knows this paper in question is published in my district, and indeed the writer of that article is a constituent of mine, but I should say in fairness he is not a support of mine, at least he has been very critical of me publicly, and he is a supporter of another group in the House. But I want to go on record as saying this, Mr. Speaker, that I am quite sure, I do not know this gentleman intimately at all, but I am quite sure that he wrote this not understanding or appreciating the seriousness of doing a thing of that kind, and therefore I would go along entirely aggrieved, not for any political reason obviously, but I would entirely agree with the point made by the hon. Premier and I think the hon. Leader of the Opposition that in this particular case, that no further action be taken, other than to expect the normal courtesy that would follow this. But I also do say, Mr. Speaker, that I think, we should take advantage of this opportunity to point out to the public the seriousness, and no matter what anybody might say, the fact of the matter is that a criticism or any impugning of a speaker in any part of a democratic world is regarded as a very, very serious offence. And in some as Your Honour knows, in some jurisdictions he has been treated very severely.

MR. HAROLD COLLINS: Mr. Speaker, I had a question for the Minister of Justice, now that the wage demands of the Newfoundland Constabulary and the Firefighters of St. John's has been met from the Provincial Treasury, I would like for the minister to indicate to the House, if the Government has any plans for extending the jurisdiction of the responsibility of the Newfoundland Constabulary to include another municipalities. And if not, are there any plans to provide financial assistance to the municipalities who might have to hire their own police force, and firefighting force?

MR. L. R. CURTIS: I have considered, Mr. Speaker, for some time the possibility of extending the St. John's police force to Grand Falls and perhaps Corner Brook, but my investigation has satisfied me so far that it will cost as much more than it is costing us now. It is the amount that we pay for the R.C.M.P. outside St. John's is much more than we pay for

MR. CURTIS: police there. But, they supply a lot of essentials that we have not got, they supply cars, they supply boats, they supply planes, and they operate on a basis under which we could not afford. And for the moment, I would not suggest any change.

MR. COLLINS: Mr. Speaker, one supplementary question, notwithstanding what the minister has said, are there any plans to provide financial assistance to the municipalities who are required to hire their own police force and to provide their own firefighting force?

MR. CURTIS: I am afraid that is a question, Mr. Speaker, which I would want to have some notice to it, to have a change to consider it.

MR. CROSBIE: Mr. Speaker, I would like to ask the hon. the Minister of Fisheries a question, or Acting Minister of Fisheries, has the hon. minister or any member of the Government received any representation from the fishermen and ship owners of Bonavista North who prosecuted the Labrador fishery last year unsuccessfully, have there been any recent representations received from them as to the possibility of financial assistance, so that they can pursue the fishery again this year? And if so, what has been the Government's decision?

HON. E. WINSOR: (MINISTER OF LABRADOR AFFAIRS) Mr. Speaker, I will take note of the question, if the hon. member would care to put it on the Order Paper, I will endeavour to get what information I can.

ORDERS OF THE DAY

MR. SPEAKER: Second reading of a Bill, An Act To Consolidate And Amend The Law Relating To The Raising Of Local Taxes For Schools.

MR. H.R.V. EARLE: This debate was adjourned by a member who is not present here this afternoon, and it is not fair for us to go on.

MR. CROSBIE: The member for Humber East is concluded anyway, Mr. Speaker.

MR. EARLE: On this particular Bill No. 19, Mr. Speaker, I think all members of this House will agree with the principle of this Bill,

MR. EARLE:

one or two minor matters in it which we can deal with in committee which are not serious. I would just like to refer to the matter of notification of districts and areas where they have decided to come under this local school tax. In my experience there was always a certain amount of dissatisfaction in different areas because a number of people always claim that they were not aware of what was going on. I note that in this Bill there is only the same provision for notifying them by the public Gazette and in the local newspaper. I think that when we get to that stage in the Bill to discuss it that further means of publicity should be given so as to avoid this argument which arises constantly.

A point later in the Bill where sums of money collected under this tax can be authorized to be used for different purposes, I think is a good one and certainly should free the school boards to spend the money in perhaps areas where it is more advantageous if they should happen through some good fortune to accumulate a bit of a surplus. I think this section of the Bill would have all of our approval.

Generally speaking on the principle of taxation, the commission on education and youth, I have a lot to say about this and I am sure all members of the House have read their reports pretty thoroughly, but there is altogether something like sixty-four pages on the subject of school financing and the financing of education in Newfoundland. They made some definite recommendations in this report particularly along the lines of the foundation program which is prevalent in other Provinces. Their recommendations as contained on page 166 of the second part of this report, recommendation 132 says, "We recommend that a real property tax be levied at a uniform rate on equalized assessments throughout the Province. The levy should be collected by the Province and applied to the cost of the foundation program, of course, this is assuming that a foundation program might be set up."

There are several pages of arguments why a foundation program should be set up in this Province and actually at one point in their recommendations they come to the conclusion that question of property taxes is not altogether desirable. On page 136, the question that therefore arises is whether the property tax is a particular appropriate source of revenue for financing a

MR. EARLE:

education will undoubtedly rise at a very, very steep rate. Therefore the whole idea of taxation to pay for education will invariably have to be brought into some sort of a systematic form.

The piece-meal way in which we are going at it now whereby certain areas can apply to become local tax areas and so on, it seems to me to be extremely unfair to some of those areas that cannot afford to follow that pattern. Therefore it would seem that these areas must be given a chance to enter into the financing of education in their own areas to the extent of the ability that they can according to the circumstances in these areas. Now you might say that they are already doing it, that through the churches and so on they are contributing very heavily. This is undoubtedly true but it is terribly, to my way of thinking, unfair and unsystematic, and because we are tied to it by history and by the constitution, I do not think bars us from possible negotiation particularly in the frightening circumstances which are evident through the increasing cost of education.

For our own salvation as a Province and for the salvation of education as a system there will have to be, undoubtedly there will have to be a great getting together, a great joint effort and some of the things which we have held to very dearly in the past must necessarily have to go out the door.

MR. ROWE: Would you mind repeating that last item, I did not hear that last statement he made I was trying to follow him.

MR. EARLE: The last few words I said, is that all.

MR. ROWE: Yes.

MR. EARLE: Yes, I said some of the things which we have been tied to historically and which I suppose are also great sentimental value, will have to invariably go out the door. The necessity of revising the system of financing education will undoubtedly bring about the necessity of a more modern approach to it. No, we cannot claim I do not think in all justification that while we stand alone in this Province we are completely right, The other nine Provinces of Canada have differing and varying systems. They are gone into in great detail in this report. Perhaps some of the systems or part of the systems could be adjusted to Newfoundland but certainly we will have to make adjustments.

MR. EARLE:

I think when the Government brought in the abolition of school fees this, although it was not intended as such, had quite a depressing influence upon school taxation in the Province. Rightly or wrongly there seemed to arise in the public mind at that time that the Government was assuming a great cost of education, a great portion of the cost, and that was so, of course, through assuming the abolition of school fees but it seemed to go too far in the public mind. There seemed to be a feeling that well this was a step whereby the Government would be assuming the total cost of education and I think areas that were ready to investigate the possibility of the coming school tax areas hesitated at that time and held off because they thought the system was changing and possibly they would not be called upon to take the local responsibility which some other areas were assuming.

Well, I felt that this was a backward step at the time, that perhaps it was not explained carefully enough to the people and the result was, I think, to delay school taxation for several years in the many, many areas of the country. On top of that, of course, there was another great iniquity which grew up immediately out of that and that was the fact that although school fees were abolished in all the elementary and high school grades the denominations and the school boards found themselves in such straits that they immediately had to replace a lot of this by so called assessments. They raised money for capital purposes through what was known as assessments.

Here again in the public mind and particularly in the parents mind call it what you will, an assessment or a school fee, it is all money out of their pockets, assessments were most certainly considered by most parents the same thing as school fees. It was not long after the abolition of school fees that many boards found that they were in such straitened circumstances that the assessments themselves were greater than the original fees so the parents shrugged their shoulders and said, "what is all this about, we are supposed to be getting away with the abolition of school fees yet here we are paying assessments which amount to the same thing or more." So I do not think a great deal was accomplished there. It did take a tremendous burden of the school boards in so far as particularly many school boards had previously not been

MR. EARLE:

collecting one hundred per-cent of their school fees in fact some of them were down to as low as forty per-cent of the school fees being collected and by the Government taking over the responsibility at least the Board was assured of the collection of one hundred per-cent of the school fees which was an automatic boost to them.

But all of these steps as good as they were and the warrant commission or the commission on education and youth thus stressed in its report that the abolition of school fees is a desirable and was a desirable step. All of this put together did not by any means solve the problem and this Act today of setting up school tax areas and allowing a little more freedom to do so perhaps is in itself not going to solve the whole question because the cost of education is expanding at such a terrifying rate. Now we have all heard with a great deal of satisfaction that the DREE program will plow in some money for the construction of schools. This is excellent. We are all very happy to hear it.

I am rather afraid that some of the areas which do not get the advantage of this DREE program may feel very much left out in the cold. We may find areas which have been designated to be helped by DREE will themselves be able to construct very fine schools, larger schools and perhaps much better equipped schools but there still is going to be a huge section of the Province that cannot afford to keep up to this trend and I think the citizens of those areas are going to feel extremely neglected and extremely dissatisfied. This all -

this all brings back to the point with which I started that the only logical solution in my opinion which there seems to be in all this terrifying problem is suggested in sixty-four pages of the commission's report on Education and Youth. And while in a sense I am wandering away from the discussion on school taxation, this is so important that I feel the Department of Education in its reorganized form should study very very closely indeed and should have its staff concentrate on that section of the commission's report which in my opinion is the only possible solution to the tremendous demands of education which we are bound to have from hereon.

MR. HICKMAN: Mr. Speaker, if I may have a few words in support of this Bill. which I understand has been brought in at the request of the school tax, association of school tax authorities and is basically a consolidation of the school tax act and amendments that we have had in this House in the past. Mr. Speaker, there are few matters that ^{are} closely allied and arise out of the purpose of this Act. Obviously if you pass the school tax act you pass it with the intention of conferring on various authorities the right to impose taxes for the purpose of raising funds to build schools. Now, Mr. Speaker, no matter how we look at it and no matter what the constitutional niceties are the simple fact of the matter is that we are faced in this Province right now with an absolute crisis in so far as the construction of new schools in Newfoundland is concerned. The integrated education committee has notified school districts that unless, this is before this year's budget was brought down, that unless the Provincial Government substantially increased the capital grant no new school construction projects can be initiated this year. And one can safely assume that the same applies to the other two denominational authorities who are involved in education in Newfoundland at this time.

The simple fact Mr. Speaker, is this, that over the past few years the various denominational authorities who have been charged with the responsibility of spending the capital grants that have been approved or brought to this House by Government have been obliged to pledge and

mortgage that money for the foreseeable future. And the estimates of the Department of Education that are presently before this House indicates that \$4.3 million will be voted again this year for the construction of schools throughout the Province. The actual amount for the construction school building construction is \$4.350 million. That Mr. Speaker, is the same, that is the figure that was referred to by the integrated education committee and they said unless there was an increase this year, a substantial increase, no new school construction would be possible in this Province.

Now, Mr. Speaker, that leads us as I see to a question of priorities. It is a word that apparently is not in vogue in certain circles in this Province. But I do not care what you call it whether you use the word priorities or whether you say the Government has a responsibility, a sacred responsibility to decide where the money must be first spent and where the greatest need is at this time. I do not believe there is any social service that is so much in need of priority treatment at this time as is education and in particular in the field of school construction.

Now, Mr. Speaker, I cannot and will not accept the suggestion that the department of Education or that the hon. minister of Education does not know where schools are going to be built or why. I placed a question on the Order Paper a few weeks ago concerning the promised construction of a school in Fogo, and I was chided most severely by the hon. the minister of Education when he answered the question. He thought that as a former school board chairman, I should know that the department of Education had nothing to do with the construction of schools, or when or where or how they will be built. And Mr. Speaker, that has nothing to do with the constitution, it has nothing to do with the Term 17 I think it is, of the Terms of Union of Newfoundland with Canada. All that Term says that all schools shall receive their share of such funds in accordance with the scales determined on a nondiscriminatory basis from time to time by the Legislature for all schools then being conducted under the authority of the Legislature, and it also makes the same non-discriminatory provision

for colleges.

Now Mr. Speaker that is a far cry from saying that the Department of Education has no responsibility for the construction of schools. Surely this Legislature and surely Government is not going to sit back and allow and permit the children of this Province to be deprived of adequate accommodation and then say we cannot do anything about it we have nothing to do with this, this is the responsibility of the Denominational Educational Council. That is absolute unadulterated nonsense. The sole and exclusive responsibility for providing adequate accommodation for providing adequate curriculum, for providing adequate teachers salaries, for providing adequate maintenance grants rests right in this House and nowhere else. You cannot run away from that responsibility Mr. Speaker, and it is grossly unfair and not in accordance with the facts to say that this is the responsibility of the denominational educational council.

The denominational educational council as I understand it was set up to act in an advisory capacity to protect certain rights of denominations and churches who have made a great contribution to education in Newfoundland over the past 200 years. The reason why the churches became involved in education as everyone knows is historic. It is a simple fact that a couple of hundred years ago in most of our isolated areas in Newfoundland at least, probably everywhere, isolated and unisolated, if there was such a thing as an unisolated area then. The clergyman was the leading educationalist in that community, and he took it upon himself and through the churches to start to provide a semblance of instruction for Newfoundland students of that day. And year by year the duty and task of the churches in Newfoundland grew, but Mr. Speaker, in 1970 we cannot, whilst we have to be very grateful to these leaders in education over the past 200 years. We cannot bury our heads in the sand now, and say that someone other than the Government of this Province is responsible for education in Newfoundland. That is not correct, and Mr. Speaker, this crisis that we are now facing is a crisis that can get completely out of hand is a crisis that our children will be paying for for quite some time to come. We hear Mr. Speaker all sorts of

talk about priorities and where money should be spent and that you cannot have schools, you cannot have welfare, you cannot have health services unless and until you first provide the industrial base that will sustain it.

So what are we going to do Mr. Speaker. Are we going to look, the students of Newfoundland who happen to have been born in the fifties and in the sixties, and in the seventies, and say to these students it is your touch luck that you happen to have been born during this part of the twentieth century, because our great emphasis in the sixties and the seventies and may be in the eighties, will be providing a firm industrial base. You will not be able to get the educational training, you will not be able to get the exposure to education or the school accommodation that other North Americans get because our priority, our first is industrial development. That is not very consoling Mr. Speaker, to a grade X or a grade XI boy in Port au Choix this year. In fact he is not going to accept that standard, he is not going to accept that philosophy if it is a philosophy of hit and miss priorities.

Mr. Speaker, if the Warren Commission report is read carefully, if the report of the Economic Council of Canada is read carefully, and if we are looking at the greatest return, if we want to forget emotions, if we want to forget our social obligations, if we simply want to look at it and say, what will yield the greatest return in dollars and cents in this Province, obviously, it is education.

The development of a complete and full educational programme in the Province of Newfoundland will yield more benefit to Newfoundlanders than the oil refinery that may or may not go at Come by Chance. The development of a sound foundation programme that is not new, every other province, every state of the union discovered it years and years ago and have implemented it there is nothing new about that. The implementation of it whether you call it a foundation or a basic system or whatever you want to call it, the implementation of a system of education that will say to the boy in Frenchman's

Cove you are going to be discriminated against because of your place of birth. And they are, make no mistake about it. The gap is just as wide today Mr. Speaker, as it ever was. The facilities have improved but the gap has not been closed. And Mr. Speaker, there is no point in sitting back and saying give us a chance to lay a great industrial base then Mr. Speaker, you will get your foundation programme. Then you will have a chance an equal chance with the boy in Corner Brook or Grand Falls or St. John's or Labrador City. That time will be too late Mr. Speaker, and this is, in education there is no tomorrow. There is no second chance you cannot postpone that, you cannot say to somebody who is twelve or thirteen or fourteen years of age wait for a few years because he or she cannot wait. Their day has passed and this is why parents, and students, particularly students who fall almost in the category of drop-outs have become very very angry and justifiably so with the downgrading or the place on the totem pole, for want of a better word, for education in this Province.

And Mr. Speaker, when I hear this talk of Government, the Department of Education has no constitutional right to decide where schools are going to be built. Now Mr. Speaker, again if I refer back to this question on Fogo. In a recent issue of a newspaper that is put out on Fogo Island by the Rev. Ivan S. Jespersen, who is a very prominent theological personage on Fogo Island and who also is very concerned and is giving great leadership in the development, the social development of Fogo Island, He apparently does not agree with the hon. the minister of Education. He does not agree that the sole and exclusive responsibility rests other than with Government. He draws attention to the fact that in the Newfoundland Government Bulletin there was an announcement that construction and presumably that announcement that comes from the, emanates from the bulletin is an announcement of Government policy.

There is an announcement that construction is to begin in the spring on a new school in Fogo. And this prompted the Rev. Gentleman to publish

an open letter to the Hon. the Premier. And that letter says as follows:

"The above issue of the Newfoundland Government Bulletin states, Sir, that our Fogo Island High School, (quote) construction is to begin in the spring. Which Spring Mr. Smallwood? Is the bulletin merely a kettle of propaganda to keep up the people's hope in a faltering government? Or is it a statement of the fact? If it is the former please omit me from your mailing list. If it is the latter put some money in the budget for capital construction of schools so we can get on with the job, and make sure Fogo Island gets some. Remember, (quote) construction will begin in the spring. I want you to know that Fogo Island has a school population of 1,356 students of these, 673, six hundred and seventy-three must use outdoor toilet facilities, and 897 have no hygienic facilities to wash their hands. More than one thousand cannot quench their thirst at school, three hundred and eighty-four must use the public highway for a playground, two hundred and sixteen are in classrooms with more than forty-two other students, and one hundred and thirty-nine are in classrooms with five grades taught by one teacher. Fogo Island people Mr. Smallwood have raised \$20,000 in the last year, money which was hard-earned, ^{and} badly needed but have earmarked it for our new school. How much can you raise? Yours very truly. Rev. I. Jespersen.

Now, Mr. Speaker, that is the sort of thing that, that is the sort of letter that one would expect to read or to find around the turn of the century in Newfoundland. But this Mr. Speaker, happens to be Newfoundland in 1970. Now, Mr. Speaker, when we look at this year's estimates and we find that the amount to be voted for school construction in Newfoundland is precisely the same as it was last year. And when we read together with that the statement of the integrated education committee that unless there is a substantial increase there will be no new school construction in Newfoundland this year. Then Mr. Speaker, I say, what happens to the 1356 students in Fogo. Now, Mr. Speaker,

MR. HICKMAN: Mr. Speaker, in the Budget Speech reference was made to the fact that there would be an increase in the amount spent on school construction in Newfoundland this year, thanks to DREE. And that Mr. Speaker, is quite correct. It is true that this year in Newfoundland, the Federal Government will spend \$5,642,000 on school construction, and that the Government of Newfoundland would somehow have to borrow \$2,369,000. But Mr. Speaker, these schools are not all elementary or high schools, that would be built out of these funds. Three of the schools will be built in the City of St. John's. One will be built in Grand Bank, two will be built in the Marystown - Creston area, one at Stephenville and one at Happy Valley. The rest of that vote will be spent of that DREE money will be spent on the extension of Vocational schools at Gander, Burin, Seal Cove and the construction of a vocational school (it is not going to be much construction, a total of \$564,000 for the vocational school in Happy Valley). Well Mr. Speaker, that does not even come close to meeting the needs, number one; of the people who reside out of the designated areas under the DREE program. And secondly, it does not take care of the admonition and the warning that had been issued by the integrated educational committee to the Province of Newfoundland.

Now Mr. Speaker, what are we going to do? It is all very easy for someone to stand on this side of the House and say, more and more money should be spent on education in Newfoundland. But the obvious question that any responsible Government has to ask, is say "fine, what are we going to do, where are we going to get the money?"

Now Mr. Speaker, there are two or three ways that we have to get money. One, I believe is hidden somewhere in the depths of this legislation in this Bill that is now under debate. Because if it is envisaged and I suspect that this is not too far off, the thirty school districts in Newfoundland will ultimately become also school tax authorities. This will provide at least a down payment, and it will do something else Mr. Speaker. It will enable school boards to borrow monies for the construction

of schools on a long term basis. This is something school boards have been unable to do in this Province. True it is that a school board goes to the Department of Education, and I have been with groups that have gone to the Department of Education and say we desperately need a school in such and such a place. We would like to build that school this year. The necessity for it is very urgent, and after negotiations and advising the Minister of Education, and advising the Department of Education, they eventually have been shuffled off to what was then, the denominational superintendents of education. And if they then could convince this other group, they would eventually not get the sixty percent or the seventy-five percent, or whatever the percentage is they are entitled to for an elementary school or a high school.

They would simply be told, "you go and borrow the full cost of that school, or close to it, and we will give a letter to your bank, saying that over the next five years or seven years, there will be paid out of Government funds, to your particular denomination, X number of dollars, which that denomination has assigned to your bank."

Now Mr. Speaker, that is not the way you pay for schools. The life expectancy of most school buildings in this Province at least, is twenty to thirty years. I understand in the United States, they indicate that a school building is antiquated after ten, but I doubt if we are ever going to reach that Utopia where we can afford to demolish schools after such a short period. But the simple fact is this

MR. WELLS: Do they demolish them in the United States?

MR. HICKMAN: No they do not demolish them in the United States, but in a good many instances they stop using them in the wealthier areas. But Mr. Speaker, the situation that we have in Newfoundland is this. That school boards, churches, groups that are building schools have been obliged to build a school with a life expectancy of twenty to thirty years, and pay for it besides, and this does not make sense. The practice that is followed as hon. members know in other jurisdictions, is that a duly constituted school tax authority, has the right to go in to the bond market,

float a bond issue, borrow money say for twenty or twenty-five years, almost for the life of the school, so that that school is paid for by than one, not one generation, but paid for by more than one group of people in that particular age group. Now Mr. Speaker, that Bill should, the Bill that is presently before the House, should in my opinion, enable school boards to go out and borrow their share, their community, or their area share of the funds that are necessary to construct the schools.

Well Mr. Speaker, let us not try and lead our people down the garden path by silly comparisons with what was spent on education ten years ago, and five years ago, and twenty years ago, because Mr. Speaker, that is not what we are concerned about at all. What we are concerned about in the Province right now, is the amount of contribution that is being made by our people through Government to education. And Mr. Speaker, that is not a very pretty picture.

The Budget Speech that was read here last week said that the rich Province of British Columbia is spending on education, two point eight percent of its gross provincial profit. That is to say the amount of spending on education in that great province is just under three percent of the total value of all the goods and services produced there. In Ontario they spend three point eight of their GPP. In Newfoundland, this Government are spending on education, seven point nine percent, practically eight percent of the Province's gross provincial profits. Now that makes great reading, if this was correct. Mr. Speaker, it is what is left out of that statement is relevant, what is left out of this statement is that in the Province of Ontario, the Provincial Government itself provides approximately fifty percent of the educational cost and the other fifty percent comes from the municipality or the school tax authority.

And the same applies in most Canadian Provinces, all Canadian Provinces except New Brunswick, including New Brunswick up until two years ago. So Mr. Speaker, the relevant question, that has to be asked is not how much of the gross provincial profit is being spent on education in Newfoundland - that is completely and absolutely misleading yardstick. What has to

be asked Mr. Speaker, is how much is being spent by Newfoundlanders on a per capita basis on education in Newfoundland? And then Mr. Speaker, you get the whole truth which does not do, does not put this Government in a very good light. Somewhere in the Warren Commission Report, I think it is on Page 128, Volume (2), there is a breakdown of the contribution of various, of the people of various provinces toward education. Page 112.

Now Mr. Speaker, I have lost the table - would the hon. the Minister of Education, he can put his finger on the table, he knows where it is. It indicates that Newfoundland, either ranks lowest or second lowest in its per pupil contribution to education in Canada. Now maybe that is all we can afford Mr. Speaker. Maybe that is all the money that we can lay our hands on. But what I say Mr. Speaker, is this. We should not mislead the people of Newfoundland by continuous and silly references to the past and by comparing the contribution of the gross national product of other provinces with ours. That is not Mr. Speaker, the yardstick that has to be used in deciding whether or not our contribution to education in Newfoundland is a commendable one. Mr. Speaker, there is, I think I have found it now, on Page 132 of the Volume (2) of the Warren Commission Report, an indication of the amount of money spent, or the percentages spent by the ten provinces in Canada on education. And we find for instance that the total expenditure on public, elementary and secondary education per capita; Newfoundland forty-nine, 1963; Prince Edward Island fifty-six; Nova Scotia, seventy-one. Well it goes all the way up to Saskatchewan, 109, Quebec 108, and some of the other provinces, ninety-three and ninety-two dollars.

Now Mr. Speaker, the Commission in its Report says that, Newfoundland's total provincial and local expenditure per pupil and expenditure per capita on elementary and secondary education were much less in 1963 than for all provinces. And Mr. Speaker, I suggest to you, that that figure, that ratio has not changed since the Warren Commission compiled this Report. And all I say is this Mr. Speaker, that if our school board, our Newfoundland parents are not scared to face up to their responsibilities, if you give

them the facts. But there is not much point in trying to paint a pretty picture of the educational needs of this Province, and trying to suggest to the people of Newfoundland, that we are well out in front in our contribution to education in Newfoundland, then the simple fact is that we are far, far, far behind, and getting further

MR. HICKMAN: and further and further behind. Because if we give them the challenge within the limits of their resources, and within the limits of our resources, they would probably and would be prepared to try and project their requirements, to project their financial need and to try and involve their area in raising the necessary funds that are so desperately needed for the construction of schools in Newfoundland right now.

Mr. Speaker, there is a very good article carried in the April 3, 1970 issue of the Educator's Gazette. And it deals with the problem that has been set forth by Integrated Education Committee and the demands of that Committee for further and more funds by way of capital vote. And then it goes on to say this Mr. Speaker, there can be no denying that provincial spending on education has shot dramatically upward in the last two decades. From \$4 million in 1949 to \$81 million in the present year. Comparisons between expenditure in the pre-Confederation period and the present can be most deceiving, and may well precipitate a complacency about the matter which is quite unwarranted. Nor are we competing with the past. If there is one great encumbrance, for want of a better word, insofar as Government philosophy is concerned at this time, is this insatiable competing with the past. Who cares about the past if it is going to be mean that by competing with the past and comparing with the past, we are impeding with the progress of the future, and this Mr. Speaker, is surely what has been happening. And this is surely what is happening right now in the field of education. If I continue to quote, "nor are we competing with the past, it is far less flattering but more to the point, to compare our present spendings with the amounts we should be investing if we are to upgrade our educational programs to the Canadian average.

The real eye-opener comes when we compare Newfoundland's allocation for capital expenditures in education with those in other provinces. Here is an example. The Newfoundland Government and the school boards are together providing this year, an amount just in excess of \$5 million for capital expenditures. The erection and equipment of school facilities.

The metropolitan Toronto School Board which caters to 380,000 students, as compared to our 150,000, budgeted for last year for capital expenditures, \$200 million. The Budget Speech tries to show us in a good light, to the whole of the Province of Ontario, and when you read that statement you realize how nonsensical that statement in the Budget Speech really is.

The argument, and again I quote from the Educator's Gazette, " the argument that we must first develop industry, build more roads, provide more municipal services, is frequently advanced to justify the pittance which has been budgeted for school construction. Those who pursue that line of reasoning forget one basic and crucially important factor. They forget or choose to ignore the fact that the boy of thirteen in some make-shift classroom, or over-crowded basement cannot waste five years for Newfoundland to develop industrially. He cannot have maturation stand still. His time is now - five years hence he may not be too tolerant when told I am sorry, we had to choose between you and roads, and chose roads. If he is robbed of a high school education of the opportunity of well adjusted happy adult life, he may not understand when we tell him that 1969's tight money was to blame. Factors of human need not those of political expedience must dictate our decision to allocate provincial revenue. The case where an immediate quadrupling of the provincial allocation for capital educational expenditures watertight - to hold the budgeted amount to the present \$4 million would be criminal and irresponsible. We make an appeal to the provincial legislators, not to sell the youth of Newfoundland short in this critical matter. It often takes more political courage to do that which deserves your re-election, than that which guarantees your re-election. And that Mr. Speaker, I say "Amen, amen and amen." And that is precisely what we are doing in that vote in this year's Estimates. We are selling the youth of Newfoundland short. We are not quadrupling the grant. We are not increasing the grant one iota, not a penny. The only schools that we are going to see built this year out of provincial funds, or outside of provincial funds

or in these areas that I mentioned that come under the DREE program, which involves as well the borrowing by the Province in order to meet its shares. Now Mr. Speaker, when we talk about these great traditions, the time honoured traditions, it seems to me that the Government of Canada is not quite as concerned about the Constitutional niceties as the hon. the Minister of Education. It seems to me that the Government of Canada is prepared to invade the sacred provincial field of education. They are doing it through the DREE program. I have been told by officials of the Government of Canada who are negotiating the DREE program, and this comes as a bit of a surprise, but the hon. the Minister I am sure will have to agree that it is correct - that their negotiations for the erection of the six schools or the seven schools that are being built in Newfoundland this year, under the DREE program is being carried out by the Department of Education, is being carried out with the Assistant Deputy Minister. He has been doing the negotiating. Where has all the great tradition gone now? What has happened to the denominational educational council? Where is the responsibilities of the churches now? Are the Government of Canada to come down, and the Government of Newfoundland to commit the unpardonable sin to talking to them about schools, and where schools are going to built? It seems to me that another tradition is dying and the old tradition is trotted out to suit political purposes.

Mr. Speaker, let me tell you that it is a fact. It is not nonsense, it is a fact, that the negotiations were carried out with the Assistant Deputy Minister of Education and the DREE officials. And then they went MR. SMALLWOOD: Will the hon. gentleman allow me? The schools are being built by the Newfoundland Government and owned by the Newfoundland Government. Not owned by the churches.

MR. HICKMAN; Mr. Speaker, the hon. the Premier obviously does not know his facts at all. He does not know his facts. He has completely overlooked the facts, that the churches still are the denominational educational committee - still has an involvement, and a very effective involvement.

I do not have to crawl out of it at all. You try and crawl out of it. The hon. the Premier is the one that spread this nonsense in the Budget Speech, nonsense, absolute unadulterated nonsense, that is what it is Mr. Speaker. And the people of Newfoundland are not going to be fooled any longer. What about this letter from the Reverend clergyman in Fogo, is that nonsense? Is it nonsense when there are 1350 pupils in Fogo that do not have adequate accommodation? Is that nonsense? No Mr. Speaker, nor is it nonsense that twenty-five percent of the amount that comes under the DREE program, the responsibility for repaying it has to come under our present scheme of things through the Denominational Educational Council. Nothing nonsensical about that, but still the hon. the Premier says, that it is going to be the Government's schools. The Government of Newfoundland are going to build the schools.

MR. SMALLWOOD: And own them.

MR. HICKMAN: And own them? No Sir, that is not so Mr. Speaker.

MR. SMALLWOOD: Yes, yes, and own them.

MR. HICKMAN: Mr. Speaker, the hon. the Premier, I realize his knowledge of the rules leaves a great deal to be desired, but surely he knows by now, that if he wants to speak, he has to ask the hon. member who is speaking, to yield, and secondly, he cannot open his mouth unless he is sitting in his seat. Or is there another rule? I know no other rule.

MR. SMALLWOOD: Crawl out of it now.

MR. HICKMAN: I do not have to crawl out of it. All I have to do is - crawl out of what? Crawl out of the fact that there is \$4 million? Crawl out of the fact that the Government of Canada has delightfully, delightfully broken this great tradition, and is now dealing with the Government of Newfoundland?

MR. SMALLWOOD: It has not. It has not.

MR. HICKMAN: Crawl out of the fact that less than three weeks ago, the hon. the Minister of Education stood in this House and said, "do not ask me where we are going to build schools, the Department of Education, the

Government of Newfoundland has no constitutional right to decide where schools are going to be built, or how or when or why. That is the Churches." That is what he said. Absolute nonsense.

MR. SMALLWOOD: Will the hon. gentleman yield?

MR. HICKMAN: I will not yield until this is sorted out. I am telling you Mr. Speaker

MR. SMALLWOOD: He does not want the truth.

MR. HICKMAN: The truth? I can give you the truth.

MR. SMALLWOOD: I have it. I will give it. Now sit down and I will give it.

MR. HICKMAN: That the Government of Newfoundland is dealing with the Government of Canada for the construction of the DREE schools, and yet we are told that the Government in Newfoundland does not know where schools are going to be built? We are told that that is a matter for the churches. Of course it is when a school is not built. If a school is not going to go in Fogo this year, blame the churches. But if a school is built, who will be down cutting the ribbon? Who will be down there saying, that the Government built this school? I know what I am saying is right. The hon. the Premier knows what I am saying is right, and he knows that the youth of this Province are being sold short. And they are being sold short for political expediences and nothing else. And Mr. Speaker, the day of reckoning, the crisis has arisen in Education in Newfoundland, and you cannot run away from it. And you cannot say that Come-by-Chance comes before Fogo. It does not. Because Mr. Speaker, Come-by-Chance, or Stephenville or Churchill Falls will be of no use to a fourteen year old in Fogo, or a fourteen year old from the bottom of Fortune Bay, who is deprived of adequate schooling because there not sufficient funds to build a school. And Mr. Speaker, this is not the only crisis that is presently being faced in education in Newfoundland right now. The reduction that started last year and is continuing - the reduction in the teachers' grant, is resulting in the schools, these schools that commendably were built

out a philosophy of consolidation are being cut back. Where is all this progress? Where is progress, when one school in Newfoundland today will have an increase next year, one high school, and this is a fact. It is not a supposition. An increase of sixty pupils next year over the present year, and will have one less teacher. Progress? Where is the progress that is requiring, that is not the word, compelling the school boards to curtail many of the programs that have been brought in here in the last ten years. Programs that were ten years behind, but they came in. Go to any school board today and ask them about the statement of the hon. the Minister of Education that was made in this House when he introduced this Bill, and commendably so when he referred to Section (46) which allows the school tax to be used for the provision of salaries of special teachers and staff in respect of which salaries are not provided by the Province.

Ask him about that and he talked about it and told us about the need for reading specialists. Of course there is a need for reading specialists. Of course there is a need for reading specialists in Newfoundland. There was a survey done within the past three years of the reading capabilities of the Newfoundland student and it is not fair to particularize any one area because - but there was one a large area, a large student body in Newfoundland. And the findings Mr. Speaker, were not something that you could be proud of. It showed that the reading capabilities and the reading capacity of these students considerably below the Canadian average. And Mr. Speaker, if a student cannot read, and I do not mean simply being able to pick up a piece of paper and know the alphabet. But if a student cannot read, or comprehend, then the rest of it goes by the board, because if he cannot comprehend, it is not just his course in reading, it is his course in chemistry and physics and everything else that suffers. Now Mr. Speaker, that was the sort of program. These specialists programs - programs for slow learners. It was suddenly realized by two boards in Newfoundland, not the Department of Education. It would have been there

for another century if we had waited for the Department of Education. But two school boards in Newfoundland about ten years ago, or three, I think Grand Falls was first, suddenly said, "we should not accept this philosophy that simply because a boy or a girl is not in the top half of the class, that he or she, must become a dropout when they reach the end of the compulsory attendant age and become a drug on the label market.

Surely something can be done, surely. And it was suddenly discovered, that if you could find teachers who were trained to teach slow learners, if it was suddenly discovered that you could find the funds to reduce the teacher-pupil ratio down to I think, about twelve to fifteen per classroom.

But out of all these boys and girls who were heading for sure and certain dropout at the age of fifteen, could be rescued and whilst they might never come out with an honour matriculation diploma, they could at least find a school leaving certificate and they could at least gain the necessary prerequisite to enter the Vocational school or the Trade schools throughout the Province. And this program started, Mr. Speaker, to be implemented. It was a progressive one. It was one that the present, Minister of Education approved, and he still approves it. He mentioned it here the other day. But Mr. Speaker, these programs are being restricted, because the grants to school boards are being cut back. They are not making - they are not keeping pace with the demands of our school boards, the demands of our teachers, and the demands of our pupils today.

Now this Bill Mr. Speaker, will confer on school taxes already, the right to raise funds, and to use some of these funds to pay these specialist teachers. But the point I am trying to make Mr. Speaker is this, that it is totally wrong to try and spread a gospel that is untrue, to try and spread a word throughout Newfoundland that we have nothing to worry about insofar as educational programs are concerned. We have a great deal, and we are going back. We are not going ahead right now. And it gets me back Mr. Speaker, to the whole question of priority. And if we start downgrading education. If we start putting education at the bottom of the ladder. If we start saying you have to have roads and industrial development first,

and education second, then Mr. Speaker, this will cause the exodus from this Province that politicians cry in their beer over.

Mr. Speaker, in this Act, there is a clause that I would almost wish was mandatory, but I realize it cannot be because we are not that sufficiently well-organized, municipally throughout the Province. The hon. member for Humber East said that he would like to see Newfoundland divided up and organize a county system, but that probably is not realistic as yet. I cannot see, for instance, the county system working along the south coast from Terrenceville to Port aux Basques or on the northeast coast or Labrador and other parts of Newfoundland. But we will have and we do have now large school districts which presumably could also become the same areas for school tax authorities. And in these school tax authorities, we find many well-organized municipalities. This Act envisages and properly so that, if for instance we say in the city of Corner Brook the school tax authority decides to impose a property tax, it uses the tax rolls and permitted to use the tax rolls of the city of Corner Brook to assess the property to be taxed and this is as it should be and this can work in Corner Brook, because I suspect the boundaries of the school tax authority and that of the city of Corner Brook are pretty similar.

It could work in St. John's. It could work in Grand Falls. It was the intention to work it in Fortune, when they set up a school tax authority two or three years ago and then came the announcement of no school fees and that was end of the school tax authority. But it can work in certain areas.

Section (50) says: that a school tax authority may appoint a council as a collecting agency for school taxes. I say, Mr. Speaker, that ^{the} in areas where the boundaries of school tax authority and municipal council are almost one in the same, that nothing could be more prudent than for the school tax authority to use that council as a collection agency. Because

otherwise, Mr. Speaker, and this is happening right in Newfoundland now, as the hon. minister knows. You have two taxing authorities growing up side by side, under the same roof, both competing for the same taxed dollar, one threatening a summons this week, the other threatening a summons next week. The administrative cost is doubled. It would be far simpler and far more efficient and much, much cheaper, if the school tax authority in these areas would see fit to provide the town council as its agent for the collection of the school tax. True it is you would have to pay the town council the cost of doing this work, but it would be nothing like the cost that is being incurred by school tax authorities themselves, separate and apart from the municipal council. Section (50) of the Act gives this authority. My hope would be that in any area where the boundaries are quite similar that the school tax authority would very much avail of that provision and would appoint the municipal council as the collection agency for the school tax.

Now, Mr. Speaker, there has been great debate during the debate on this Bill over the provision in the Act concerning the taxing of governments. There has been great talk about the principle that Crown cannot tax itself. But, Mr. Speaker, and that this is a great tradition and that this tradition emanates from the power of the purse. If you take away the power of the purse from parliament, you take away parliament. The Parliament of Canada three years ago, in its wisdom, I think, decided to give the right of collective bargaining to Civil Servants. That was a restriction on the Parliament of Canada's power of the purse. The Parliament of Canada has not collapsed since that occurred. The province of New Brunswick, I think it is New Brunswick and I think Saskatchewan done the same thing. There are indications that other provinces will follow suit. These general principles that stood Pitt the younger or Pitt the elder in good stead, when they were in Parliament, are not necessarily in keeping with the demands and the times of the Province

of Newfoundland today or of any other parliamentary form of government. Because, Mr. Speaker, if you have collective bargaining, what you simply do is you say to your Civil Servants, if you start your bargaining now, May, June, July so that this will be completed before the bringing down of next year's budget. You cannot sweep them under the table by saying, do not touch the power of the purse. These people have to be recognized. They have to be given the right to collective bargaining and, Mr. Speaker, the same thing applies to Crown corporations.

The Government of Canada and the governments of some of the provinces still maintain this principle that you cannot tax the Crown. What they do, at the same time, is set forth policy decisions which has the same effect has taxing the Crown. We had examples in Newfoundland, Mr. Speaker. We have in Gander, school tax authorities. Most, not most, but a great deal of the property in Gander is owned by the Crown in the right of Canada, and the Crown, in right of Canada, will not accept the principle that the school tax authority in Gander cannot tax the Crown. But what it does and what it is negotiated to do right now with the Armed Forces installations is that: you go out, make an assessment and assess what the taxable income would be from this property, if we were not a Crown corporation or if we were not part of the Crown as members of the Armed Services, and we will negotiate with you, a grant in lieu of taxes. The C.N.R. do it, all over Canada; they make grants to municipal councils. They make grants to school tax authorities in lieu of taxes, but it is a pretty fine distinction, Mr. Speaker. It is a distinction so fine that you cannot find it. Certainly the distinction has never bothered the taxing authority, because they do not care, if they get a cheque from C.N.R. and say, here is a grant in lieu of taxes that is \$5,000 or whether they get a cheque for \$5,000 which says, here is our

property tax. All they want is the \$5,000.

Mr. Speaker, this is what we are looking for in this House. It is not a sudden declaration from the Government of Newfoundland that we have departed from the principles that the no one can tax the Crown, but what we are saying is this: Mr. Speaker, when the Crown is engaged in commercial enterprises and when the Crown is receiving municipal benefits and municipal services that when the Crown is receiving, as for instance in Happy Valley where the Crown in right of Canada is being provided educational facilities for the children of servicemen stationed there, that when this is being provided, we believe that it is a matter of policy rather than a matter of principle, that you should contribute to these municipal services. This is why, for instance, there was a policy, up until a few years ago in the town of Clarenville where Newfoundland Hardwoods, for fifteen years, paid a grant to the municipal council of Clarenville, I think, it was \$5,000 a year. They paid the tax. They did not call it a grant at all. They paid the tax. Because they are receiving and we are receiving from the town council of Clarenville municipal services, the same as any other corporate entity in that town and then suddenly it was stopped and then the inability of taxing the Crown, that great principle was waived and you have these institutions benefiting from all these municipal services. You had, for instance..

AN HON. MEMBER: Nothing in return.

MR. HICKMAN: That is right. Nothing in return. You have not got the message, because I would have to give it to you in baby talk, and if I gave it to you in baby talk, it will get through, and I have not got the time to give it to you in baby talk. The simple fact is, Mr. Speaker, that these corporate entities are demanding and their employees who come in, the Armed Services and others who come in are demanding the same facilities as anyone else, and I say, Mr. Speaker, that whether you

can avoid destroying this principle upon which the very foundation of Parliament stands by simply making a policy decision that we will make a grant in lieu of your ability to tax. Everybody else has thought about it except the hon. member for Bell Island. It has not sunk in yet.

MR. CROSBIE: He does not think. The hon. member does not think, except in baby talk.

MR. HICKMAN: Mr. Speaker, again...

MR. NEARY: The hon. member for St. John' West..

MR. CROSBIE: Let it all hang free.

MR. SPEAKER: Order please.

MR. HICKMAN: We should never have cut out that slow and learned program, Mr. Speaker. Never should have done it.

MR. CROSBIE: We needed the Chamber here.

MR. HICKMAN: Well, Mr. Speaker, again if in the - oh! no, you do not like to hear the Warren Commission Report. The Warren Commission Report played great emphasis on school construction, location of schools, design of schools, assessment of needed schools and recommended the appointment of a construction school design and construction branch of the Department of Education. Very simple thing, but a very essential thing, because we cannot afford any longer, Mr. Speaker, the luxury of having schools built in the wrong place, the luxury of having redundancy in Education ..

MR. COLLINS: You say the wrong place. You do not mean the wrong settlement.

MR. HICKMAN: The wrong place in the settlement and you may find, too, Mr. Speaker that in these large consolidated integrated areas, that you may have a school in the wrong settlement.

MR. NEARY: I am way ahead of the hon. gentleman.

MR. HICKMAN: Oh! you certainly are. Mr. Speaker, that apparently does not commend itself to the hon. Minister of Education. Because, Mr. Speaker, a great deal of money has been wasted by school boards made up of dedicated peopl

who do not have the foggiest idea as to what is required within the four walls of a school building. They came to the conclusion that if you put up the walls and you whacked in ten, fifteen or twenty classrooms that you have discharged your responsibility to the students in that community. They would come to the conclusion that if you - on the other hand, if you decided that this is what is needed and you put up a monument and called it a school building that you are getting good value for your money. Well, Mr. Speaker, this is not so. But, Mr. Speaker..

MR. NEARY: Surprise for the hon. gentleman.

MR. HICKMAN: Oh! you have all sorts of surprises for the hon. the member, I am sure of that. But, Mr. Speaker, one thing that you have not - one surprise that has not been forthcoming from the Government benches and it would be a very delightful surprise is the fact that there has been a change in thinking, insofar as the professional status of teachers in this Province are concerned. Now I do not mean the recognition of the Newfoundland Teachers' Association. I do not mean referring to the profession of teaching as such. But what I say is this; Mr. Speaker, that we have yet to see evolved in Newfoundland, a position where we will look to the teachers for the professional advice that we must have in our educational policies.

It is very difficult to understand. If, for instance, a person is ill, he decides to go to a doctor and you ask for his professional advice as to the treatment and cure that is needed. If you decide that you want to build a bridge, the design and whatever it is that they use, you go to a professional engineer. But too often decisions, policy decisions on education are heard for the first time, ^{by the teachers} when it is announced over the radio. If for some reason, we believe that this House..

MR. NEARY: Has the hon. member ever heard of the N.T.A?

MR. HICKMAN: If for some reason we believe that this House is competent to decide educational policies out-of-hand.

MR. NEARY: Ever heard of the N. T. A.?

MR. HICKMAN: I have heard of the Teachers' Association. I have a great deal more to do with the N.T.A. than I suspect the hon. member for Bell Island is likely to have had.

MR. NEARY: I did not get a fee for it.

MR. HICKMAN: No, did I get a fee for it. Not a cent. But if the hon. member for Bell Island will spend as many hours in Government, as I spent working gratuitously for school boards during the past fifteen years, he has got a long, long career ahead of him in politics. But, unfortunately this is not going to happen to him. What I say, Mr. Speaker

MR. HICKMAN: Mr. Speaker, is this that no one could stand in this House, and say that tomorrow or the next day, we are going to have in Newfoundland all the teaching aids, all the classroom accommodation, all the school buildings, all the educational programs, that you will find probably in some of the wealthier areas of North America. But what I do take issue with is an attempt to try and convince our people that we are receiving, and we have something which we have not, and I will repeat what I said earlier Mr. Speaker, that when I see there has been no change so far as the priorities are concerned in Government spending, when I see that the, if the hon. member for Bell Island whether Government has been listening to the professionals, all he had to do is think back two or three months ago, the factual statements and the professional statements of the integrated education committees on school construction. And when I see that Mr. Speaker, and when I see that the vote this year is the same as it was last year, then I say, Mr. Speaker, that if tradition as to be broken, if no matter what it is, we cannot crawl out from in under by saying that we have not the right in this House or the Department of Education has not got the right to decide on where schools are going to be built, the type of schools that are going to be built, the curriculum that is going to be used in these schools, and the grants that are going to be made available to teachers and teaching aids. And if there is ever, not since 1949, has the generation of Newfoundlanders, in my opinion, been told a short, as they are now being sold right now in this Province in the field of education.

MR. ROWE: F;W. Inaudible.

MR. HICKMAN: Just read this from Fogo, just read this from fogo. Do not tell me the gap is closed, it is widened.

MR. CROSBIE: What about Bell Island?

MR. HICKMAN: Or Bell Island, or Bell Island

MR. NEARY: Honesty is about the the best school that was destroyed by fire.

MR. CROSBIE: It does not matter.

MR. HICKMAN: Or the Straits of Bell Island, that we had in here today, or the Bottom of Fortune Bay. And what I am saying is this, and I will repeat it Mr.

MR. CROSBIE: Speaker, that I am not suggesting that Government come into this House and say that we have money to do all this, this year, obviously they have not got it. But do not come into this House and paint a rosy picture when the picture is not nearly that rosy and when our people sold right down the drain.

MR. ROWE, F.W. Nonsense, nonsense.

MR. SPEAKER: Is the House ready for the question?

HON. G.A. FRECKER: (MINISTER OF PROVINCIAL AFFAIRS): Mr. Speaker, I am amazed, Mr. Speaker, at some of the statements made by the hon. and learned member who just sat down. I do not intend to go into a long speech, but I just want to give you Mr. Speaker, and the hon. members of the House an example of what I mean. Just a few minutes ago, I am not quoting him exactly, but he thought that one would expect a professional body, such as the teachers to be consulted on matters of educational policy. Whereas according to the speaker, or the hon. speaker who just sat down, usually referred the teachers here of Government policy, is a statement in this House. Now this is arrogant nonsense really. I first went to the Department of Education in 1934, and even then, Mr. Speaker, there was such a body as the Council of Higher Education. Now that Council of Higher Education was made up of thirty-three members, and most of these were teachers, leading teachers. And at that time, they dictated practically the syllabus upon which was based the external examinations of this Island, it was not a Province then. But in arriving at these policies the Council of Higher Education consulted with a number of sub-committees on various subjects dealing with education. And these sub-committees were made up of representatives again, of the teachers and of members of the University College, as it was then, and of the Department of Education. Now that was way back in 1934. Later this policy was continued and curriculum committees were set up, and subject committees, so that we had perhaps sixty or a hundred teachers working on all phases of the curriculum throughout the period from 1934 to the very present, and never in my experience, that more than a quarter of a century in education was there any lack of consultation between

MR. FRECKER: the teachers as an association and the teachers as members of school faculty, and teachers as members of the faculty of education, or members of the faculty of science, or members of the faculty of modern languages at the University.

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

MR. FRECKER: Certainly.

MR. EARLE: Could the hon. minister inform the House what consultation there was between the N.T.A., the members of the teaching profession on the subject of the abolition of school fees, or the matter of pre-tuition to the University or the payment of salaries of the University?

MR. FRECKER: Mr. Speaker, that might be a facet of what the hon. member might call educational policy, but it is not education in the real sense that I am pre-dealing with it here. The teachers as a professional body dealing with education were consulted and are consulted and in the matter of their salaries they have been consulted right throughout the field. I have heard this statement by teachers, I have heard it from my own children who come home and tell me that, teachers had said to them in school, that they are not consulted. It is absolutely false, and a member who have been Chairman of one of the leading school boards in this Province, to make a statement such as that, seems to me unpardonable. It just does not make sense. He speaks about the schools being built haphazardly, without consultation. What responsible school board, for instance the one that he was Chairman of, would go and build a modern school with consulting architects or without consulting people who are experienced in the field of school building, and that has been done throughout. We have schools in Newfoundland today, including the leading schools that the hon. member had the privilege of being Chairman of the board, that compare favourably with anything anywhere, and Newfoundland need not be ashamed of itself, because in certain areas distance from the amenities of life, there are school lacking these amenities. It might be just as fair to say that we have made no progress with school buildings because some little isolated cove has a rocky road such as it had fifty years ago. This goes on all the time, to say that we have not made educational project. Well it is appalling that we should hear such a statement. I do not want to say any more at this time, Mr. Speaker.

MR. SPEAKER: If the hon. minister speaks now, he will close the debate.

MR. ROWE, F.W. Mr. Speaker, I hesitated, because the last thing I want to do in the world is to prevent anyone who wants to speak on this important subject. I do not know where to start, Mr. Speaker. The hon. gentleman who just sat down said he was appalled at the arrogant nonsense that he has heard here this afternoon, coming from an hon. gentleman who should know better. And I am inconvenienced does know better to get up here and give us apart from anything else he was wrong in fact, after fact this afternoon, fact after fact he was wrong, completely wrong. Wrong, for example, in the terms of union. I can only assume he has not read the terms of union. He says all the terms of union say is, that we got to make sure we do not give the money out in an undiscriminatory way.

Here is what the term of union says, and I never met any lawyer who did not know what this meant, who knew anything about Newfoundland's history and tradition, and our educational legislation prior to 1949, here is what it says, "In and for, and I realize, Mr. Speaker, I realize I am wasting my time in drawing attention or trying to point out what is the fact, and not what some people would like it to be. The hon. gentleman does not like our system of education, the denominational system. Why does he not be man enough to come out and go to the churches and say, if I get in power, I am going to destroy the denominational systems, try that out, why does he not say that. Why does he not say it. This House, Mr. Speaker, could repeal all the legislation we have, we could repeal it, and then ask the Parliament of Canada to repeal this what I am going to read here, and then in turn would ask the Government of Westminster to repeal that portion of the British North America Act, we could do it, will this House do it? Will this House do it, I ask you? Have the people of Newfoundland ever demanded? My hon. friend is always ranging that people are demanding this, it is time for us to stop deceiving the people and so on, he is a spokesman for me, regardless of the spokesman for the people. The people of Newfoundland have not asked this House to rescind that legislation. They have not done it. And the churches

MR. ROWE, F.W. have not asked us to repeal that legislation. And any party and any government, he knows very well, as well as I do, he knows that what he is advocating behind this so sad, what he is advocating is the elimination of our system of education, I am not opposing it. I am not supporting it. I am merely administering the Law of Newfoundland, and the Law of Canada, and he knows that too. But he will not come out and say it, I challenge him, if he becomes... yes he did not become the Leader, and he will not become the Leader of course,

MR. HICKMAN: Mr. Speaker on a point of order.

MR. ROWE, F.W. Yes, sure.

MR. HICKMAN: The hon. the minister can debate any statement that I wish, that I have made to his heart's delight, but I have not put the position that the hon. the Minister of Education is putting, nowhere will you find it in Hansard, he completely misses the point. What I have been saying right along, there is nothing in the terms of union of Newfoundland and Canada which says the Department of Education shall not...

MR. ROWE: F.W. Mr. Speaker, I rise to another point of order. Mr. Speaker, in and for the Province of Newfoundland, the legislature, this is term 17 by the way, the legislature shall have exclusive authority to make laws in relation to education. But the legislation will not have authority, I wonder will be hon. friend stop joking, this is too serious a matter to be wise-cracking about it at this time) but the legislature will not have authority

MR. HICKMAN: Inaudible.

MR. ROWE, F.W. Mr. Speaker, I am going to read this, and if my hon. member does not want to hear it, he can always close his ears or go out, if he does not want to hear it. In and for the Province of Newfoundland, the legislature shall have exclusive authority to make laws in relation to education. But the legislature will not have authority to make laws prejudicially affecting

MR. ROWE, F.W. any right or privilege with respect to denominational schools, common amalgamated schools, or denominational colleges that any class or classes of persons have by law in Newfoundland, at the date of union

MR. SMALLWOOD: before the hon. member goes on, and the House has decided to add, the Pentcoastal Assemblies to that if.

MR. ROWE: F.W. It is well known Mr. Speaker, when we added that last year. What does that mean? I know what

May 20, 1970

Page 122

MR. ROWE:

I know what the churches think it means, I know what they thought it meant when many of them behind the scenes insisted that this would go into terms of union.

MR. SMALLWOOD: I know when I insisted on its going in, I know what was meant when I signed it.

MR. ROWE: We all know what it means. What were the rights they enjoyed before 1949? The rights to build schools, the commission of Government tried to take away that right in an indirect way. How long did they get away with it before they were pulled up short by the Archbishop of St. John's and the Bishop of Newfoundland? Two of them together pulled them up short. My hon. friend probably does not know about that. If he is as ignorant about this as he is about some of the other things he has there then I am not surprised at all. He just does not know what he is talking about.

MR. HICKMAN: The hon. gentleman is not on the issue of the building of schools at all. Do not run away from this issue. I said that the Government of Newfoundland -

MR. ROWE: Mr. Speaker, if the hon. gentleman, look I just listened to him for two hours now debating here. We let him go on, nobody drew attention to the fact that he exceeded his time. He made his speech and he has no business to be debating right now. The fact of the matter is that everybody who has, everybody concerned with this matter knows what that clause means there. It means that the right that the churches enjoyed before Confederation in education were to be observed after Confederation. That is what it means and that right was not a primary right they had - was to build schools and to operate schools. Then he makes another in that connection, he makes another fantastic assertion.

MR. SMALLWOOD: Read the balance of the term about the money, read the balance of the term.

MR. ROWE: The rest of this term, Mr. Speaker, says, "and out of public funds of the Province of Newfoundland provided for education (a) all such schools shall receive their share of such funds in accordance to scales determined on a non-discriminatory basis from time to time by the legislature for all schools then being conducted under authority of the legislature and (b) all such

MR. ROWE:

colleges shall receive their share." If that does not enshrine the rights of the churches here, my hon. friend speaking of the rights of the churches he made a most amazing statement. The real reason, he says, the churches got into education in Newfoundland was because two hundred years ago or so the only person in a position to do anything about education or to exert leadership, the only reason, he says, that was because the clergyman was about the only man to provide leadership. Does he not know that from his earliest days the Roman Catholic Church when there was only one church in Christendom, hundreds of years before the reformation, the Roman Catholic Church asserted its right to educate its children and to control education and does he not know that in England after the reformation the Church of England asserted the same right and has asserted it right up in modern times, its right? I know the churches in certain instances have relinquished that right, I know they have. Even in the United States today, until the last year or two, one third of the Roman Catholic children were going to Roman Catholic schools and the Roman Catholic Church has never deviated in its stand that they have not been properly treated in the United States, that the parochial schools, the schools owned by the Roman Catholic Church should, and I concur with this by the way, receive state aid in the same way as all the other schools receive it. They have never changed that. That is why we had church schools in Newfoundland because the two great churches of Newfoundland asserted their right to education and they have never, those two churches have never yet relinquished that right in principle. Never to this moment have they relinquished that right.

The Roman Catholic Church and the Anglican Church of Newfoundland, the same right which they asserted not only in Newfoundland but in all other parts of the world and that is why we had a denominational system of education here. My hon. friend did not know that apparently.

Mr. Speaker, I am sorry, I regret, I am going to come back again in a moment to, if not now after we resume tonight I am going to come back to some other points that the hon. gentleman from Burin made, a number of them. I could only describe them as being irresponsible and mischievous because if he does not know the difference he should get it. He talks about we are living in the past,

MR. ROWE:

competing with the past. Now what does he do? He reads the figures, the statistics for 1963. There has been a world of change since 1963, even in those seven years right here in Newfoundland. I will give him some later on, not that it will do any good. A world of change, we are competing with the past. If he is going to use the figures why does he not get the figures for this year, he could get, he could have gotten them, he has had ample time. This thing has been on the carpet now ever since last Thursday I think it was or Friday and the Bill has been circulated for long enough time and he certainly obviously meant to speak on it.

I will give some of those figures later but first of all there are one or two, shall I say, minor matters that I would like to clear up. I made a mistake the other day I recollected afterwards when I said that the Chairman of the Finance Committee appointed by the Government was Mr. Chafe of Gander. Mr. Chafe, the Chairman, was actually the present Associate Deputy Minister. Mr. Roebathan and I, not that it matters Mr. Roebathan I am sure does not mind but just for the sake of the record I would like for that to be listed. Mr. Chafe was a very valuable member, of course, and he was a spokesman for the association of school tax authorities in Newfoundland.

A point that I made when I introduced this Bill has been completely ignored by speaker after speaker and may I say, Mr. Speaker, that I appreciate the fine contribution made by a number of speakers in this debate, I appreciate it. It is a fine contribution and they have pointed out some of the weakness in this Bill here and how far it comes short. It is obvious to anybody who knows Newfoundland that this Bill does come short of meeting all our needs at this time and anybody who points that out is only doing a service and a duty in this House. But I did say that we had set up this committee and that the committee had made it, last November I think it was, had given us an interim report and I stressed the word interim, an interim report, not a final report, not a complete report, a comprehensive report that will be our Bible, our document, our guide for the next ten or fifteen or twenty years but an interim report and this was done so that we might take some legislative action right now along the lines suggested in this Bill. That is why the interim report was

MR. ROWE:

made. The committee has been working ever since and the committee is continuing its work. The last report I had is that they hope to have a full report in my hands possibly, and this is only a conjecture, possibly around the first of July. But if we had waited for the full report we could not do anything here now, we could not have recommended these amendments here which so many hon. members have approved. Rather than wait for the full report we brought in this thing here and I am as sure as I am standing here that whoever is Minister of Education next year will be bringing in probably far more amendments and quite possibly even more radical amendments than this present Bill contains.

Now my hon. friend from Gander implied the other day, at least I thought him to imply, that this Bill did not carry all the recommendations of the report, at least he understood it. Now the report has not been made public for the very simple reason the report was a confidential document drawn up by this committee for the guidance of the Government. I am not too sure and perhaps even in conversation with someone or another he may have gotten the impression that some recommendations were made which were not in fact made or it may be, it could well be and I know my hon. friend is not only concerned about this but he is knowledgeable about this. He lives in a school tax area and he lives in a very progressive town where there is a great concern for education. It could well be that in his discussions or chats or talks and hearing people talk and so on that he has heard some of the recommendations that will be in the final report and it could well be that he might have been expecting them. I do not know, I am only conjecturing it.

The fact of the matter is, Mr. Speaker, and I am able to give this, this is not my figure at all, it is the figure of my advisors in the Department of Education, that this Bill contains roughly ninety-eight-per-cent of all the recommendations in the interim report. Ninety-eight-per-cent of the recommendations in the interim report are in this Bill. There is another recommendation which is in there is not in this Bill is that we appointed Director of Taxation of Education Taxation for the whole Province. Well we intend to do that but there is no need to put it in the Bill anyway. We have that authority and will.

MR. ROWE:

I hope be doing that but that is part of the recommendation, that is part of the two per-cent that is not in this Bill.

There is one other recommendation which they made, the only major recommendation they made that we did not incorporate fully here, was one revolving around the discretionary use of monies which might be collected, discretionary use for purposes other than operational. We have modified that somewhat and the reason for that was that it is the best we could do at this time as far as getting the consensus among all concerned and these are the only -

these are the only things not contained there. I would like to stress once more Mr. Speaker, that there will be another report, and a final report and as soon as that report comes in we will be getting to work on it, and I would hope that everybody understands I am sure that from the time a report is received until it is possible to do anything legislatively a lot of time must elapse. But I would hope, that when the House opens again in the next session assuming that the session starts around at the normal time in January or February I would hope that there will be even more comprehensive legislation regarding school taxation.

MR. SMALLWOOD: After the election.

MR. ROWE: This as everybody knows, of course would be after the election.

MR. SMALLWOOD: Unless we have a fall session.

MR. ROWE: The hon. member for Fortune Bay made I thought some, what I thought were, some very fine comments on this Bill but there was one statement he made, I found it a little difficult to follow, he said that when the people were told that fees were going to be abolished, they had the impression that the Government was going to absorb a good deal of the cost of education. Well now, I think in all fairness I must point out something Mr. Speaker, these fees have only been abolished that is the operational fees, have only been abolished three years, this is the third year we are in. At the time that they were abolished we were paying about, speaking from memory now, about \$2 million. I think probably a little less than \$2 million to the boards for these operational grants, for operational grants, \$2 million. In the estimate this year, we are recommending \$9.095 million and last year it was I think under \$8 million. The point of the matter is Mr. Speaker, is that if the hon. gentleman is going to give a fair picture I think he should have pointed out that the Government did indeed absorb a very large share of the cost of maintenance in Newfoundland. And in fact it absorbs the principle share of the cost of maintenance, when the grants moved up in three years, in fact over a one year period it moved from \$1 million up to between five and six and then progressively up last year, a bit of a setback, most of

which was restored during the year, and this year the largest amount ever, well over \$9 million. I think that that point is

MR. CROSBIE: This being the case as the hon. minister describes the Government making these operating grants why would it be necessary to make this, to give the minister this discretion that is in section 46 of the Bill, should not all school boards have enough money to operate on?

Speaker

MR. ROWE: Mr. ~~Whitman~~, I am only too glad, I am sorry apparently the hon. gentleman must have been out when I introduced the Bill. That very question was asked by someone here and I answered it, at some length and I am only too happy to answer it again, because there is something I would like them to know. It would be in Hansard anyway but it is a point that needs to be re-emphasized that you cannot create, I think I used the term, the analogy a bed of Procrustes, and force everybody to fit down in that bed there. You may have to do it sometimes for the sake of practicality, but actually it is undesirable. I cited a case, example of a board, theoretical board where the money, where the board is relatively affluent, as far as capital money is concerned. The board has plenty of money, or it has very little capital needs to spend that money that is collected or can collect. You could visualize this happening theoretically especially in a town where the population is relatively fixed. I might cite, as I take the example of Buchans, where the population is relatively fixed there, and fairly static not completely but fairly static there.

And theroretically you could have a Buchans Board which could be rich in capital funds, I am not saying this is true, I hope nobody gets that idea, but it could be where it was rich in capital funds but yet needed more money than it was getting perhaps for some form of operation or perhaps to enhance or improve the service. I may use again the example, in a town where you have a highway structure relative to the rest of the Province as you would have in the mining town, that it is quite possible that the amount they could afford to pay their janitorial, maintenance staff, would be, it might be as much as they could pay say in the town of Bonavista, or some other

fishing town, yet it would not be competitive in a mining town. And here is the sort of example, where, if an application could be made to the minister, and the minister would have it obviously have it examined, and he would consult, obviously he would consult with the appropriate persons both in the department and may be outside the department, may be through the denominational committee and on the basis of the information that he got he could then direct the board to use some portion of its money for some other special purpose other than that which in, some purpose which in the past has been prohibited under our legislation, and that is the answer to the question.

Mr. Speaker, I meant first of all when I got up this afternoon to deal with the points made by the hon. member for Humber who spoke to us last Friday and I regret that on the two occasions I think it is in this session that I have had the chance to respond to and refute some of the generalize

MR. WELLS: Attempt -

MR. ROWE: Attempt, that is laughable. Mr. Hon. friend do I have to - look me deal with one, the hon. gentleman there got up and said, perhaps he said, the hon. minister of Education - and he did not have his tongue in his cheek - perhaps he said the minister of Education has been sitting down too long in a chair in the office, in the department of Education that he does not know what conditions are like out around. I, who have probably been in more schools than the member for Humber has ever seen ~~at~~ the outside of. Probably in more schools than any other person outside, perhaps of a school inspector in Newfoundland today. Last year alone, I probably visited more schools than the member for Humber East has ever been in in his entire life. And then to get up there and give the impression that the minister, whatever else I am, God knows, I do not make any claims to omniscience, but whatever else I am or know I happen to know something about education in Newfoundland, to develop
The very hon. gentleman, and I propose this a little further when we resume tonight. The very hon. gentleman who gets up there and tells us, describes conditions as he knew them when he matriculated which I believe was in 1953,

1952 or 1953 that he matriculated then he got his grade XI, and on the basis of the conditions that he knew to exist then he then gets up and generalizes about education in Newfoundland today. Not in 1952 or 53 but today. He just, I was absolutely amazed Mr. Speaker, than any man particularly a professional man would get up and make the statements that he does. And apparently he believes those statements. This is the thing, one might judge from the vehemence there with which he denounced us he believes himself he has himself convinced, he does not know what has happened since 1952 in Newfoundland. In 1952 there was not one single child being transported to a school big or small. Not one, in all Newfoundland we were not even ploughing the roads in the winter time in 1952, eighteen years ago. I am not swithhing any point at all, he does not know what he is talking about and I am sorry he is not here to hear me say it and I hope he is here after tonight because I am going to develop this a little further and give the House just one or two facts.

MR. CROSBIE: More tripe.

MR. ROWE: Tripe, because my hon. friend does not want to believe it, that is why it is tripe. He does not want to believe it, tripe because he is trying to do, would like to do what the hon. member for Burin has done make political issues out of the crisis confronting us in education in Newfoundland, a crisis which confronts every province of Canada, a crisis if you call it a crisis, and it is, some people think it is not a crisis because a crisis give one the impression you can deal with and it is only temporary. Most people believe that this crisis in education is going to be a continuing thing. Every single state in the United States is confronted by it., including the two wealthiest states, where, states in the United States tdday with teachers four months behind in their salaries that the state government has not been able to pay. Provinces in Canada with teachers strikes on their hands a few weeks ago and schools even to this moment closed down in Canada because teachers have withdrawn their services. And place after place in Canada, area after area, including some of the wealthiest

parts of Canada including British Columbia and Ontario where you have conditions of education neglect, if you want to call it that. Or conditions of education need that are equally as bad as anything that we have in Newfoundland or Labrador. And in some cases I would say they are worse Mr. Speaker. I can say now I have seen worse school conditions in the state of New York than I have ever seen in Newfoundland and I have seen just about every school there is in Newfoundland. The impression is given by my hon. friend, not so much I will give him credit, as by the member for Burin, that we are the ones who are in trouble through lack of foresight and through our, fails to put any priorities on, so we get the impression we get something repeated over and over, again, he repeats, \$4.3 million this year and then later on as in fine print, as an after thought he makes, of yes, there is something for DREE, something for DREE alright. Something for DREE all right, \$4.3 million he keeps talking about. But these schools that are going to be built here in St. John's under DREE money and in other places as well, including some down in his own district, at least down in his own area down in the Burin Peninsula.

These schools are going to be built in the areas where the church has indicated the need was greatest. It was not the minister of Education or the assistant, because the assistant deputy minister of Education who decided that the Federal Government would give us money to build schools here in St. John's or two great schools or three schools here in St. John's. It was based on the recommendation of the churches, the Federal Government, the Government of Canada does not deal with the churches, my hon. friend knows that as well as I do. They would never consider dealing with churches, and that is one of the excuses they have used down through the years when the Premier of Newfoundland and others of us have gone up there and pleaded with them to do something to help us with this business of education. We cannot get into that you have a church system down there. My hon. friend knows they will not deal with the churches and that is why they have to deal with the Government of Newfoundland. But

MR.SPEAKER: It being now 6:00 p.m. I do now leave the Chair until 8:00 p.m.



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VERBATIM REPORT

MONDAY, MAY 4, 1970

SPEAKER: THE HONOURABLE GEORGE W. CLARKE

The House resumed at 8:00 P.M.

MR. ROWE, F.W. Before we adjourned for dinner, I was talking about some of the comments which had been made by hon. speakers on the other side, and in particular I was dealing with some of the comments which the hon. member for Burin had made, and he had challenged a statement that I had made regarding the responsibilities of the churches in education and he said, I am phrasing the comments now, that the Government was trying to use this as an excuse for failure to take action, and that the real blame, if there was no school at Fogo or no school somewhere else, the real blame was the Government.

Now, I made a point earlier today, that if this House were to vote \$500 million tonight for education for the building of schools that is, that we could not decide and cannot decide where one cent of that money would be spent. He said, and the member for St. John's West agreed with him, I think the word he used was that it was "tommy-rot". Now Mr. Speaker, this Government has never to my knowledge for twenty years, ever failed to admit its responsibility for at least a part of the educational problem in the Province, and as a matter of fact, a very major part because the Government has for many years paid out other grants of one kind and another, and the Government has supported almost entirely the cost of the university, and so we could go on. This very moment we are educating at Government expense, every blind child in Newfoundland. And we are educating every deaf child in Newfoundland, at Government expense. We spend many thousands of dollars to send blind children away, and we used to do that with the deaf children until we got our own school. And a few weeks ago, I announced that the Government was assuming over a transitional period of one year would be assuming the responsibility for the education of what are generally known as retarded, retarded children, those who are mentally retarded. And so I could go on. So for anyone to say that the Government tried to shirk, or has ignored responsibility in education, he must be saying it for just political effect, he cannot, saying it meaning to be taking seriously.

The week before last we had the budget brought down here, and that budget provided among other things for increases in our vote for

MR. ROWE, F.W. education, if this House accepted the recommendations of the Government in that budget. And that very night I heard the hon. member for Burin who is not in the Chamber right now, I hope he is outside and can hear what I am saying, I think he probably is

AN HON. MEMBER: He is here now.

MR. ROWE, F.W. Fine, that very night I heard the hon. member for Burin on a commentary, program on the radio, I do not know if it was also given on television, but I heard it on the radio, on my car radio, and he was asked to comment on the budget, and his comment was among other things, and I think these were his exact words, because they struck me pretty forcefully at the time, "this budget does not really do anything for education". I could not believe my ears. I could not believe my ears, and I heard him repeat it again somewhere else, I do not know whether it was on T.V. or radio, the gentleman on the other side spends so much time on T.V and radio these days, it is hard to recall all the time, but anyway I heard him repeat it, so it just was not a slip of the tongue, it was something which he, a piece of comment which he was giving to the people of Newfoundland, that the budget does not really do anything for education.

He went on then to show how the Premier, or the Government, and the Premier particularly who read the budget was trying to deceive the people of Newfoundland by giving them some phoney statistics. And the phoney statistics were those which related to the portion of a gross national product that we are spending. Now the budget says, the rich province of British Columbia spending on education is 2.8 percent of its gross national products. In Ontario they spend 3.8 percent. And in Newfoundland we are spending 7.9 percent, practically eight percent, now he says, these figures are just meant to deceive, not true at all.

Actually this budget speech does not say, that the rich government of British Columbia is spending on education 2.8 percent. It says the Province of British Columbia. And these are correct figures, Mr. Speaker. And the fact of the matter is that of our gross provincial products, that is of all the total, the sum total of all the wealth created in Newfoundland in one year

MR. ROWE, F.W. We are spending more of ours on education than is any other province of Canada, and this is the literal truth. It is not a piece of deceit, it is not an exaggeration, it is a fact. And a fact which can be confirmed.

The fact of the matter is, Mr. Speaker, and I would say this anywhere at anytime, I would challenge anyone to disapprove of it, that having due regard for our resources here in Newfoundland, for what we have, for our wealth, and we are still the poorest province in Canada. Now our earning power is still the lowest in Canada, our per capita income is still the lowest in Canada, having due regard for those factors, and other related factors, we the people, the Government and the people of Newfoundland and this House are spending more money on education than is any other Province in Canada. And in a year when our total budget goes up from \$84 million or something in that order last year to \$103 million, the best that the member for Burin can say about it, is that the budget does really nothing for education. Nothing. No reference to the fact that what we are doing for the university, no reference to the increase grants all over the place, but we are doing nothing for education. And of course, the one thing he cites about everything else is the \$4.3 million for capital construction of schools. And here he points, he says, last year he says in those tones of, almost as if he were predicting the end of the world, last year the churches or denominational education committees, or whatever the term he used for them, warrant that \$4.3 million was not enough, that that money was nearly all committed. Of course they warrant, of course they said it, and it is true. It is true, and my hon. friend keeps on using that \$4.3 million, as if nothing had happened in the interim.

Now Mr. Speaker, I said this afternoon, when I showed how wrong he was on the terms of union, I showed how wrong he was on several other things, here on this thing he is completely wrong and not only wrong, but he is misinformed. I do not know where he got his information, whether he is making it ^{up} or not, he does not have any concept as to the way the DREE program operated at all.

MR. ROWE, F.W. Mr. Speaker, the greatest single achievement perhaps history will record, that, the great single achievement of this Government and of the Head of this Government, was something that happened within the past year, actually it happened more than a year ago, it happened within the past two years, until the last Federal/Provincial Conference I had attended every Federal/Provincial Conference held in Ottawa called by the Prime Minister, general Provincial Conference called by the Prime Minister since Confederation. And the House will recall that most of these conferences were held in camera, they were held in secret, Nobody was allowed except for the opening plenary session, after that everything was in private. And there was never once that the Head of the Newfoundland Government spoke there, at one of these general conferences, but what he pleaded for two things; for greater Federal help to the underdeveloped parts of Canada, including of course Newfoundland, but he was not parochial or selfish about it, he always refers to other parts of Canada as well which needed that help. And previous Governments did do something to alleviate this condition in the undeveloped, ^{areas} but never enough and this was the complaint that the Premier of Newfoundland and those of us who also participated in those conferences brought up from time to time, that Ottawa had to do more, if Confederation was to do what it was suppose to do.

Well, the second point was made over and over, was that Ottawa should participate in the every rising cost of education. Over and over, provinces, we in particular, said that the cost of ^{the} burden of education was heavier than we could assume. Now this is not something we thought up the other day, this is not something, as a matter of fact the Royal Commission's Report make that very point, that we could not help, we could not hope to solve our education problems on our own, no matter what we did. The Province in its present stage of development is simply not wealthy enough, Now this is nothing new at all. We stressed that over and over, as a matter of fact some reference was made today to a book I wrote, in case some members of the House do not seem to know it, I wrote two books on education. I wrote more than two I suppose, but there were two. But in the 1952 one I made that very

MR. ROWE, F.W. point, in 1952. And in the 1964 book, I again repeated and reiterated that point, that Newfoundland could not solve these every amounting educational problems on her own. We just could not do it on our own, as simple as that.

Now, then Ottawa consistently from 1949 until this past year turned thumbs down on any help to Newfoundland for ordinary education, the only help that Ottawa was willing to give was some years ago, as we all know when they came into the technical and vocational field. They were also ~~for a time~~ prepared to give help at the university level. But none for ordinary education at no time. And I can tell this House now that if there is one thing I am sure of, it is that the Government of Canada would prefer at this moment not to be in the education business in Newfoundland, or anywhere else. They were afraid of it. And when my hon. friend chastises us for our failure to appreciate the magnitude of the problem, he is ignoring completely the days and weeks and months, the times over and over again that the Premier of Newfoundland spoke to the Prime Minister of Canada, The very reason that the Premier of Newfoundland and many other Newfoundlanders decided to support the present Prime Minister in his Leadership bid, three years ago, was his determination, his declaration that he would put into effect, not in any token way, that he would put into effect this principle of regional disparity. The principle of trying to alleviate regional disparity. And over and over again, we spoke to him in different ways and to his ministers about our needs in education. And over and over again, they turned us down on it. And so I say, the greatest achievement that, indeed the whole concept of regional disparity was first enunciated in Ottawa by the Head of the Newfoundland Government. I went to all these conferences as I said, I never heard anybody else enunciate it before he did. He enunciated it in the first place, ^{if} my hon. friends were fair, they would know that too, they would admit to that, they know very well it was ^{so in} the first speech that the Premier of Newfoundland ever gave up there. This is a matter of record.

MR. JOHN C. CROSBIE: Would the hon. minister permit a question? Is the minister saying that the amount to be spent by the Government of Canada under the DREE

MR. CROSBIE: program here on education this year is the first they have spent?

MR. ROWE, F.W. No.

MR. CROSBIE: Is it not correct under the FRED Program in New Brunswick, and P.E.I. they had done the same earlier, a year or two years ago?

MR. ROWE, F.W. I was talking about Newfoundland, Mr. Speaker, and the hon. gentleman if he were listening, he would have heard what I said. I said, that Ottawa did agree to help Newfoundland with vocational education as it did other provinces, and it agreed to help with university education, but it has always backed off from helping Newfoundland with ordinary education for one very well established reason. They did not

MR. ROWE (F.W.): They did not see how they could do it. They did not see how they could do it without getting involved with the churches, with church education, and they did not want to be in a position where they could be charged, if I might use that word, with building or helping education - schools for the churches, and they still do not want to.

Now my hon. friend, surely, if he is as fair minded as he would like to have us believe, he must know this: that if we had said to Ottawa during the negotiations for the DREE program, if we had said, 'look, this \$11 million that you are going to give us for Education, including the millions you are going to give us for the ordinary schools. You could forget about that as far as schools are concerned, we prefer to have it in the paving of roads. He must know surely that Ottawa would have jumped at it. Ottawa would have welcomed that.' We did not do it and we insisted and fought, and I say now that one of the great victories of this Government was in getting Ottawa to come into the field of Education in Newfoundland in the way that it has as exemplified right there in the DREE program.

Now the hon. member for Burin seizes on this, then, as evidence that Ottawa has ignored and we have ignored this basic principle of church rights and denominational rights. 'Yes,' he says, " but you did not let it affect you with DREE." The simple fact of the matter is, that Ottawa would not and will not, and I am sure never will negotiate with the churches or with any other private bodies in Education. That Ottawa will negotiate only with the Government of Newfoundland and so they did not negotiate with the Government of Newfoundland and those schools which will be built will be the property of the Government of Newfoundland, when they are built. They will become the property and what the Government of Newfoundland does with them afterwards is the Government of Newfoundland's business.

Mr. Speaker did I, the Minister of Education, or did anybody in our Department of Education or did any one in the Government decide that in

this DREE program, there will be two great schools built right here in St. John's. Was that our decision?

MR. CROSBIE: Yes.

MR. ROWE (F.W.):The answer is no. It was nothing of the kind. We had to negotiate - if we were going to get any money for Education through DREE, from the Government of Canada, we had to do the negotiating with Ottawa. There was nothing surer or more certain than that. Ottawa would not negotiate with anybody else. So we went to the denominational-educational committees, the churches in other words and we said, "let us have your priorities in capital education needs, in where the schools need it worst of all." They gave us their capital priorities. The denominational educational committees gave us their capital priorities and in all but one instance, and I will not divulge which one. I do not think it would be right. In all but one instance, those capital priorities submitted to us by the churches were accepted by DREE, by the Ottawa Government and became a part of the DREE program. We did not decide. I had no more to do with deciding that there would be two schools on the Burin Peninsula than I had in deciding that there would be a school built in Chungking, did I? It was the churches of Newfoundland who recommended to us where we should go with those schools or whether Ottawa should give us the money to build those schools in the first instance. We relayed that information to Ottawa and Ottawa, through DREE, through its department, agreed with those priorities in all but one instance. Now you say, well are these all the priorities that the churches gave. Of course not. Of course not. Of course not. The fact of the matter is that this DREE program is, as announced the other day by the minister, for one year.

How often does that have to be said, Mr. Speaker? It is a one-year program, and at this very moment, I have no doubt that the lights are in down

there now in that department of Regional, Economic and Social Development and that some of the officials are working tonight on that DREE program for the next four or five years. A DREE program which will spend tens of millions of dollars on the building of schools. Now let us be fair about this thing! We fought, as a Government, to get this money, not \$4.3 million, but over and above \$4.3 million - we fought to get that money and we could have gotten that money without any doubt and use it for other purposes than schools. But we did get it - no credit at all, no credit at all. It is through that DREE is going to build millions of dollars worth of schools this year. That the department of Public Works, at this moment, is working on the tenders for those schools, and they will be built this year, not \$4.3 million going into Education for school needs this year, not \$4.3 million but \$11 million going into it.

MR. HICKMAN: \$4.3 million is committed.

MR. ROWE (F.W.): Okay, it is still being voted by the House. The fact of the matter is, the money is being voted, that the House is being asked to vote the money for Education. It will be spent for Education.

MR. HICKMAN: Would the hon. minister permit a question on the schools that are being built this year for DREE? Have any of the ..

MR. SMALLWOOD: Not being built for DREE. They are being built for the children.

MR. HICKMAN: Being built by DREE?

MR. SMALLWOOD: No they are not.

MR. HICKMAN: I do not care who is building them.

MR. SMALLWOOD: The Newfoundland Government.

MR. HICKMAN: The schools that are listed here, the six. The three for St. John's; the three for the Burin Peninsula; the one for Stephenville and the one for Happy Valley. Have any of the school boards who will eventual.

administer these schools, been called upon to borrow funds for the twenty-five per cent share? Or authorized to negotiate?

MR. ROWE (F.W.): Now, Mr. Speaker, my hon. friend tried to make a great do about this twenty - five per cent of the DREE program that has to be borrowed. The fact of the matter is that the DREE program, the DREE program calls for an outright grant of seventy-five per cent and a loan to the Government of Newfoundland, a loan of the other twenty-five per cent which is to be repaid over a twenty year period, but the repayment of that does not start until one year after the school has been in operation. That is when the repayment starts. If, for example, there is a school to be built here in St. John's for \$1 million for say the Integrated Board here, if that school is started, let us say, on the first day of August and, let us say, it takes a year - it is a big school. It may take a year to do. All right that school then comes into operation the following September and the repayment does not have to start until one year after that. In other words, two years from now. It will be at least two years from now before any repayment has to be made at all. And, if my hon. friend - he is simply jumping to a conclusion that is all. He assumes that the Government of Newfoundland is going to ignore the added burden that this has put on. Surely, we are not going to vote the money now. We are not going to ask the House to vote money now, that boards of Education or churches or what have you are going to have to start paying back, only, at the earliest in two years time.

MR. HICKMAN: But the boards of Education, eventually, will have to bear that load.

MR. SMALLWOOD: No, the churches.

MR. HICKMAN: The hon. minister has not answered my question, whether any of the boards that will be responsible for these schools, have already been authorized to go out and borrow the interim funds?

MR. ROWE (F.W.): I do not know the answer to that question at all. I would certainly doubt it very much. I do not have the answer to it. I doubt very much whether anyone has been authorized to go out right now. Why would they? Supposing they are going to be libel..

MR. HICKMAN: Because they were authorized in February. They got tentative approval in February to retain their architects land.

MR. ROWE (F.W.): The fact of the matter is, Mr. Speaker, and this is beyond dispute. We get seventy-five per cent from Ottawa as a grant and we get twenty-five per cent, as a loan, which has to be paid back over a twenty year period. Now as far as I know, the method of paying that back or who will pay it back has never been discussed. Certainly, it has never been discussed by me, and I do not think it has ever been discussed by the Government of Newfoundland.

Mr. Speaker, the important thing, of course, is this that here for any hon. member to get up and pretend that we blightly ignored the representations made by the churches and the boards a year ago or two years ago, that we blightly ignored that, he is simply saying something which is not true. We did nothing of the kind. We spend months, and months and months negotiating and arguing and rowing and fighting, back and forth to Ottawa with officials and ministers and others, back and forth, and they down here and we up there, fighting to get this money for Education, and we succeeded and it is a great victory. It is a great triumph. If you are going to be honest about it, give us credit for it. We got it. The hon. gentleman did not get it.

MR. HICKMAN: That is right. Nobody is taking the credit.

MR. ROWE (F.W.): You are darn right he did not get it. Nobody else - we got it, and we got it in the first instance. The real reason we got it was because the Premier of Newfoundland and the Newfoundland delegation or most of them supported Mr. Trudeau in his bid for the leadership. That is the real reason. That is the fundamental reason. We would never

have gotten it..

MR. HICKMAN: That is right.

MR. ROWE (F.W.): It was part of Mr. Trudeau's program.

MR. HICKMAN: You made the mistake of..

MR. ROWE (F.W.): I know my hon. friend did not like it.

MR. HICKMAN: You made the mistake of supporting Mr. Winters.

MR. ROWE (F.W.): They do not like that.

Mr. Speaker, another thing that I found hard to credit my years was to hear the hon. gentleman this afternoon say that, speaking of our educational needs, that the gap has not lessened in Education. The gap, that is the gap between what we are doing and what is needed to be done. This, I take it is the gap that he is talking about. The gap has not lessened.

MR. HICKMAN: I am talking about the gap between the larger centres and the smaller centres.

MR. ROWE (F.W.): I have some figures here..Yes this is right the gap between the larger centres and the smaller centres has not lessened at all. I am sorry, Mr. Speaker. I did have just a couple of questions here. But I will table them anyway. I do not seem to be able to locate them right now. I can mention one or two of them from memory.

This same point or something connected with it was made by the hon. member for Humber East there the other night. I am sorry he is not here. As I said, this afternoon, everytime I go to - whatever the reason, I think, it is a coincidence - every time I go to refute some erroneous statement..

AN HON. MEMBER: To attempt to..

MR. ROWE (F.W.): Refute it! Not attempt to refute it. Refute it. The hon. gentleman said to me the other night, that is the one who is not here now..

MR. SMALLWOOD: A long weekend you know.

MR. ROWE (F.W.): Anyway he said to me the other night...

MR. CROSBIE: It is going to be a long weekend for everyone on that side.

MR. ROWE (F.W.): He said - He said - Listen to this - Listen to this my friend. He said to me, "you do not know", he said, "I know what I am talking about. I went through this. I went through this." So I started to recollect back what year would he be talking about, if he went through it. And then it was a fairly simple calculation because one of my sons happened to matriculate the same year that he did. He matriculated in 1953. That is as near as I can go to it, which means that he had gone through high school in the previous three or four years and, therefore, elementary school in the 1940's. So he had gone to school, say, for the previous eleven years, which means that he started school, probably, in 1942 and ended up his high school in 1953 and he looks across

MR. ROWE: He looks across at me and he says, I know I went through this, and the hon. gentleman in effect is in sitting down on a nice chair in the Department of Education while I was going through all that. Well this is laughable, only he was serious. He was serious. In 1952 were, as I said this afternoon, and I repeat it, it should be repeated. We were transporting one single child. Until 1955 I believe it was. As a matter of fact, it is an interesting coincidence Mr. Speaker, tomorrow night, God willing, I will be officiating at the opening of the new school at Fox Trap, the Queen Elizabeth High School. Now the first school = this is a follow-up of the first school, Regional High School that was built in Newfoundland. And that was in 1955, I am pretty sure it was 1955 that was built. There was one Roman Catholic High School built simultaneously over in Corner Brook, St. Michael's I think it was. Anyway it was a Roman Catholic school, and there has always been a little bit rivalry as to which one actually was the first Regional High School in Newfoundland. That was 1955. In 1953, when the member for Humber East wrote his Grade XI examinations, there was not a single Central or Regional High School in all of Newfoundland and Labrador. Not one. Not one.

We were not transporting one child to school, one high school child, or any other child to school. And today, we are transporting every single day - today we transported 30,000 children to those Regional and Central High schools. And we took them home again tonight. We transported them in the morning, when I say we, I mean the Boards of Education did it, largely on the basis of grants from us. Over \$3 million are in those Estimates now, that this House is asked to vote. 1955 we were not asked to vote one cent. I think that was the first year, and the first vote we were asked to make here was \$5,000 for transportation. I think that was '55 or '56.

And Mr. Speaker, back in 1952 - 1953, and I am not competing with the past, but if people are going to level charges about the condition of education in Newfoundland, and youth is a basis for their argument,

what conditions were like in 1953, then I have every right to go back and point out that there is a complete revolution and a transformation, a greater transformation in Newfoundland education in those past seventeen years, then in any other part of the world. I say that quite literally. No part of the world has had that transformation that we have had in education. That very year for example, that very year, almost fifty percent of the teachers of Newfoundland had never been inside a University, not one day at University. And today with more than twice as many teachers, eighty-five percent of those teachers have been at University for at least one year, and many of them of course with two, three up to ten years. And yet my hon. friend says a gap has not closed. There is no gap closed.

I ask him. Here is a good question. The year the member for Humber East wrote his examinations, there were, and I wish I had the exact figures here, but I know there were under 2,000 students registered in Grade XI that year, under 2,000. I checked with our department today here, and we have the exact figures of course, because they are registered now for examination, most of them. There are almost exactly 10,000 of our young men and our young women, registered for Grade XI this year. Now where do they come from? They are not all coming from the City. They are not all coming from Grand Falls and Corner Brook. Hundreds and indeed thousands of them are among that group who are being carried from the little places. They are being carried from Ming's Bight into Baie Verte. And they are being carried from places strung out around Notre Dame Bay into the high schools in Lewisporte and in Botwood and other schools as well. And even Point Leamington that our friend did not seem to know very much about the other night.

How then can anyone get up and say seriously that the gap has not lessened? Of course the gap has lessened. Where are all those students at the University coming from in 1953, when my hon. friend went to Memorial, I presume he did that in 1954. At any rate, in 1954 we had the old campus

down here on Parade Street. And we had a few hundred students, as my ancestors would say, chинched in that building, that little building there. Chинched in there, and that year, the following year, in fact we built a few Quonsethuts to try to take them in out of the weather almost. For how many? For 500 students. And today there are 6,000 over there. And where are they coming from? They are not all coming from St. John's. Some of them are coming from Wild Cove and Pacquet, and Grate's Cove.

I was asked to down there in a message, inviting me to go down to the graduation exercise at the Brent's Cove Roman Catholic High School - an invitation from old friend Father Bromley, the Reverend Father Bromley. I cannot go down as it happens, but it would give me great pleasure to do that, because Brent's Cove for those who do not know it, is in White Bay South. It was one of the communities I represented in this House for ten years. But when I first went to Brent's Cove, I can tell this House how many students were Grade XI there. None. How many in Grade X? None. How many in Grade IX? None. How many in Grade VIII, there may have been two or three.

I also know that at that time I tried to get a job for dozens of young men from Brent's Cove and some of the other places as well. Jobs with the Iron Ore Company of Canada in whatever is going on down there, in Western Labrador. And I also know the reason I could not get jobs for a good many of them. For a good many the could not even read or write - and yet I am invited to go down this weekend to attend a graduation exercises for these boys - graduating from high school, some of them. And then the gap has not lessened. There is no difference. There is no difference. I think we have done in education has made a particle of difference, that is what it amounts to.

The hon. member for Burin says, and these were his exact words, I wrote them down as he said them; "the people are not going to be fooled any longer." Fooled about what? When I tell him what the law of the land is, the law of the land says it. I had it opened here a moment ago. The law of the

land says, it is in the Schools Act in fact. Oh I have it down here. The law of the land said, it was passed in this House just a year ago, passed right here in this House. Everybody voting for it unanimously, and the law of the land says, that whatever monies are voted for the building of schools by this House, must be passed over on a proportionate basis to the church authority, who have only one responsibility, and that is to spend it for the purpose for which it was voted, mainly the building of schools. That is all. And at that point. Now when I say that we do not decide where the schools are going to be built, I am accused of trying to fool the people. I am stating a simple fact. I have no idea, except by accident, what schools are under construction right now. I certainly do not decide - I said earlier here today - I did not tell the Roman Catholic Church that they should give priority to building a school here in St. John's this coming year, or the Integrated Church or any of the other Boards, where they should build their schools. They decided it. And I am not fooling anybody. I have no right to say it. I have no right to open my mouth about it. I have one right under this same Act here, that in the Department of Education we have the right now to approve the plan. That is all. Not where to go. The design of the school, and we do not even do that. That comes in and we automatically refer it, because we do not have the engineers and so on, and we refer it to the engineers in Public Works. And in most cases of course, we do not need to do that, because most of the big schools, big Boards with their professional help and so on, are not foolish enough to undertake a one or two million dollar project without having it properly designed by the architects and engineers and so on - but nevertheless we have that right to do that. And yet when I say - the hon. member for Gander challenged me on this one day. You are not fooling me, he said, or anybody else on this. Or words to that effect here in the House. When I said that we do not decide if there is going to be a school on Fogo Island. We do not decide it. Now you could say

yes, you do in this way - that you are not voting enough money. Well that is a legitimate charge, a legitimate criticism. If the Government over the years has not voted enough money for building the schools or anything else, then of course. If the House has not voted. If the Government has not asked the House and if the House in turn has not voted enough money for the building of schools or for any other purpose in education, then of course it is a valid criticism of the Government or of the House. But for anybody to pretend that we decide, that we are going to decide whether or not it will be a school built in St. Anthony this coming year. Or whether the school in Port-aux-Basques will be enlarged. He is not telling the truth. It is just not true. We do not decide it. We have nothing in the world. I know that hon. gentlemen would like to be able to lay the blame on us for it. Of course they would. They would like to be able to tell the people here the real reason is that Government is not prepared to do it. Government will not do it. It is not true. There is a law. Everybody here voted for it. The hon. gentleman says, do not blame the churches

Mr. Speaker, nobody, I must say I was - I did not know whether to laugh or cry one day. I picked up a newspaper and it was an editorial in the "Telegram". I had just spoken to I think it was Rotary, anyway it was one of the Service Clubs. And I listed out there in my speech, I had listed out what I considered to be the great educational need of Newfoundland, and I tried to show. I tried to show how backward we still were, and the next day I got a comment in the Editorial in the Paper. And the comment was, "Even Dr. Rowe now admits everything is not hunky-dory, or words to that affect in education. Even Dr. Rowe now admits. Now he sees the light, after forty years preaching, swearing, breathing in speech after speech in this House and out of it, and in the proper place elsewhere, that I do not need to name, pointing out the deficiencies in our educational system after writing about it, after writing books on it, after writing articles on it. Now finally I am told that I have gotten over my obtuseness now, I see the light.

MR. CROSBIE: You are learning, you are learning.

3405

MR. ROWE: That is exactly one hundred percent in education in Newfoundland.

MR. CROSBIE: You will learn.

MR. ROWE: When I see the hon. gentleman - these are his exact words - the hon. gentleman used this afternoon.

MR. HICKMAN: Who are you talking about?

MR. ROWE: The hon. member for Burin, that is who I am talking about

MR. ROWE:

the exact words, when I see that the vote this year is the same as last year. That is what the hon. gentleman said, when I see that the vote this year is the same as last year. Now what is that meant to do, what is that meant to do?

MR. CROSBIE: That is the exact truth.

MR. ROWE: That tells the truth. The vote this year because it is 4.3 million in one stop in the estimates then it is telling the truth, now it was 4.3 or thereabouts last year, so it is telling the truth to say that when I see that the vote this year is the same as the vote for last year, that is not fooling the public, that is not trying to make politics out of it. No, this is our true unbiased, this is a lily pure statement coming out of the hon. gentleman. Nothing at all about the eight million over there just a few pages further on, nothing about that, nothing about the eight million that we succeeded in getting from Ottawa this year. We could have gotten it for something else but we stuck by our guns and finally got it and got Ottawa, not the eight million, I repeat, Mr. Speaker, this may not be sufficiently appreciated by Newfoundland. It is not the eight million that is important although that is important but that is not the real important thing. It is the fact that Ottawa has come for the first time into the field of ordinary education in Newfoundland. That is the important thing and that next year and the year after we can confidently hope to have tens of millions of dollars.

I know what the deed is in Newfoundland and I also know we have made tremendous progress. I know that there are tens of thousands boys and girls in Newfoundland today who are getting a half decent education who could not have done it even ten years ago, I know that. I know that there are still some who cannot do that. I know there are still some in New Brunswick who cannot do it, still some in Ontario and many more even in Quebec and some in British Columbia and they are in New York City and they are in Los Angeles, in San Francisco and they are every where else too, I know that. This is no excuse, this is no reason why we must not cope or try to cope with the problem but the fact of the matter is, Mr. Speaker, we are coping with it. We have provided greater educational opportunities for the average boy and girl in Newfoundland today

MR. ROWE:

by means of our bursaries, by means of transportation, by means of scholarships and, of course, by means of our grants to the schools and to the universities and so on. It is still not enough, everybody knows that. I know it is not enough. If I could have done it this year I would have to have had nothing less than twenty or twenty-five million dollars just to build schools. But nobody can tell me that \$11 million are not better than \$4.3 million. Do not try to fool the people he says, do not try to fool them.

MR. HICKMAN: What about all the programs that were cut out this past year, being cut out this year that had been brought in a few years ago. Reduction in teachers, tell us about that now?

MR. ROWE: Mr. Speaker, I should have said, I suppose, at the beginning actually, I am a little bit disappointed that I thought that when I introduced this Bill and I was very pleased that the hon. the Leader of the Opposition treated it on its own merits. He did not try to get up and try to make a political diatribe as did other hon. gentleman. The hon. member for Bonavista North did exactly the same thing. Now it is none of my business what hon. gentlemen say except I would say this that much of what they have said, what has been said especially by the two hon. gentlemen, the member for Burin and the member for Humber East, would have been more applicable, I think, either on the education estimates or in the Budget debate and they could have confined themselves more to this here. I have not confined myself to this here because I have had to refute some of these points, some of these comments.

MR. HICKMAN: Who started all these arguments on Friday afternoon?

MR. ROWE: Mr. Speaker, this Bill is a great step forward, it is not the perfect thing. It is an interim thing just as our school legislation last year, our Education Act that so many people tried to make political capital out of was an interim thing. It was not a steady thing, it is a continuing thing going on and I would hope that next year, I frankly hope that I will not have to do it, I hope it will not be my responsibility, I say that quite honestly, I have never hidden my feelings about that, but I would hope that whoever is the Minister of Education next year will stand up here and introduce another Bill which will incorporate far more than this one does but this is a great step forward. Then

MR. ROWE:

this will facilitate the collection of money for education in Newfoundland and this will help to shift some of the burden where it is now unequal, it will help to shift the burden to shoulders that can better stand it. This exemption at the \$15,000 level as compared with \$6,000 in the present, this is a great step forward. Nobody can gainsay that.

Well, Mr. Speaker, there are many points in this Bill that will need to be dealt with in committee. I would hope that as we go along we can do just that. I had a few other things to say about this thing here in answer to some of the comments that were made but I think I have made the principle points. The fact of the matter is, and perhaps I am not the one who should be saying this, the fact of the matter is that no impartial observer in Newfoundland can get up and say that this Government has ignored its responsibilities in education. No impartial observer, no fair-minded person can get up in a year when we raise the money for education, no matter how we got the money, it may still not be enough and it is not enough, I say that, I do not need the member for Burin to tell me, it is still not enough. I would like to see much more for school libraries or for libraries generally in our votes and they are there. I would like to see far more money for other things as well but it is still not enough. But in a year when we have made the greatest increase in our history, the greatest percentage wise and the greatest in the absolute sense from \$84. million up to \$103. million. No matter where we got the money the fact of the matter is that we have got the money and the fact of the matter is that we are asking this House to vote \$103. million and we are asking the House to vote a lot of other things here that mean real progress in education and anybody who tries to say that we are not making real progress in education is simply falsifying the situation. I move Second Reading.

On motion, Bill read a Second Time, ordered referred to a committee of the whole House on tomorrow.

On motion, that the House go into the Committee of the Whole on Bills, Items 3 through 20, Mr. Speaker left the Chair.

MR. NOEL CHAIRMAN OF COMMITTEE OF THE WHOLE:

A Bill, "An Act Respecting The Administration Of Certain Special Services

By The Department Of Social Services And Rehabilitation To The Residents Of Northern Labrador."

On motion, Clauses 1 through 10 carried:

MR. COLLINS: Before we carry Clause 11 perhaps the minister might give us an explanation here. Clause 11, Section (a): the Minister may, in Northern Labrador and elsewhere carry on business as a merchant, trader, commission agent, or in other capacity and import, export, buy, sell, barter. Certainly goodness we are not contemplating bartering with the Indians and the Eskimos, that is going back to other days, I think.

MR. NEARY: Actually under Section (a) of Clause 11 we are actually doing this now and bartering on a very limited scale but there has to be.

MR. COLLINS: Why?

MR. NEARY: Well, that is just the way it is. There is no other way that you can but it is on a very limited scale. They go out and they bring their furs to our stores and we give them credit, this is really the bartering system but it is a sophisticated bartering system. We give them credit, we sell it and then we reduce the credit and give them the difference of what we can get through the sales and so forth, but this is really the bartering system.

MR. COLLINS: Do you give them any cash? Do they always pick up the balance?

MR. NEARY: Oh, yes. They pick up the balance. If they bring us seal skins, we will sell the seal skins and when we get the money for the skins we will then reduce their advance, the money we have advanced them, and we will give them the difference. So that is really the barter system.

MR. MURPHY: Under Section (i) in Section 11, with reference to investigate markets for artic char in pickled, frozen, chilled and smoked forms, has the department anything to do with the new development in Northern Labrador with reference to frying out salmon and char and this sort of thing, how would they jibe in? I was just wondering, Mr. Chairman, what the connection would mean.

MR. NEARY: Well, Mr. Chairman, this experiment was commenced by my department through the branch of Northern Labrador Services in conjunction with the Fishery College and anybody else that we can find who has expertees in this particular development. I think now it is gone past the experimental stage, actually I think there is a great demand for artic char and the type of products

MR. NEARY:

that we are putting up now in Northern Labrador and I am hoping now that Private Enterprise will move in and take over.

MR. MURPHY: That is what I am referring to the Private Enterprise to fly in there.

MR. NEARY: Yes. We are definitely interested in the proposition because I think it is gone beyond the experimental stage. It has been a tremendous success, by the way. It has been on tables in big hotels in New York and I believe the Premier can verify even in Panama City.

MR. MURPHY: That suits me if the Premier can verify it.

MR. CROSBIE: Mr. Chairman, I have already pointed out that in my view this division should be a part of the Department of Labrador Affairs and this observation seems to have fallen on deaf ears as so much does in the House. In connection with powers of the Minister under Section 11, I ask the Minister the other night and when he was replying he neglected to discuss it all, what the position was with assisting financially students in Northern Labrador to complete their high school education? Under sub-clause (m) of this Clause 11 the Minister is empowered to assist financially students in Northern Labrador to complete high school education and, if considered desirable, and upon such terms and conditions as the Minister may specify, assist financially students in Northern Labrador to attend the Memorial University of Newfoundland or such other university as the Minister may specify, for one or more years, are there any students now being assisted financially to complete their high school education and if so, how many and what does it cost during the year to do it, and is the Minister now assisting students from Northern Labrador to attend Memorial University? Is there any general program or just what is the activity or is there any activity under this clause?

MR. NEARY: Mr. Speaker, I answered the question briefly the other night but as my hon. friend knows I had to go to a very urgent meeting and I appreciate his cutting his remarks short in order that I could attend this meeting. But we do have two students from North West River attending Gonzaga High School at the moment. Now there are two programs in effect by the way. There is one program being operated by my department and I think my colleague, the hon.

MR. NEARY:

Minister of Education, also has a program of education for native population students in Northern Labrador. At the moment I do not think that my department is assisting anybody in attending Memorial University. I think at the moment the only two that we have are doing their grade eleven at Gonzaga High School and we are hoping that they will go on to the College of Trades and Technology or the University because this is a part of the rehabilitated process that we are trying to carry on in Northern Labrador. We are trying to get the young men and young women educated so that they can actually take over and run their own affairs and so this will give us the authority here to do it.

MR. CROSBIE: Mr. Chairman, one of the great needs as I understand it of the Northern Labrador area is for assistance in completing high school and university education for the children along the coast and one of the real essentials is a new dormitory at North West River. The Minister says he hopes to be able to make some progress on it this year, although there is no funds allotted for it I do not believe in the estimate, so that people from along the coast would be able to attend school at North West River and be put up in this dormitory because it is unlikely that there are ever going to be, these small settlements along the coast, good schools in every settlement so the dormitory is necessary at North West River.

The other thing that is necessary, if I understand the Minister's remarks correctly there is no general scheme in Northern Labrador to assist financially students to attain or complete their high school education yet or to attend Memorial yet.

or is it just that there is not enough people qualified.

MR. NEARY: That is right.

MR. CROSBIE: That is right. Now could the minister tell us this trading operation in Northern Labrador does that just break even, it is not operated I presume to make a profit. It does not generate any revenue from which scholarships can be established or anything like that.

MR. NEARY: No.

MR. CROSBIE: On the other hand it is government policy to assist students who become qualified to go on to high school or University.

MR. NEARY: Yes, Mr. Chairman, I might say that my hon. friend is absolutely correct that we do collect students from all along the communities in Northern Labrador and we house them now in a dormitory at North West River and they attend the high school there, the elementary school in North West River and, but we do badly need this dormitory that the hon. member referred to and as soon as a decision is taken of course it will be announced in due course. But I want to assure the hon. member Mr. Chairman, that it will be a proud moment for my department when we get the first application from a student in Northern Labrador to attend the University and I can tell you this that we would be very happy to assist as many students as we can get from application/in Northern Labrador. But so far we have only had these two now I, the hon. minister of Education may be able to tell the House of others that are being assisted through his department. But at the moment we only have the two with Gonzaga High School.

On motion Clauses 11 and 12 carried.

Clause 13:

MR. EARLE: Mr. Chairman, could the minister refresh my memory I did know at one time but these agreements between the Government and the Government of Canada. Are they very specific term or are they renewable year by year, if so, when are they negotiated, and how are the terms of the agreement arrived at, perhaps he will explain this?

MR. NEARY: Yes, briefly Mr. Chairman, the reasonable agreement was for a five-

year term as the hon. member will probably recollect because he was minister of Welfare at one time. And we just finished negotiating an extension of a further five year commencing this fiscal year and if my memory serves me correct the Federal Government will pay ninety per cent of the cost of programmes that are carried on in communities that are 100 per cent Indian population and they will pay ninety per cent of 66 2/3 of the cost of the communities where you have a mixed population, that is Eskimo and White People. Does that answer the -

MR. EARLE: Yes, they are not subject to termination they are five year agreements.

MR. NEARY: Five year agreements, subject to renewal, you know they have to be re-negotiated, and as I said earlier we did just re-negotiate a new agreement for another five year period.

On motion Clauses 13 to 24 carried.

Motion that the committee reports having passed the Bill without amendment.

Item 19 Bill No. 44: "An Act Further To Amend The Local Government Act, 1966."

This Act may be cited as The Local Government (Amendment) Act, 1970.

On motion Clause 1 carried.

MR. CROSBIE: Clause 2 is the real guts of this Bill, if it might be described as having any guts, and when it came up for Second Reading the other day I brought to the Minister's attention the awkwardness of the present, under Section (1H) on page 5 of the Bill. A person who decides to appeal to the Judge of the Supreme Court has to serve a notice on each member of the Zoning Appeal Board. A written notice of his intention to appeal. And I pointed out to the minister that this could be a Board with anywhere from three to five or seven members that they might have made a decision on amendment that came before them and one or more of those members of the Zoning Appeal Board may be gone from the community of the Province for the next month and how is the Appellant then to comply with the requirement of this Act. I suggested Mr. Chairman, that it should be changed so that anybody proposing to appeal would serve on the Chairman of the Board or on the Town Clerk of the Town or some official like that a written notice

of his intention to appeal. and the minister said he was going to look into that that he thought it was a good suggestion. Could we hear from the minister as to what -

MR.DAWE: Mr. Chairman, this point is well taken and I discussed it with the officials of my department, and they see no objection to an amendment to this Bill to confirm the suggestion of the hon. member and I would suggest that the wording would be to the Chairman of the committee of the Zoning Board, Appeal Board to make notice to the Chairman, probably not chairman, to the Town Clerk itself within the municipality I think would suffice, to the Town Clerk would be the proper official to make the notice of appeal. It would be his responsibility then to notify other members of the Board. I would suggest that we would, the appeal would be made to the Town Clerk himself and he would be responsible for notifying the members of the Zoning Appeal Board.

MR.CROSBIE: How would that read now?

MR.DAWE: I was not expecting this Bill to come up tonight Mr. Chairman,

MR.CROSBIE: Do you want to withhold it? I would suggest Mr. Chairman, that it would just be served on the Town Clerk of the council concerned a written notice of his intention.

MR.DAWE: Mr. Chairman, I will have this preparation for him if we would let this Bill stay until tomorrow and I will have the necessary amendment for this Bill I was not expecting it to come up tonight.

Item No. 17. Bill No. 10: "An Act Further To Amend the Dog Act."

On motion Clause 1 through 5 carried.

Motion, that the committee reports this Bill carried without amendments.

Item 15 Bill No. 36: "An Act Further To Amend The Alcoholic Liquors Act."

On motion Clause 1 carried.

MR.CURTIS: I asked the Premier if he had an amendment to Section 2, Part of a licensed hotel or motel that is J (1) now to be part of a licensed hotel or motel and (2) premises not a part of a licensed hotel or motel, just put in the words or motel after hotel.

MR.SPEAKER: Clause 2 (a) (j) (1) be amended by adding the word motel and that

clause 2 (a) (j) (2) be amended by adding the word or motel after the word licensed hotel in the first line.

MR.CROSBIE: Mr. Chairman, what is the hon. minister going to do with the comma, is he going to put part of a licensed hotel, take out the comma, and put it in after motel. He does not want to disturb his draftsman there and find that comma in the wrong place, kind of a licensed hotel or motel,

MR.CHAIRMAN: The comma comes out and just "or motel" goes in.

Clause 2 (a) (j) (1) will read, part of a licensed hotel or motel, or and item 2 will read premises not a part of a licensed hotel or motel.

Clause 2 as amended carried.

Clauses 3 through 6 carried.

MR:CHAIRMAN: Clause 7 (a) (a) should read lounges not being parts of hotels or motels..

Clauses 8 and 9: carried.

Clause 10:

MR.MURPHY: This is the section in regard to orchestras and things like this, nineteen year olds.

MR MURPHY: Nineteen year olds. Is this the section dealing with that?

MR CHAIRMAN: Clause (9)

MR MURPHY: I want to refer to the section we discussed on second reading, that is with reference to "except where they are playing in a band or orchestra". Is that the section? I did not want to pass it.

MR CHAIRMAN: At the bottom of page seven.

MR MURPHY: Yes, I would just like to have a word on this. I am rather fearful of this amendment, where we are doing away with the age-old custom of no one, under the age of twenty-one, being admitted to a licenced premises.

I have had some communication with some people. I do not know if this is right or not, but perhaps the Minister could answer whether this request came from certain clubs and so on and so forth, who up to this time have been using imported bands and that type of stuff and found it was not profitable. I understand, and I may be wrong, that these clubs are now requesting that they can get these teenager bands in there. I am just wondering, is this right? Was it a request from the clubs and the various lounges and everything else?

MR. SMALLWOOD: To play, to play.

MR. MURPHY: To play, to play, yes. A request came from these clubs and lounges so on and so forth.

MR. SMALLWOOD: From quite a few.

MR. MURPHY: From quite a few, yes. It is all right.

MR. CHAIRMAN: Shall Clause 9 carry? Carried.

Clauses 10,11,12 carried.

MR CURTIS: I would move, Mr. Speaker, to have this section stand

On motion Clause stand.

MR ERGSBIE: On Clause 14, Mr. Chairman, I was wondering who the Government Analyst is. Is this Dr. Josephenson or is it somebody under him? My only concern is; are they competent people? I presume they are. Who are they? Is there somebody known as the Government Analyst?

MR CURTIS: I believe there various people in St John's to whom every now and then I give certificates authorizing them to be analysts for the purposes of the Act.

MR CROSBIE: Would the minister point out, just as a matter of interest, who this would be?

MR CURTIS: I will find out, yes.

On motion Clause 14 carried:

MR MURPHY: Under Section 15 here - would this have to do with any complaint or people being aggrieved, or is this only the drunken driving part of the thing? Someone that feels that the tavern has been closed temporarily or the licence refused, would that come under that section there?

MR CURTIS: It will appeal whatever the judgment of the lower court is.

MR MURPHY: Yes, this is an appeal to the court.

On motion Clause 15, 16 and 17 carried:

Motion, that the committee report progress on Bill No.36,
carried: A Bill, "An Act Further to Amend the School Attendance Act, 1970":

ON Motion Clauses 1,2,3,4 and 5 carried:

Motion, that the committee report having passed the bill
without amendment, carried:

A Bill, " An Act Further To Amend The Public Libraries Act".

On Motion Clauses 1,2, 3, 4, 5. carried.

Motion , that the committee report having passed the Bill without
amendment, carried:

A Bill, "An Act Further To Amend The Forest Fires Act".

On Motion Clauses 1, 2, 3, carried:

Motion, that the committee report having passed the Bill without
amendment, carried:

A Bill, "An Act Further To Amend The Securities Act".

Motion, that the committee report having passed the Bill without
amendment, carried:

A Bill, "An Act Respecting the Liens of Mechanics and Others":

MR CROSBIE: I wonder could the minister tell us - I was not here the other night when this went through second reading and there was not a very lengthy debate on it in second reading, but this is a Bill that will affect property everywhere, when it is sold or when anything is constructed on land. Has this Bill been perused by the Law Society and, if so, have they agreed with it? I have not had time to study it. Is this approved by the Law

Society? This is a piece of legislation, Mr. Chairman, that is really of interest to lawyers, and I was wondering what the position is.

MR CURTIS: My hon. friend was not here but for years Ontario has had a royal commission dealing with this subject, and they have come up with this report which I believe has this report in the Uniformity of Legislation. Our Bill is eighty years old and this Bill, as I think the hon. member will find improves it, a bringing-up to date bill, which clarifies the position. I do not think he will find anything in the Bill which is objectionable.

MR CROSBIE: Mr. Chairman, that does not exactly answer my question. What I am wondering is; does the Minister, when legislation like this is introduced, of especial interest to lawyers, particularly to do with legal matters, is it referred to the Benchers of the Law Society for their views or opinions? In any event, has this particular piece of legislation been reviewed by the Law Society?

MR CURTIS: I am told that that has passed the Law Society, but it was before I became Attorney General.

MR HICKMAN Let me assure the hon. member there was a committee of the Law Society, under the chairmanship of Mr. Frank Ryan, that worked on this and approved it. As a matter of historical interest, Mr. Chairman, the Act which is being repealed, which was passed in 1890, following the Ontario Act of 1868, which Ontario repealed in 1891, is totally out of keeping with the present day practice.

On Motion clauses 1 through 34 carried :

On motion Clauses 35 to 49 carried.

MR. NOEL: I hardly think we need call it an amendment, but after Clause 50 (d) there should be a full stop there. After the word "act."

On motion Clauses 51, 52, 53 Carried.

Clause (53)

MR. HICKMAN: Would the hon. the hon. the minister give any indication to the House as to when this Act will be proclaimed? What I have in mind is this. I cannot envisage any changes being necessary in the registry of mechanic Liens in order to bring this into operation, and I know the delays in proclaiming the Act may be a sort of an embarrassment and delay the Revision Committee, the Committee that is revising the Statutes at this time, and they are most anxious to start printing because it is my understanding that they cannot keep the lead from one volume to the next. And the intention is to follow I believe, the other nine Provinces. Have all Acts published in alphabetical order, which is commendable and very desirable, and any Acts that can possibly be proclaimed now -

MR. NOEL: Shall Clause (53) be deleted? Those in favour "aye", contrary "nay", Carried.

On motion the Committee report having passed Bill, "An Act Respecting The Liens of Mechanics And Others," with some amendments.

A Bill, "An Act Further To Amend The Highway Traffic Act, 1970."

On motion Clauses 1, 2, 3, 4, Carried.

Clause (5)

MR. CURTIS: Mr. Chairman, I would like to propose an amendment to Clause (5) Section 67 of the said Act was amended by (a) deleting from Sub-section 2 (1) the words and figures subject to subsections, instead of saying subsection (3) Subject to subsections (3) (10) and (11). That is the first amendment. The second one is (2) the words and figures Section 223, if anyone would like to follow I have the original Act here. The words and figures Section 223, or Subsection 3 of Section 225 of the Criminal Code, and substituting therefore the words and figures. Section 222, 223, or 224. It is a case of adding 222. And the third one. The words

and figures Section 192, 193 or 222. Now there is 1, 2 and then there is 3. Now the new wording would be 3, the words and figures Section(192) (193) or (222) of the Criminal Code appearing in paragraph (c) and substituting therefore the words and figures Section(192) or (193) of the Criminal Code. I have that written here for you Mr. Clerk. Have you got it?

MR. CHAIRMAN: The motion is that Clause (5) Subclause (a) 1, be amended by deleting the words subject to subsection (3) and substituting therefore the words subject to subsection (3) (10) and (11).

Shall the amendment carry? Carried. A further amendment to Clause (5) a (2) by deleting the words and figures Section (223) or Subsection (3) of Section (225) of the Criminal Code in appearing paragraph (b). And substituting therefore the word -By deleting Section (a) 5 a (2) the word section (223) or Section 3 of Section (225) of Criminal Code appearing in that paragraph and substituting therefore the word Section (222), (223) or (224) of Subsection (3) of Section (225) of the Criminal Code.

MR. CURTIS: Section (192) (193) (222) of the Criminal Code appearing in paragraph (c) and substituting therefore the figures and words Section (192) or (193) of the Criminal Code.

MR. CHAIRMAN: Paragraph 5 (a) is further amended. The Motion is that paragraph 5 (a) be further amended by inserting a Clause Roman Numeral Three, the words and figures Sections (192), (193) of the Criminal Code, appearing in paragraph (C) and substituting therefore the word and figures - by inserting a new Clause (3) the words and figures Section (192), (193) or (222) of the Criminal Code appearing in Paragraph (c) substituting therefore the words and figures (192) or (193) of the Criminal Code. Those in favour please say "aye", Contrary "nay", Carried.

On motion Clause (5) carried with some amendment.

Clauses 6, 7, 8.

MR. CHAIRMAN: Clause (8) be amended by deleting the word therefore in the last line, and inserting the word - deleting the word "thereafter," and inserting the word "therefore," in the last line of Clause (8).

MR. EARLE: Clause (9) I think there should be something put in here

having to do with the comfort of passengers. I refer to particularly, passengers standing in buses across the country, there is favourable consideration for the comfort or safety of passengers. And there are cases where they have had to stand for many many hours. I think this should be prohibited. It might come under Clause (9) 1 (a) Section (3) - without reasonable consideration for other persons, and for the comfort of passengers.

MR. CURTIS: I do not think there is a Section where you put it in.

MR. EARLE: But there is certainly an opening here for it.

MR. CURTIS: I think you will find it in the Act somewhere. When the Act passes we can check through before we have it read the third time. It must be covering somewhere.

MR. COLLINS: I believe the Act says that it is more or less left to the discretion of the driver, and if it should be in his opinion, that a greater inconvenience would be caused by leaving the passenger on the side of the road, rather than taking him up on the bus and having him stand. Then the driver makes the decision.

MR. CURTIS: I rather think that this whole position comes under the Motor Carrier Act.

MR. HICKMAN: Mr. Chairman, Clause (9) the one that the hon. member for Fortune referred to. What objection could there possibly be to adding the words in "for the comfort of passengers." That covers a multitude of sins, and even though it might be a difficult thing to enforce.

MR. CURTIS: This does not deal with passengers at all. This only deals with the outside and other people out on the street.

MR. HICKMAN: "without reasonable consideration for other persons and for the comfort of passengers." It has improved in driving -

MR. CURTIS: In other words, if you have three children in the front seat, you may say they are not comfortable -

MR. HICKMAN: More than that. It is an improvement. This situation is one that. I have driven from St. John's to Grand Bank in a taxi where there was four of us in the front seat. Now

AN. HON. MEMBER: How long ago?

MR. HICKMAN: Oh some years ago.

AN HON. MEMBER: When the hon. was a student?

MR. HICKMAN: No, not when I was a student. No, there was no road there when I was a student. This was in the early '50's. I have read some letters to the Editor of late complaining about a taxi operating long distances down to Bonavista South, where on weekends when the traffic is there, the driver in his anxiety to accommodate everyone will take three adult passengers in the front seat. And let me tell you it is the most uncomfortable drive you could possibly have, if you put your left arm up and keep it there until you reach your point of destination. But what would be wrong with bringing that into the category of imprudent driving by putting in - well put it in again, put it in again.

MR. STARKES: The amendment is merely a draft in change made after requested.

MR. CROSBIE: Mr. Chairman Clause (9) - This makes an offense for a person while driving a vehicle on a highway - a person while driving a vehicle on a highway should have the speed of the vehicle under such control. He may avoid collision with any person, vehicles or conveyances, animals or obstacles that may be on or entering a highway. Now how is that to be carried out? If you are driving along the Trans Canada Highway at sixty miles an hour, and some animal jumps on the highway, a moose comes on the highway and it comes off the side of the road and gets in the highway or a car whatever it is. How are you to have the speed of your vehicle under such control that you can avoid collision in that kind of a situation. The section does not make any sense.

AN HON. MEMBER: The moose is supposed to read the sign.

MR. CROSBIE: But the moose cannot be convicted, but the person driving a vehicle - when you are entitled to do sixty miles on the Trans Canada Highway. You have a right to go up to sixty miles an hour. Now you go into the Terra Nova Park or some other moose country, and a moose comes out in the highway and you have a collision with him. Now the only way

you are going to avoid a collision with him, an unexpected object like that, if if you are driving along around ten miles an hour. So perhaps not even if then. So this section, I cannot see how anybody can comply with this section of the Act. I can see that you should drive at a speed that is not greater than is reasonably approved under the conditions, and with due care and attention. But I mean all vehicular traffic on our highways is going to come to a dead halt if everybody observes the law on the day that this section is passed by this House, because it says a person while driving a vehicle on a highway should have the speed of a vehicle under such control, that he may avoid collisions with any persons, vehicles or conveyances, animals or obstacles that may be on or entering a highway. And that means that you might as well come to a dead halt. That is the only way you are going to be able

going to be able to observe this part of the law.

MR. ROWE (F.W.): Mr. Chairman, there has always been something of that nature in our Highway's legislation. I remember, when I was in the department, when we brought in the consolidated Bill. We had something in there like that. It was to the effect that a driver was under the responsibility of driving a car at all times with due regard to existing conditions.

Now for example, the point that the hon. member from St. John's West has mentioned, one that strikes a note with me all the time, because I do a considerable amount of driving from Grand Falls to Gander and on occasions from here to Grand Falls and back, most of it, much of it at night. Now, I have been lucky, just plain lucky, because on a dozen occasions I narrowly averted hitting a moose. I do not know what the answer to that is. There have been times, if I had been driving ten miles an hour, if the moose had been on my side of the road, I would have struck it, and I am sure that by law of averages, I am going to do that one of these days. I do not know what the answer is. I think it is a matter of applying common sense is it not, more than anything else? It is a matter of pure common sense, I would think. The same thing would apply with ice on the road or slippery conditions due to other factors and so on.

MR. CROSBIE: Now, Mr. Chairman that does not - this Bill creates an offense or this section. Subsection (1) of Section(130) is repealed and this is substituted: (a) a person shall not drive a vehicle on a highway or in any other place (1)at a speed which is greater than is reasonable and prudent under the conditions and having regard to actual and potential hazards existing ^{on} the highway or other place. Fine that is something that you can comply with. (2) Without due care and attentio

3425

so if you drive without due care and attention, you are guilty; Without reasonable consideration for other persons, if they prove that, you are guilty. That is fine. If he suffers from a disease or physical or mental disability which might cause his driving of a vehicle to be a source of danger to other persons. That is something that you can prove or disprove. Then it goes on and says and (b) - you can be fined for this, if you look at Section (13): seventy-five dollars on the first offense; second offense one hundred dollars and get seven weeks in jail or four weeks whatever that all means there. Then it says: a person while driving a vehicle on a highway shall have the speed of a vehicle under such control that he may avoid collision with any persons, vehicles or conveyances, animals or obstacles that may be on or entering the highway. Now that is different. That means that whenever you have a collision with another person, vehicle conveyance, animal or obstacle, you will be guilty of a violation of that clause, and I suggest, Mr. Minister that it is fully covered under these other sections. You know you are driving at a speed greater than is reasonable or without due care and attention or without reasonable consideration for other persons, and I think we should not pass into law something that is ridiculous. I would like to suggest, Mr. Minister or I will move, myself, but it is more diplomatic to have the minister move it that (b) be deleted. Anyone who has a collision on the highway after this is passed, is going to be automatically guilty of an offense.

MR. CURTIS: I think the hon. member is wrong. If a farmer is driving a half dozen cows along the road, you have no right to whip a pass them at thirty miles an hour, whatever the zone is.

MR. CROSBIE: Mr. Minister..

MR. MURPHY: If that cow jumps out...

MR. CROSBIE: Never mind the cow. If you drive along the highway, any

highway in this Province, after this is passed and have a collision with another car, with a person, with a bus, with an animal or any obstacle, you will be violating that section, because you will not have had your vehicle under such a speed that you could have avoided a collision.

Every one hereafter who gets into a collision with anything is guilty of the offense, that this section is creating and he is going to be subject to a fine and possibly weeks in jail. Mr. Minister I suggest to you that it would be ridiculous for us to pass that.

MR. CURTIS: It is not my Bill. I do not care..

MR. STARKES: Mr. Chairman, Section (130) which is repealed says that: in addition to all that is repealed - this is also repealed and it reads: and he shall control the speed of the vehicle on a highway so that he may avoid collision with persons, vehicles, conveyances, animals, obstacles on or entering the highway. Now this is already in the Act. This is merely a rewording. Any person while driving a vehicle on a highway to have the speed of the vehicle under such control that he may avoid collision with any persons, vehicles, conveyances, animals or obstacles that may be on or entering the highway. Actually there is no..

MR. CROSBIE: But supposing, Mr. Minister that - there are collisions on the highway every day and both parties are guilty. It happens every day, a person gets knocked down, two cars collide together. They go to court. One sues the other. Usually one of them is found to be responsible for negligence or speeding or whatever and the other is not or sometimes they are both libel. But under this section, and I do not care, if it is in the Act, before or not, but if it was in the Act before, it, should not have been. Under this section; every one of us who has a collision with anything on the highway, hereafter, will be violating that section because, ipso facto, he could not have his vehicle - he could not

have had the speed of his vehicle under such control as to avoid the collision.

MR. ROWE (F.W.): I must confess, I am confused over this clause, and I wonder what the rationality of it is. I am pretty sure that the safety people and probably the engineers have recommended to my hon. colleague that that be in there. If I may make a personal reference there. I was driving at 8:00 a.m. in daylight to Gander - from Grand Falls to Gander. It was on an old section of the Trans Canada Highway between Notre Dame junction and Glenwood, and a little - I was not driving excessively about sixty miles an hour - a young mosse just a few days old, just bounced, as my hon. friend knows the undergrowth is closed right in on the road there. You have no room anyway. It is right on the shoulder and a little moose jumped on the road, but as it happened, it was on the side of the road that I was not driving on. If it had been on my side, there would not been any way for me to avoid hitting the animal and at that point, as I understand it, I would have been liable. I would have been guilty of a misdemeanor.

The other question in my mind is: if everyone is responsible for driving his car in such a way as to avoid collision - how come if two people have a collision, are they both guilty? Both would be guilty, as I see it? They both would be guilty, would they not?

MR. CROSBIE: They both would.

MR. ROWE (F.W.): They would always both be guilty would they not?

MR. CURTIS: Not always both. It may be only you.

MR. ROWE (F.W.): I wonder, if it would be asking too much to hold that clause up so that the minister might check with the highway safety people and see, if we could get that particular clause clarified. Frankly, I do not want to be..

MR. CURTIS: It is already there.

MR. ROWE (F.W.): Has any action ever been taken under it?

MR. CURTIS: No, it has been there for eight years. No, because any time there is an accident, there is a case in court to settle it and that is punishment enough. If you strike a moose, then you sue the moose.

MR. HICKMAN: Where you do get into a problem though with animals, not so much with moose, but as I understand it, we do not have herd laws in this Province as they have in other places. Now to take the example of the hon. Minister of Justice, if he were driving along the Topsail highway and one of his friends or constituents from Topsail is driving a herd of cows home in the evening, and he reduces his speed to five miles an hour..

MR. CURTIS: It still may be too fast.

MR. HICKMAN: But even though, it is not too fast, under this section he is liable. Now that seems to me to be a fairly onerous provision to have in the Highway Traffic Act. If you are driving at an excessive rate of speed, and you kill a cow, then the ordinary rules of negligence will apply and you are liable, but if not, and if it cannot be proven that there was any negligence on your part, there is no reason why you should be held on.

MR. CURTIS: No but you might be liable, although you have no collision. You may have frightened the lives out of the people driving the cattle.

MR. HICKMAN: Well even if you did and the cow might calf on the way into the bar, but whatever the reason, still the ordinary rules of negligence would apply, but on this, there is the presumption, an irrebuttable presumption by the looks of it of negligence on the part of the motorist and may be it was the safety council, may be you will find it in some other Act. I do not know. It appears to me to be unnecessarily onerous and I do not see how it contributes to the safety of motorists or pedestrians or cattle on the highway.

You mean if you were driving through an area on the Trans Canada where it says minimum speed thirty miles an hour.

MR. CURTIS: Suppose you are driving a car and you pass a meeting some place or a funeral. Suppose there is a gathering of the citizens. You just cannot

go through them...

MR. HICKMAN: Oh no! no! no!

MR. CURTIS: This is a section that protects you.

MR. CROSBIE: No, no. It does not.

it says

MR. HICKMAN: That section protects you all right, but you have to wait until the funeral is over before you can go through.

MR. SMALLWOOD: Mr. Chairman, I wonder if some hon. member learned in the law could tell me the answer, give me the answer to the question that has been in mind for sometime. Law, Statute Law, certainly, normally is a reflection of the conditions that exist in the place where the law is made. A law which fits one place would be very unsuited to another place, because of the completely different set of conditions. I know this not apply to common law, but Statute Law. In Newfoundland, very little land is fenced in and people who fence their land, their gardens fence them to keep animals out not to keep animals in and very much more of the land in Newfoundland is unfenced than fenced, but if you go to Nova Scotia, New Brunswick, Prince Edward Island and across most of Canada, the exact opposite is true. There you fence land to keep animals in, not to keep them out. Therefore, you do not have animals roaming at large, when you leave Newfoundland, but in Newfoundland, the ordinary grazing for goats and sheep, horses and cows is the public domain, the side of the road. They go along and nibble the bit of grass along both sides of the road or even along the railway track.

You fence in the bit of land you have cultivated to keep the roaming animals out whereas it is the very opposite in other parts of Canada now. Statute Law, surely, if you make a law with regard to traffic on the public roads and you come to deal with the question of animals and collision with animals - I am not thinking so much of wild animals at the moment, as I am of cattle, sheep and horses.

3430

When you come to pass a law regarding motor traffic on a highway in a Province such as Newfoundland, where you do have domesticated animals, travelling on the highways, would the law not be different from the law in provinces where animals do not in fact travel on the road. Now I had an experience. the hon. member for Hr. Main and I and I think the Minister of Education, the three of us were driving from Fredericton, New Brunswick to Moncton, New Brunswick to catch a plane. I was doing the driving. It was in a cadillac that we had borrowed. We had borrowed this cadillac at Moncton. We drove in it to Fredericton, did our business and drove back to Moncton to catch the plane home and on the way back

MR. SMALLWOOD: and on the way back, we were coming along the road at a nice clip, I was at the wheel and a stupid cow, a stupid cow began to cross the road, right in front of the car, on the same side the car was on. In fact there were a half a dozen cows,

MR. HICKMAN: Tory cows?

MR. SMALLWOOD: and they were moving across the road from one part of a farm to the other part of the same farm, I believe, on the opposite side, and with superb skill I got the car slowed down to not a bit over fifty miles an hour, but the car was faster than the cows, the slow ones, the slow pokes the last cow crossing the road did not cross quite fast enough.

MR. MURPHY: A Reform Liberal?

MR. SMALLWOOD: Yes, right, right. And so what happened is what always happens to such creatures as the hon. gentleman mentioned, there was an impact and the full width of the front of the car hit the full length of the cow, because the cow was broad sides to the front of the car, and the cow was knocked for a loop, and the cow just rolled over and over three or four times;

MR. PHILIP LEWIS: Seven times.

MR. SMALLWOOD: Was it? The hon. member for Harbour Main will remember, I do not think he was counting. In all event, the cow jumped up and ran away as though nothing had happened.

MR. J. NOLAN: Has the hon. member for Harbour Main to the best of your knowledge driven with the same driver since?

MR. LEWIS: No.

MR. SMALLWOOD: Well, I tell you, Mr. Chairman, this is very apropos ^{of} what I am going to say, The hon. the senior member for Harbour Main District and I and the Minister of Education on the same occasion, when we drove through from here we landed at Halifax, and we landed there to refuel, and let some passengers off and take some on, and then we took off to go on to Moncton, where we were going to leave her, And as she took off in Halifax she got up so far, and lost an engine, he engine caught fire, and the pilot had to

MR. SMALLWOOD: keep on going to get enough altitude to get turned around again to come in and make a landing, and he landed safely. Oh! this, of course this looked a little scary in bad weather to see one of the engines in flame. So we got out of the plane and got away from her a fair distance, and the hon. member for Harbour Main, when the three of us got well over from her, over near the terminal building, we turned around and looked, and he make a pronouncement that I will never forget. He turned to the present Minister of Education, he said; "doctor, I never did trust the bloody things". So he goes now by dories. If he has to go to Halifax now, he goes up, he rows up by dory rather than by plane.

But, to come back to this serious question of animals, who has the right of way on our roads (leaving out wild animals)?

MR. COLLINS: The animals do, Sir.

MR. SMALLWOOD: The animals do? They do not in other provinces, I understand. In New Brunswick were I had that encounter with the cow, I was told positively that in New Brunswick the cow had no business on the road. The cow was supposed to be fenced in, and if the cow was out at large on the road, it was just too bad for the cow. I mean if there was an accident, and it was too bad for the owner. Whereas I believe in Newfoundland where cows are more valuable than land, it may be the very opposite, so if I hit a cow in Newfoundland I am liable, not the owner of the cow. Is that right?

AN HON. MEMBER: Inaudible.

MR. SMALLWOOD: That was when the railway used to kill them. The first fifty years of our railway in Newfoundland, there were many, many hundreds of cows and horses killed, and they had a tariff, and if/had an old spavined, broken down nag, then the obvious thing was to get it killed. And there were certain districts where they were very skilled at this. Very skilled, and they had great experience and they knew the proper age and condition of a anyway it costed the Reids a great many dollars, in one part of the province forests and in the other part the horses and cows, and I can tell you it costed an awful lot of money. I do not know what the clause is that we are

MR. SMALLWOOD: discussing. I have not read it, I am not sure what the act is. But I thought I would bring this philosophical question to the attention of the committee, to see if this truly reflects the social conditions, the morals of our people and the social practices and the historic background, and to see that the Law is in conformity with these things, in other words to see that it is a natural Law fitting our Newfoundland conditions. If not we should throw it out.

MR. SMALLWOOD, W.R. Mr. Chairman, I have been trying to get your attention for quite a while now, I am up too far to your left, I guess. But, I do not care Sir what is in the Act that we are amending, whether it is the same wording or not, if it is the same wording what difference does that make? If it was a bad law in the beginning, if this amendment is bad law, and if it is the same as the original Act, that means the original Act was bad law. Now this makes it strick liability on the driver of a vehicle not to be in an accident, not to collide with any other vehicle or any other person, animals whether wild or domesticated. As I say it is strick liability on the operator of a vehicle not to come into contact with anything on the highway.

Originally it must be drafted to stop people from driving excessively and making them have due care and attention and that sort of thing with regards to other vehicles, other persons, possibly domesticated animals upon the highway, But what chance would anyone possibly have, as one of the previous members said here tonight, if a moose suddenly jumped out on the road? A moose, or a caribou, a fox, rabbit, if you struck any of these animals, any wild animal whatsoever on the highway, and if you are being followed by a policeman, then automatically, you have committed an offence. Now if two vehicles collide, automatically each of them have committed an offence, the drivers. Whether one is at fault are in a court of law or not? But automatically under this section, and whether it is the same in this amendment as the original Act presently is, it makes no difference. If it is bad here, it it bad in the original Act, if this wording is in the original Act or other words meaning the same thing. That is no reason for the minister to get up and to say that really that this same section is in the original Act and we are just changing

MR. SMALLWOOD: W.R. the words around. Whether the words are being changed around or whether the words are exactly the same in the original Act, it is still not the proper legislation to bring in. Because I say, Mr. Chairman, this makes it strick liability, I know that in other provinces of Canada, they have strick liability on animal owners to keep the animals in off the highway. In case there are any members here who do not understand what this liability means, I will give you an example, a farmer must in most other provinces keep his animals off the highway under fence. If some person from Newfoundland goes up say to Nova Scotia, if they have strick liability up there with animals, and goes in and takes an axe and chops down a farmers fence and the farmer's cow gets out on the highway, some other person comes along and strikes the cow and does damage to his automobile, then the farmer is liable for the damage done to the automobile, that is strike liability.

MR. SMALLWOOD (Premier); What about if somebody did not chop down the fence, but the cow just jumped over the fence?

MR. SMALLWOOD, W.R. It is still the same. I am making the commission as worse as I possibly can. If a person goes up and chops down a farmer's fence and the farmer's cow gets out, and John Jones comes along and runs into the cow, kills the cow, damages his car, he sues the owner of the cow, a strick liability. This section here which we are asked to pass now, makes it a strick liability for anyone who strikes any animal, wild or domesticated or any other vehicle or any other person, anything whatsoever on the highway makes it strick liability. If two vehicles meet that means that each one according to this amendment should have avoided the accident. One person can be completely at fault in a court of law, and the other person completely innocent, according to this Act, if each were driving, each should have had his vehicle so that, the wild man could not have struck the sensible man who was driving.

AN HON. MEMBER: They are both guilty.

MR. SMALLWOOD: W.R. The are both guilty. I cannot vote for this.

MR. CURTIS: I do not care if the hon. member votes for it or not, it is a

MR. CURTIS: good clause and the clause should stay there. I do not care who raises the question again whether it comes from St. John's North or White Bay South. Here is a clause which says, if there is a fire on the road, suppose there is a fire on the road and you have to pass it on the way home, you got a right to go twenty miles an hour. But would you not be a fool to go twenty miles an hour, if there are a crowd of people there watching the fire? If on the way home tonight and you pass a collision, and the gathered crowd of people waiting for ^{an} ambulance, you got the right to burst through, but this ^{is} the section that protects you.

MR. HICKMAN: Oh, no.

MR. CROSBIE: Oh, no.

MR. CURTIS: What else does it do? Any person driving a vehicle on the highway should have the speed of the vehicle under such control that he may avoid collision with any person, vehicles, or ~~conveyance~~. You get vehicles on the road, you get stuck, you got a man waiting to go to the hospital, and yet according to some of the members here you should be allowed to go through the heralds of it. Nonsense, nonsense.

MR. HICKMAN: No, no.

MR. CROSBIE: No, no.

MR. SMALLWOOD: Mr. Chairman, I agree with the Attorney General, I absolutely agree. If the public of Newfoundland spend money to build a road, and then the Government licences someone to drive on that road, it can only be on the conditions that driver, will exercise absolute control over the car and be liable for what happens surely. Surely. On what other conditions could a man be licenced to drive on a public road? On what other conditions? Will you say that the maximum speed is 60 miles, so he is entitled to go up to sixty miles, so he is going at sixty miles, and as a result of going at sixty miles, which he is allowed by law, he kills two or three people. Is there not always whether he is going one mile or sixty miles, is it not always on him the responsibility of safe driving?

MR. HICKMAN: Yes, of course. That is not the section.

MR. SMALLWOOD: Well, if it has nothing to do with it, okay, but according to the Attorney General it has a lot to do with it. Maybe it is another clause, I do not know.

MR. BARBOUR: Mr. Chairman, if I maybe, Sir.

MR. CHAIRMAN: Order, order, please. The hon. member of St. John's West please go ahead.

MR. CROSBIE: Mr. Chairman, look we are now in committee of the Whole House, and we have been told when legislation comes before the House this is a place to amend it. And we are trying to suggest some sensible amendment here., Mr. Chairman, this has nothing to do, this is section 130 of the Highway Traffic Act, there are all kinds of other sections that say you must drive with due care and attention on the road. That you must not run into anyone. In this very section here says, No. 1, you are not to drive the vehicle at a speed greater than is reasonable and prudent under the conditions, having regard to accident potential hazards existing on a highway. The same section that we are talking about, you must not drive without due care and attention it said (3) You must not drive without reasonable consideration for other persons. (4) You must not drive if you suffer from a disease or physical or mental disability which might cause your driving a vehicle to be a source of danger to other persons. And then it goes on and adds, that perfectly ridiculous section, a section that ^{if} any House of Assembly passes would be held up to be a joke, that it would be held up to be fools. It goes on to say, and a person while driving a vehicle on a highway shall have the speed of a vehicle under such control that he may avoid collision with any person, vehicles or conveyance, animals or obstacles, that may be on or entering a highway.

Now the effect of this section is this, Mr. Minister, that anyone who drives on the highway who ever strikes anything while driving on the highway is guilty of an offence against the Act, because he has had a collision and therefore he was not driving at such a speed that he could avoid the collision. I am driving on the Tote Road, or any other road in this country

in this country and you have a dirt road, I go around the corner, and I am doing fifteen miles an hour or ten miles I come around a blind corner and I run into something on the other side. I go at two miles, I go at one mile an hour, I go at one-quarter of a mile an hour around this corner and I strike something coming around the corner, under this section I am guilty of an offence. Such trash and nonsense ever been suggested seriously to a House before. And we are trying to suggest into this committee here that this is a section that should be deleted because if any one on the highway hereafter who has a collision with anything no matter what speed he drives his car, is automatically guilty of an offence under that foolish little section (b) here. Now there is another hundred sections under the highways traffic act that prevents you from driving into a crowd. You see a crowd in the road, you cannot take your car and plough through them.

MR. NEARY: Would the hon. member name a section?

MR. CROSBIE: I can name this section right here, here is a section right here. (i) at a speed which is greater than is reasonable and prudent under the conditions - without due care and attention - without reasonable consideration for other persons, it is right in this section we are looking at. But this section (b) added here is a piece of codology, it is a piece of poor drafting and we are suggesting that it should be deleted. Now Mr. Minister if it has been there since 1962 it is now time to delete it unless legal advisers of the Crown, if the minister comes into the House and says the legal officers of the Crown advise, this is in effect in every other province and this is the reason and so on, well, let them advise, that is not the position that we see it in. So Mr. Chairman, I am going to move that we delete -

MR. ROWE: Before he does that I wonder if the hon. member would yield a moment and I make a suggestion here. I have, while he was speaking and while I was listening, my mind has been going back because I was in the department of Highways when this consolidation was drawn up in 1962, and I

remember I am beginning to recall that there was some dispute and talk about it at that time. Now, I would suggest, instead of taking any deleting action at this time, or instead of our getting stubborn one way or the other on the thing I suggest that what we might do is let that clause stand until the minister have had time to do to consult with three parties, (1) the safety people who may have had some special reason for insisting on that going in there. (2) the legal people may also have some legal, technical reason for its being there and I think also with the officials of the department, the engineers as well. Why not let that particular clause stand until he has had a chance. He could also satisfy himself, and I have a feeling that most of the things that we put in that 1962 consolidation were taken from the Ontario Department of Highways Act, most of it from Ontario and some of the other provinces as well. It might be wise to investigate and see whether or not that particular clause or one approximately like it is in the other provincial legislation as well, and if so then obviously there is some rationality for it somewhere, or they would not have it there.

MR.W.SMALLWOOD: Mr. Chairman, if I may be permitted Sir. I might say that I have great respect for the opinions of the Attorney General. However Sir his comments a few minutes ago I do suggest are based on a misunderstanding Subsection (1) of this proposed section (9) I have said nothing about that it is just the (B) part not (a) and the member for St. John's West read out four different parts about safety. Nothing much whatever wrong with that it is just the (b) part. But in addition to these sections there are many other sections of the Highway Traffic Act dealing with safety and the speed with which one must drive, due care and attention and all the rest. Nobody has made any comments about that tonight, nobody suggesting that it is wrong it is just the (b) part which makes it strict liability to run into anything. Nobody as I said Mr. Chairman, said anything about the (a) part and there could be a dozen other parts of the (a) part. But it is the (b) part about which I complained and any person who understands anything about it would have to complain about it also.

MR.CHAIRMAN: Is it the wish that clause 9 stand aside? Carried.

On motion Clauses 10 through 12 carried.

Motion, that the committee rise, report progress and ask leave to sit again.

Item 9 Bill No. 2. "An Act Further To Amend the Teachers' Loan Act, 1957."

On motion Clauses 1 through 5 carried.

Motion that the committee report this Bill carried without amendments.

Item 8 Bill No. 21: "An Act Further To Amend The Education (Teachers' Pensions) Act, 1962."

On motion Clauses 1 and 2 carried.

MR. CROSBIE: I presume that clause 3 means that what it says that a person is a pensioner immediately he retires, if entitled to a pension, whether or not he is actually receiving a pension at the time of re-employment. This is to provide for someone who goes out on pension and is then called back to called back to his post. Mr. Chairman, in addition to that particular pensioner, I brought this point up before and I intend to keep bringing it up. The position on teachers pensions is that the Government of this Province is collecting from the teachers' of the Province, six per cent I believe, as a contribution towards their pension and instead of putting in the teachers pension contribution into some separate kind of a trust fund, a look at the estimates for this year confirms that the Government is taking the teachers pension contributions and putting them in the general revenue and spending them. A part of our general revenue this year, in other words it is the same as if they were being taxed, their money which is theirs, is a pension contribution it is not been funded it is being just spent generally by the Government, do you not think this is in order Mr. Chairman?

MR. CHAIRMAN: Order please, this is not quite relevant to the paragraph in Clause 3.

Clause 4:

MR. CROSBIE: Mr. Chairman, on clause 4 to permit the Government to pay compound interest at 3 per cent per annum if a teachers pension contributions are withdrawn I gather. They would get their pensions contributions plus 3 per cent interest, compounded was left out there.

MR. ROWE: Left out there but in practice I -

MR. CROSBIE: Does not the minister feel that if the teachers pension contribution was going to a special fund and was there invested that it would lighten the load on the Government in future years to pay these contributions with the 3 per cent interest. And also that these contributions would then be available to pay the pensions that are going to become due with ever increasing force in the next few years as the teachers retire on higher salaries.

MR. ROWE: I do not know if it is in order Mr. Chairman, to comment on that. The fact of the matter is the point my hon. friend has raised, is one about which a great deal of debate, there has been here, and in other provinces, we are not the only province doing this. We are not and there are states in the United States doing it as well. It is a deliberate decision and right at this moment the teachers are, this is an actuarial fact, that right at this moment the deductions from the teachers salaries for pension purposes are greater than the amount being paid out for pensions. We know that actuarial I have forgotten now the year, my hon. friend, somewhere along the line as the graph moves up that will be overtaken and we will then be paying out more than we are deducting. It is a deliberate decision and some provinces do it and some do not it is a matter of debate. I do not have any strong, I know one thing that no government is ever going to repudiate its commitments in a case like this and the time comes when we have to pay out more money than we are deducting well then the Government whatever government is in power will do just that, as we have had to do for other things of that nature. On motion Clauses 4 and 5 carried.

Motion that the committee reports this Bill carried without amendment.

Bill No. 23: "An Act Further To Amend The Department of Education Act, 1968."

On motion Clauses 1 through 14 carried.

Motion that the committee reports this Bill carried without amendments.

Bill no. 18: "An Act Further To Amend The Memorial University Act."

On motion Clauses 1 through -

Motion the Committee report having passed Bill without amendment.

A Bill, "An Act To Amend The Education (Teacher Training) Act, 1968."

Motion the Committee report having passed Bill without amendment.

A Bill, "An Act Further To Amend The Child Welfare Act, 1964."

Motion the Committee report having passed Bill without amendment.

A Bill, "An Act Further To Amend The Department Of Public Welfare Act, 1965."

Motion the Committee report having passed Bill without amendment.

A Bill, "An Act To Provide For The Appointment of a Parliamentary Commissioner To Investigate Administrative Decisions And Acts Of Officials Of The Government Of The Province And Its Agencies And To Define The Parliamentary Commissioner's Powers, Duties And Functions."

MR. HICKMAN: Clause (2) Mr. Chairman, when this Bill was debated on second reading, there was an indication by the minister introducing the Bill, and then later by the hon. the Premier. Any amendment in Committee that did not go to the principle of the Bill in a sense of taking away any the rights of Parliament, would be given very sympathetic consideration. As the Committee is aware this Bill was drafted after very extensive study by a Select Committee of this House, and forming a part of the report of this Committee, were the Acts of Alberta, New Brunswick and New Zealand. Now in Section (2) Mr. Chairman, the definition of the word "agency" leaves a great deal to be desired. The intent I suspect is clear, but as it now reads, "agency" now reads, any agency of Her Majesty or Her Majesty's Government and includes the Workmen's Compensation Board. That by implication Mr. Chairman would indicate in order for any Board to be included within the stroke of this Act, that it has to be specifically named, otherwise what is the point in naming the Workman's Compensation Board? It seems to me Mr. Chairman, that the definition of agency as defined in the New Brunswick Act, more clearly meets the intention of the Legislature as far as our Bill is concerned, and in the New Brunswick Act, it simply says in this Act (a) Department or Agency means any department, agency, or organization of the Government of the Province. This would

make it sufficiently broad to take in any of the agencies of the Crown, which was obviously intended here, but I suspect that the way it is now drafted that we might exclude certain Crown agencies unwittingly, and I would like to see the New Brunswick definition substituted in Section 21 (a) and that it therefore be changed to read, that we delete (a) and substitute therefore, the following a "department" or "agency." Means any department, agency or organization of the Government of the Province.

MR. CROSBIE: I do not know if the learned gentleman's amendment would not exactly fit in to the definitions in this Act. His department is already defined. If agency means any agency of Her Majesty or Her Majesty's Government, would that be the

MR. HICKMAN: No. Agency could be defined because agency means "any agency or organization of the Government of the Province. That will cover it. But the reference to the Workmen's Compensation Board - by including that I submit that we may be by implication excluding others. And I would like to see agency defined means "any agency or organization of the Government of the Province.

MR. CROSBIE: Mr. Chairman, if this legislation is to mean anything, then the Parliamentary Commissioner should be free to carry out his duties with respect to any department of the Government or any agency, including the Newfoundland and Labrador Housing Corporation, the St. John's Housing Corporation, the Newfoundland and Labrador Power Commission, the Newfoundland Liquor Commission. Any agency or commission of the Government should come under this Bill. And the way this definition reads here now is definitely an indication that this may not be the case. So could we hear from the minister who is in charge of the Bill, as to whether, or as to what he thinks Section 2 (a) covers - whether he is willing to consider this amendment, or what his position is on this?

MR. NOLAN: My own recollection of this - as a matter of fact, the hon. member for Burin was as he will recall, the Minister of Justice at the

time, and one who indeed worked on the legislation. That it was our intention indeed to have any agency covered. I think I should point out that in other Provinces and countries what was done for my own reading and recollection, is that they were not as broad as this in fact they set up the ombudsman's position, and then as experience proved, they went on to eventually name various agencies, departments and so on, rather than making it all embracing in the first instance. That is my own personal recollection.

MR. HICKMAN: Mr. Chairman, the Alberta Act has the same definition, agency means "any agency the Government of Alberta." There must be some very good reason why the Canadian Provinces are following this definition of agency. And it seems to me that if the Section is to have the intent that was meant by the Select Committee, that this definition that we now find, plus the fact that Mr. Chairman, these Acts will undoubtedly from time to time, be subject matter of interpretation by our Courts. And it would be very desirable if decisions in other Canadian Provinces such as Alberta and New Brunswick and any others that may follow, will be on the same point and the same section that we have here. It would make the interpretation and the administration of the Act that much easier -

MR. NOLAN: (inaudible)

MR. HICKMAN: Not yet, it has not been in operation long enough. Only New Brunswick is three years and Alberta, two, but it seems to me that there appears to be no dispute in this House as to what is intended. Well the hon. the Minister just admitted and suggested that what was intended that the definition of "agency" would be all embracing. But this definition that is contained in this Act may not make it as embracing as had been intended by either the Committee or by the Government in introducing this Bill. I think that the whole problem could be cured by deleting 21 (a) and substituting therefore, I mean deleting (a) of 21 (a) to read as follows: "Agency" means any agency or organization of the Government of

Newfoundland.

MR. CHAIRMAN: The motion is that Clause 21 (a) be deleted and the following substituted therefore: "Agency" means, any agency or organization of the Government of the Province.

MR. ROBERTS: Mr. Chairman, I wonder if perhaps the Committee would agree to let that Clause stand and I will undertake to have the matter checked with the drafts, and I would want to find out just why the words were used. Draftsmen in my brief experience Sir, do not use words lightly, and if they had a reason, good. If not, we will see. But if the Committee perhaps could let the amendment as moved, stand, and pass on to another clause, if the Committee wished. I would undertake to get the information and we will get an answer.

HON. G. A. FRECKER (Minister of Provincial Affairs): Mr. Chairman, in Quebec a comparable Bill has Section (15) which reads as follows: "For the purposes of this Act a Government body, is any body who is functioning, or employees are by law appointed and remunerated in accordance with the Civil Service Act, and also the Quebec Civil Service Commission, the Quebec Municipal Commission and the Rental Commission. So there is a place for satisfying certain organizations.

MR. CROSBIE: The point is this. If these organizations have to be specified and if there are certain other organizations that we wish to see specified in the Bill, either wording it indicates all Government agencies are under the ombudsman jurisdiction. Or if more agencies added besides the Workmen's Compensation Board.

MR. CHAIRMAN: Can we pass Clause (2) without the exception of sub-clause (a).

MR. HICKMAN: Mr. Chairman, if 2 (a) if the proposed amendment should carry, then where does leave 22. 22 reads now; "the Lieutenant-Governor-in-Council may while the House of Assembly is not in session make an order deeming anybody specified in the order to be an agency for the purposes of this Act. Well if the agency definition is made all embracing."

MR. HICKMAN: I see. Yes, that is right. All right. Okay.

MR. CHAIRMAN: The effect is that we pass Clause 2 with the exception of 2 (a).

On motion Clause 3 and Clause 4 carried.

MR. SMALLWOOD: Mr. Chairman, I think my colleagues on further reflection feel that Subsection 2 of Section 5 ought to be deleted. We do not see why there is really any need for the ombudsman to have lived for ten years in the Province. He might have been here only three years or five or eight or nine or nine and a half, or he might have been here all his life, and so as my colleague the minister who is sponsoring the Bill cannot move it, I move that 5 (2) be stricken out.

Motion is that Clause 5 (2) be deleted and the numbering of (1) be deleted as well. Carried.

On motion Clause 6 carried.

MR. HICKMAN: Clause 7, Mr. Chairman, that provides that at any time the Legislature is not in session, the Lieutenant-Governor in Council may suspend the commissioner from his office for disability and neglect of duty, misconduct, bankruptcy proved to the satisfaction of the Lieutenant-Governor in Council, but the suspension shall not continue enforced beyond the end of the next session of the Legislature. This whole Bill, Mr. Speaker, is intended to maintain the absolute independence of the officer of this House who is so appointed by this House, and the provision again in the New Brunswick Act which forms part of the report that has been tabled in this House, is not quite the same. The first part says that: "on the recommendation of the Legislative Assembly, the Lieutenant-Governor in Council may remove or suspend the ombudsman from his office for cause or incapacity due to illness or any other cause." (2) "When the Legislative Assembly is not in session, a judge of the Supreme Court of New Brunswick may suspend the ombudsman from his office for cause or incapacity due to illness

or any other cause upon an application by the Lieutenant-Governor in Council. In other words, it affords some protection, Mr Chairman, to the ombudsman, in that he cannot be dismissed between sessions of the House simply because he may have offended the Lieutenant-Governor in Council. There has to be cause and to protect the rights of the ombudsman and to make sure that the Lieutenant-Governor in Council cannot frivolously or vexatiously dismiss an ombudsman. He does have this protection, that the Lieutenant-Governor in Council having come to the conclusion that the ombudsman is not fit to continue in that capacity, that an application must be made to a judge of the Supreme Court.

In other words, this affords the ombudsman the right to be heard and to try and satisfy a judge that there is no cause for his dismissal between sessions of the House. It does not take away from the House the right to dismiss, when the House is in session and at the same time, it imposes an onus and responsibility on the Lieutenant-Governor in Council to proceed very, very cautiously and to make its case before a judge of the Supreme Court and, Mr. Chairman, this is a rather lengthy amendment and I would like, before moving an amendment, to hear from the hon. minister or any other members, because the suggestion was made during second reading that this would be a more desirable way to deal with the situation where an ombudsman has to be removed for cause between sessions of the House, because the whole principle is that he is a servant of the House and that the Lieutenant-Governor keeps hands-off, but we do realize that there will be occasions, or there could be occasions when the House is not in session, when it becomes obligatory to remove an ombudsman.

MR. NOLAN: That can only be effected when the House resumes. He can only be suspended.

MR. HICKMAN: From a practical point of view, Mr. Chairman. If an

ombudsman is suspended and there is a new - or removed not suspended, removed and ..

MR. NOLAN: He can only be suspended not removed!

MR. HICKMAN: Suspended, but if, Mr. Chairman, let us be practical. If an ombudsman is suspended and it becomes public knowledge that an ombudsman has been suspended by the Lieutenant-Governor in Council for cause, that ombudsman has lost his effectiveness and the suspension is not going to be lifted. But what is so wrong with following the practice that...

MR. NOLAN: When you say, ^{if} it is submitted to the Supreme Court, he has lost his effectiveness?

MR. HICKMAN: Well at least you know this, that if the Lieutenant-Governor in Council succeeds in satisfying a judge of the Supreme Court that there is cause for his dismissal, that there can be no threat or fear rather, or suggestion that he has been removed for any other reason.

MR. CANNING: I think we are going ahead too much. He is not even appointed yet.

MR. HICKMAN: I realize that. But, Mr. Chairman, it seems to me that when we are passing this kind of legislation, which has the approbation of all hon. members of this House, I think, I am not sure that the hon. Leader of the Opposition sits on this, but other than the hon. Leader of the Opposition, everyone else seems to be favoring the principle of this Bill and it seems to me that what we are talking about here is mainly procedural. It does not go to the "guts" of the Bill. We are not suggesting a change in this section ^{that} would result in a defeat of the Government nor would it result in a defeat of the Bill, but surely, if we are going to have the ombudsman work the

way that we want it to work and the way the select committee would like to see the office perform or carried out, the duties of the office performed, then why not follow the tried and true practice and to remove - the idea is to get the message through to the people of Newfoundland that this man is completely, absolutely independent and that he does not have to worry. He is not in fear of any hon. member of this House and surely by providing that sort of section and as I say it is a lengthy section and for me to move it, we will be here until midnight, but I would like to say that if we got an indication that the House would approve of the principle, as set forth in the New Brunswick Act, then it would be a simple matter for the draftsmen and the Department of Justice to redraft that section and the Government could bring it back as amended.

MR. NOLAN: The New Brunswick Act by the way is not the only one. I am sorry.

MR. HICKMAN: No, no.

MR. NOLAN: Yes, I know, this is not the only way that this applies across Canada. There are others where the judge of the Supreme Court does not have anything to do with this suspension or removal.

MR. CROSBIE: Mr. Chairman, I do not want to interrupt the hon. minister, but as I happen to have the floor, I will. Ordinarily, I am too polite to do it.

MR. SMALLWOOD: Yes, of course.

MR. CROSBIE: Now do not give it to us in baby talk. Mr. Chairman, quite seriously, it is no good trumpeting to the house tops that a great reform in Civil Rights is gone ahead and then in all of these little sections of the Bill emasculated. The Lieutenant-Governor in Council should not want - should not want - I will tell you what emasculate

means, if you keep bugging me, and it is something that you might keep in mind. The electoral on Bell Island might see to that, if you are not careful, Mr. Minister.

The Lieutenant-Governor in Council, Mr. Chairman, I would think would not want to have anything to do with this ombudsman. Why should they want to have the power - the Lieutenant-Governor in Council to suspend them with all the political chaff that will fly if that is done. Now the province of New Brunswick has reached a satisfactory way of getting around this. The Lieutenant-Governor in Council applies to a judge of the Supreme Court and if they prove their case, the man is an alcoholic or if he is too inquisitive or whatever the reason is, something that satisfies the Act, then the judge suspends him. Now is the minister prepared to be reasonable on these sections or are we just wasting our time suggesting amendments in the committee of the House, because what the hon. minister suggests - the member for Burin, is reasonable. It will satisfy us. It will bring about. No I said, will be reasonable and in addition it will satisfy us and we can proceed with the Bill, but why should - if the Lieutenant-Governor in Council has the power to suspend the commissioner, he is going to know it. He is going to be influenced by it. It is wrong, and I do not see why the Lieutenant-Governor in Council wants that power. So I suggest that we follow New Brunswick, as the hon. member for Burin has suggested, which is reasonable. You apply to a judge and if any of these things are proven, he is suspended. What could be more reasonable that that.

Now we have always been under the misapprehension, perhaps, that the hon. minister was reasonable, that he wants to get this Bill through, the general Act probation so we will all understand it and the public will approve it. That is not going to be so, if he appears to be absolutely rigid,

like the Minister of Justice who will consider no reasonable argument at all, as he showed here earlier tonight.

MR. ROBERTS: Mr. Chairman, before we go any further on these nasty cracks back and forth, if the member for Burin will be kind enough to send over his draft of the proposed amendment, we will have a look at it.

MR. HICKMAN: Well, Mr. Chairman, it is right here.

MR. ROBERTS: Although I have a shelf, Mr. Chairman, under my Chair, it is not filled with Hansards anymore because I am going to carry them down to my room. but I do not have a copy of the select committee report. If the hon. gentleman wants to send me the amendment, I will undertake. We will talk to the draftsmen and see and we will look at Acts other than New Brunswick, because Quebec now has an Ombudsman Act; Alberta, Manitoba, the Parliament of New Zealand has one; the United Kingdom. We will have a look, Sir, and see what the practice is, but let us see the amendment and we will have a look at it and so much for the nasty cracks from St. John's West, Sir.

MR. CROSBIE: The hon. minister is very touchy, very, very touchy.

MR. HICKMAN: Well apart from that, Mr. Chairman..

MR. CROSBIE: And he has just had a ten day holiday.

MR. ROBERTS: The only nice thing of being away was listening to him.

On motion, that the Committee rise, report having passed Bills no. 2, 3, 10, 11, 13, 17, 18, 21, 22, 23, 24, 37 and 41 without amendments and Bill no. 15 with some amendments. Mr. Speaker returned to the Chair.

MR. NOEL: Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report having passed Bills no. 2, 3, 10, 11, 13, 17, 18, 21, 22, 23, 24, 37 and 41 without amendments.

On motion report received and adopted, Bills ordered read a third time on tomorrow.

MR. NOEL: Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report having passed Bill no. 15 with some amendment.

On motion report received and adopted, Bill no. 15 ordered read a third time on tomorrow.

On motion Committee ordered to sit again on tomorrow.

MR. SPEAKER: I now call it 11:00 p.m. and this House stands adjourned until tomorrow afternoon at 3:00 p.m.