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# **VERBATIM REPORT**

**TUESDAY, MAY 5, 1970**

**SPEAKER: THE HONOURABLE GEORGE W. CLARKE**

The House met at 3:00 P.M.

Mr. Speaker in the Chair.

HON. J.R. SMALLWOOD (PREMIER): Mr. Speaker, may I, on behalf of all hon. members of the House, express a word of very warm welcome to some thirty students of grades eight and nine from the Foxtrap Junior High with their teacher, Mr. Eddy, who are in the gallery today visiting us and having a look at the people's House to see not only what it looks like but what it sounds like and to form some idea of how we operate here in this Chamber.

Foxtrap is a place that is quite famous in education because I think it was in Foxtrap or nearby there that the first Regional High School was established under the new system here in our Province in 1954. I think tonight they are having the formal opening of one of the most handsome, one of the most magnificent schools in the whole Province and that is on the access road connecting the Conception Bay Highway with the Trans-Canada Highway there in that vicinity of Foxtrap and Long Pond along there. Therefore, Mr. Speaker, this whole area, the Foxtrap area, has become famous in education circles for the great devotion they show to the cause of education and certainly as far as I can judge by the appearance of these young men and young women who are here today from Foxtrap Junior High they are certainly having great success in the policy and in the program of education here in Newfoundland.

I do not know if it is their first time here this present session, perhaps it is and they are running around 1,300 students from various parts of our Province who have come here to the House in the present session and I do hope that out of these 1,300, I suppose there will be a few hundred more yet before this session closes, that out of the 1,400 or 1,500 or 1,600 young Newfoundlanders at least some of them will be inspired by what they see here and what they hear to make up their minds that one day they will run as candidates and sit here as members on the floor rather than just coming here as visitors and sitting in the galleries.

Now every day when we have these visitors I wind up by issuing a challenge to the Leader of the Opposition who sits directly across from me. Yes, it is **3!** the good looking one on the other side who is the Leader of the Opposition, the

MR. SMALLWOOD:

good looking one and the eloquent one. The students might take notice of the Mace. In other Houses the committee table will be a little farther down or at any rate if not, then the Premier would be a little farther up and so would the Leader of the Opposition because the practice is this, the Mace stands there on the table, that is this very handsome twenty-two carat gold Mace presented to this Province just after Confederation by the Province of British Columbia, made of British Columbia gold, made in England by the Silk Goldsmiths to the Queen and to the King. In other Houses the Crown points towards the Premier and he sits directly across from the Crown and the Leader of the Opposition sits directly across from him but the table perhaps is a little on the short side to the size of this Chamber so that the Mace instead of being directly opposite or instead of the Leader of the Opposition and the Premier being directly opposite the Mace there is a little distance between us but however the Mace apart, the Leader of the Opposition sits across the floor and he is going to get up now and make a fierce attack on everything I have said.

When I said that these are extremely intelligent and good looking students and that they are a credit to Newfoundland and that they are the hope of Newfoundland's future, as Leader of the Opposition he should get up and attack me and deny everything I have said and I challenge him to do that knowing very well, of course, that he will not, knowing that he will get up and agree with every word that I have said in expressing the welcome of his party to these students here today.

MR. MURPHY: Mr. Speaker, as usual perhaps it might be the only time during the day that I agree with the hon. Premier in welcoming these pupils from Foxtrap Junior High with their teacher, Mr. Eddy, and I am sure I can only repeat what I say most every day how happy we are on this side to welcome the students and to have them here in the people's House to observe us doing the people's business. It is very interesting, I think, and possibly it is something that we would perhaps further go into at some time with a lot of these school students when the House is not in session perhaps to actually bring them into a Chamber, our Chamber here, and explain I think the Premier has mentioned the Mace which is the authority, of course, of the Speaker and the various other matters pertaining

MR. MURPHY:

to the operation of this Legislature. It is very interesting indeed and I am sure that these thirty pupils will enjoy themselves. It is a pity they had such a miserable day coming in over the highway but I hope that their visit here in the House will be interesting for them and that they will learn something as to just what we do in the House. I think they will be particularly interested in their two members in this House to see how they act up to different emergencies because after all we do represent various districts but in the over-all picture we represent all of Newfoundland.

So, Mr. Speaker, again on behalf of the Opposition I take great pleasure in welcoming these students and trust that they will have an enjoyable stay with us.

MR. CROSBIE: Mr. Speaker, we also would like to welcome the students from Foxtrap Junior High and their teacher, Mr. Eddy. We trust that they will find the time they spend here interesting and informative. I would like to suggest again that some information be given them when they visit the Chamber here or at least the Order Paper of the day, I do not know if that has been arranged as yet, but I think it would be much more interesting for them if they had an Order Paper to follow or something to follow our proceedings with.

We are glad to see the students here and we hope that they will have a worthwhile afternoon.

MR. F.W. ROWE: Mr. Speaker, I rising on the small matter of Breach of Privilege, but before doing so may I also add my voice to others who have welcomed these young men and young women here this afternoon. The Premier has already mentioned that they had the satisfaction of being the first in a great new reform in Newfoundland, actually I think there is some little dispute about that. I believe that there were two Regional High Schools built at the same time, one in Corner Brook by the Roman Catholic Board and one in Foxtrap for Conception Bay South by the Anglican School Board and they were the first two. Tonight the beautiful new school that will be opened on the access road is I believe, and I am subject to correction on this, but I believe it is the first of the second generation Regional High Schools. We now have those Regional High Schools scattered in every part of Newfoundland from the Strait of Bell Island to the Southern Shore

MR. ROWE:

to Port aux Basques and this, I think, is the first of the second generation one. I understand that the other one, the old one, has become a Junior High School for Conception Bay South.

I rise also on a small matter of personal privilege, in the Daily News today there is a little confusion with regards to something I said here yesterday. This report says, "I hope whoever is the Education Minister will help next year, will help shift the burden to shoulders that can better stand it". Mr. Speaker, I have never been that modest, nobody has every accused me of being that modest and I did not say that. I was talking and I guess I was talking pretty fast that it made it difficult for the reporters to get it. I was referring when I spoke about shoulders, whether they were able to understand it, I was referring to the public of Newfoundland when we were shifting the ceiling from \$600., the exemption ceiling from \$600. to \$1500 I said and that really meant that we were taking some of the burden off the shoulders least able to stand it and I was thinking particularly of pensioners, widows and people with low income and so on and shifting it to shoulders better able to stand it. I was not referring to my own shoulders at the time.

Seeing I am on this matter, I appear to have given some cause for speculation yesterday as well. I hasten to remove it. Perhaps I should remind the House that, two and a-half years ago I think it was, that the hon. the Premier at the time that the Royal Commission report was being introduced he invited me publically, remember he made the statement and he asked me if I would go into the Department of Education for second time round to preside over the implementation of the report and the reorganization of the department and so on and I did do that, I must say I did not do it with too much happiness because I knew how difficult a job it was. So when I said yesterday that I expected or I hoped some other Minister would be here it was precisely because the implementation of the report, at least the initial stages, and the reorganization of the department will have been completed by I would suggest the first of June this year and I was simply expressing the very selfish oath, the very selfish wish, that I will not be standing up here next year as Minister of Education. There was nothing cryptic or mysterious about it at all, I just do not expect in fact

MR. ROWE:

I confidently do not expect that a year from now that I will be the Minister of Education. That is all I meant because I will have performed the assignment which the hon. the Premier, at least to the best of my ability, had invited me to do.

So I will not be leaving the scene of things yet until such time as the electors of Newfoundland decide that it is time for me to get out.

ANSWERS TO QUESTIONS

MR. NOLAN: Mr. Speaker, I would like to supply the answer to question no. 498 on the Order Paper of May 4th as asked by the hon. member for St. John's West.

(1) In connection with tenders called on January 9th and 13th for the transport of miscellaneous supplies of packages, cartons, etc. on a twice-weekly basis from St. John's to the Cottage Hospitals at Come-by-Chance, Markland, Old Perlican, Placentia, St. Lawrence, Burin and Grand Bank, how many tenders were received in response to the tender call and to whom was the tender awarded?

The answer to part (1) is fifty-five tenders received. That is (a) of 1. (b) the tender was awarded to Mr. Leo Walsh, Placentia, Mr. William Squires, Sibleys Cove, Trinity Bay, Messrs. Wadman Brothers, Arnolds Cove, Placentia Bay.

(2) With respect to the successful tenderer what was the tender submitted and was this tender the lowest tender of those submitted?

MR. JOHN. NOLAN: Question No. 2. With respect to the successful tenderer what was <sup>the</sup> tender submitted, and was the tender the lowest submitted? Yes. Leo Walsh \$3,600, William Squires \$1,500, Wadman Brothers \$1,040. I might say that for a matter of clarification, if I may Mr. Speaker, that this was a system that had been going on for some years which we decided to look into through the co-operation of the officials and the minister in the Department of Health, and I might say that by going and calling the tenders in the way that we did, it resulted in a saving this year of somewhere between \$14,000 and \$16,000.

#### FURTHER ANSWERS TO QUESTIONS

HON. E. WINSOR: (MINISTER OF LABRADOR AFFAIRS): Mr. Speaker, I have an answer to Question appearing on the Order Paper of March 6th. Question No. 190. I think the delay in answering this question, Mr. Speaker, the former minister of Fisheries <sup>had</sup> intended to answer this, but somehow the answer got mixed up in one of his files and it just came to my attention two or three days ago. The answer is that the funds invested in the fish plant and facilities represent a portion of monies raised for the general purpose of the Government, it is not possible to relate them to any specific source and therefore the details requested are not available.

And that same answer applies to Question 191 appearing on the Order Paper of the same date.

HON. E. DAWE (MINISTER OF MUNICIPAL AFFAIRS AND HOUSING) Mr. Speaker, answer to question 490 on the Order Paper of April 30th. asked by the hon. member for Burin. Question 490 - (1) No. Therefore the other questions do not arise two, three, four and five.

I wish to state that a preliminary engineering work has been carried out at Red Harbour and the total estimate cost for water and sewerage system is \$120,000.

#### ORDERS OF THE DAY

MR. JOHN CROSBIE: I would like to move the adjournment of the House to discuss an urgent matter, on a definite matter of urgent public importance this matter namely; the likely closing of hospitals locating at Corner Brook,

MR. CROSBIE: Grand Falls and Twillingate on Friday, May 8th. this week by reason of withdrawal of services by hospital workers, who are members of the Canadian Union of Public Employees, and a further disruption of the health services of the Province by the likely cessation of work by members of the Newfoundland Society of Laboratory Technologists on Thursday, May 7th. this week, all by reason of the failure of the Government to communicate with the representatives of the workers and employees involved, the failure of the Government to negotiate with them, and the failure of the Government to make possible the implementation of the recommendations of conciliation boards, having reference to the wages and working conditions of hospital workers, at the hospitals in Corner Brook, and Grand Falls. All of the same constituting a crisis with reference to vital public services of this Province.

Mr. Speaker, the budget was brought down in this House on April 23rd., this is now twelve days later, eight sitting days later, and neither the Budget Speech has not been called by the Government nor have estimates been called by the Government. And the indication is that the Government has no intention of moving to these matters on the Order Paper until legislation is cleared up.

The Province of Newfoundland has been in a state of crisis for the last twelve days, because of a situation with reference to the public service. It is quite clear that hospitals at Corner Brook, in fact the hospital at Corner Brook is already been closed down now, in anticipation of the withdrawal of services on Friday, we are going to have hospitals at Corner Brook, Grand Falls and Twillingate closed by Friday of this week. We are going to have other hospitals throughout the Province, their operation and efficient operation interfered with by the cessation of services by laboratory technologists, and this is an urgent matter, Mr. Speaker, not only an urgent matter, but a matter that required debate urgently in this House where the elected representatives of the people of Newfoundland can discuss this situation, just what communication there has been between the Government and the workers involved. What the situation is, so that we can all express our views and what should be done on this grave crisis.



MR. CROSBIE:

Now Mr. Speaker, under our standing orders, standing order No. 23, I submit that this motion is in order, that the only basis on which the motion could be found not to be in order, would be under sub-section (4) on page 15, the motion must not anticipate a matter which has previously been appointed for consideration by the House. And, Mr. Speaker, these matters have not been appointed for consideration by the House, there is no legislation on the Order Paper that has reference to hospitals or hospital workers.

The Budget Speech and the Estimates have not been appointed for the consideration by this House. They are on the order paper, if your Honour is to take the position that this matter cannot be discussed because there are on the Order Papers provisions for the Budget Speech to commence, and the estimates to commence

MR NEARY: Inaudible.

MR CROSBIE: A very valuable contribution by the hon. minister.

MR NEARY: Rotten, cheap politics ..

MR CROSBIE: Rotten, cheap politics is the fact that the Government does not want debated in this House this situation which the Government has created.

MR SPEAKER: Order. Will the hon. member continue.

MR CROSBIE: Mr. Speaker, it is clear that these matters are not appointed for consideration by the House, that the Government has not appointed any date for the Budget Speech to start nor the estimates to be discussed. Rather the Government's position is that it refuses to give this House the opportunity to discuss these matters, which are of the utmost importance to this Province. If Your Honour is to take the position that they cannot be discussed because these matters are simply on the Order paper, then clearly no parliament nor House of Commons can ever entertain a motion of this nature because there is always on the Order Paper either the Address

MR. CROSBIE: in Reply or Estimates or Supply Resolutions or a Budget Speech. It is quite clearly shown that for the last eight days the Government has refused to permit this whole situation to be debated. This is caused by a failure of communications and negotiation by the Government and it is urgent that the members of this House be permitted to express their views and to outline for the public what the facts seem to be and to urge some settlement so that the closing of hospitals in this Province can be avoided.

I, therefore, submit Your Honour that this motion should be allowed, so we can proceed to debate now this urgent matter, if it is not dealt with in a proper and satisfactory manner now, <sup>it</sup> will result in the closing of vital hospital services throughout this Province.

MR. SMALLWOOD: Mr. Speaker, nobody would dispute that the matter is urgent, but I dispute that it is urgent to be debated here today, and that all other matters be dropped so that, that debate may take place. I dispute that, I contest it, I say it is not so. The matter has been set by the House Your Honour for debate, because it is on the Order Paper, and not only the Budget Speech, but the Budget itself, that is to say the estimates of expenditure, revenue and expenditure, these are on the Order Paper, and they will be called at the Government discretion, which it is the Government's right to do, and no one else's. The business is called at the discretion of the Government, the Government have given notice of it, it is on the Order Paper for anyone to see, and it will be debated, all these matters will be debated, and on that occasion the matter of the hospital workers, civil servants and others and pay increases for them will be debated. The matters themselves, these urgent matters, not the urgency of debate, but urgency of the matters is admitted and negotiations are going on, Mr. Speaker, constantly, they have been going on today, they have been going on this forenoon, they are going on this afternoon, and it would be highly mischievous, it would be mischievous in the extreme, mischievous and damaging to the public interest in the extreme to have a knocked down, drag out political squabble about it in this House. It would be most damaging to the public interest. These matters are under careful study and

MR. SMALLWOOD: negotiation. The negotiations are going on, they are not public, private negotiations are proceeding morning, afternoon, and night, last night, this morning, this afternoon and doubtless this night. And the public interest of everybody concerned would be highly damaged. But apart from the question of damaging the public interest, and interfering with extremely important negotiations that are proceeding, apart from that, there is no urgency of debate. Although, there is admittedly greater urgency of the matter itself, but what Your Honour has to decide of course, is whether or not it is urgent that this matter be debated now to the exclusion of other business, that we drop all other things, and go into a debate on this particular matter. And I submit to Your Honour that it is not urgent that it be debated now.

MR. SPEAKER: The hon. gentleman stated his point very well.

MR. CROSBIE: In connection with what the hon. the Premier has said, Mr. Speaker, I want to refer you to page 90 of Beauchesne. "Urgency within this rule does not apply to the matter itself, <sup>but</sup> it means urgency of debate. When the ordinary opportunities provided by the rules of the House do not permit the subject to be brought on early enough and public interest demands that discussion take place immediately". That, Mr. Speaker, is what I submit is the position here, "the ordinary opportunities provided by the rules of the House do not permit this subject to be brought on early enough, because the Government through its control of the majority of members of the House do not want this subject to be brought on early enough, now or the immediate future. But we submit, Mr. Speaker, that public interest demands that discussion take place immediately. The Premier says, negotiations are proceeding. There were no negotiations proceeding, Mr. Speaker, up to 11:00 O'Clock last night in relation to the Canadian Society of Laboratory technologists as we all know. And to the best of my information and belief, there are no negotiations taking place with the Canadian Union of Public Employees up to last evening.

AN. HON. MEMBER: That is a lie.

MR. CROSBIE: It is not a lie. To the best of my

MR. WELLS: To say that is a lie is unparliamentary.

MR. SPEAKER: Order, please. This matter of saying to somebody else across the floor, this is a lie, this is a deliberate lie is strickly out of order and <sup>Such</sup> phrases and words should not be used in this hon. House.

MR. CROSBIE: To the best of my knowledge and belief this matter was not been negotiated with the Canadian Union of Public Employees up to last evening. And if the hon. minister had other information, then he should provide it to the House. In any event it is certainly not a lie, it is to the best of my information and belief. The Government has not been negotiating with any of these groups, that is what has caused the trouble, that is what has caused this situation.

Now, Mr. Speaker, it has been twelve days since the Budget Speech we have not been given in this House by the Government an opportunity to discuss any of these matters, and I submit to Your Honour that <sup>it is</sup> in accordance with the rules and with Beauchesne, and in accordance with the public interest to have discussion take place immediately.

MR. SPEAKER: If no other member wishes to assist the Chair in his ruling in this particular matter, I will now give my Ruling....

MR. MURPHY: Mr. Speaker, I would just like to have a few words on this, and the implication by the Premier that it is mischievous, and politically mischievous I think was the expression used. I must disagree with it because in my opinion as a responsible member of this House, some days ago I moved the same motion, the same argument was put forward that it would be in the estimates and the budget debate. Now this has been a week or more since, we have not come, are we going to sit here fiddling while the whole Civil Service is burning Mr. Speaker? I fell that it is very urgent, it was urgent a week ago, ten days ago, and I believe we are now in the midst of a crisis that could end Lord only knows where, and I feel that the time

MR. MURPHY:

the time for debate is now and do not let us put it off for another three or four days.

MR. WELLS: Just to provide Your Honour with a bit of information to enable Your Honour to access the public urgency of debating this question. The Christopher Fisher division, the largest portion of the hospital facilities in Corner Brook have for the past three or four days been in the process of being closed out, the patients who were in hospital and in need of hospital treatment are being referred to their homes and the nursing staff of the hospital being sent around to look at them in their homes on the same basis as VON nurses would do and if this is not a matter requiring urgent debate in this House then that Government sitting across opposite has no sense of responsibility toward the citizens of this Province.

MR. BURGESS: I feel that the urgency of debate on this matter is certainly undeniable because what could be more important to a Government or to a Province than the jeopardy of peoples lives, the people who are being serviced by these people who have threatened to strike. Now the hon. the Premier is possibly sincere when he said it is not in the best public interest to debate this matter now, to have a knock them down, drag them out political fight on this matter that it may jeopardize the public interest but I would like to remind you, Mr. Speaker, that the hospital workers happen to be part of the public also. These people have turned down an offer, they are acting completely out of character on the basis of their responsibility in society to even offer an ultimatum of this nature to say that they will withdraw their services.

I feel that they are acting completely out of character and if they are acting out of character it means that they must have a justified reason for adopting this unrealistic or unreasonable attitude. The matter of turning down a recommendation or a wage increase, I imagine it is based on the retroactive aspect of this increase and I feel that their demands are justified because these people are not making the highest wages at the moment and the retroactivity is a very vital aspect as far as the settlement in their minds of this problem is concerned. So I would say that the urgency of debate is undeniable because we are playing around with peoples lives and this is what

MR. BURGESS:

I would suggest to the Chair.

MR. SPEAKER: I will not repeat the items that I said the other day when we had a similar question before the Chair. It is simply this that I think the urgency of the matter itself is obvious. I will, as I said the other day, go so far as to say that I think the matter of having it debated now is of urgent public interest. At the earliest opportunity, I would go as far as to say that, but having said that we must go back to the rules and I quote you the citation that the hon. member for St. John's West put forward regarding urgency, "Urgency within this rule does not apply to the matter itself but it means urgency of debate, that has already been stated, when the ordinary opportunities provided by the rules of the House do not permit the subject matter to be brought on early enough and public interest demands that discussion take place immediately."

I have said that I am of the opinion that we should have public discussion but I also say that the ordinary opportunities provided by the rules of the House permit the subject to be brought on, the rules of the House permit the subject matter to be brought on immediately in this House.

MR. BURGESS: Is it your wish?

MR. SPEAKER: There I say this is where the Speaker again is in an awkward position. He is guided by the rules and the opportunity to have this matter brought on at the earliest possible opportunity is there now. Therefore I would say that postponing everything else and putting the motion and giving an hon. member leave, I cannot say that it is so because the opportunity is already there to have this matter decided if the House so decides. And there I have to leave the matter the same as I did the other day. The opportunity is there, I recognize the urgency of the subject matter, I recognize the urgency of the debate and the opportunity is right before us at any time the House wishes to take advantage of it to debate this matter and therefore I cannot say that the hon. member has leave to move the adjournment of the House for this particular purpose.

MR. CROSBIE: Mr. Speaker, in our view the opportunity is not there because there is nothing appointed for consideration by the House and the Government refuses to have it appointed and therefore with respect I must appeal your ruling.

MR. SPEAKER: The question before the Chair is this that the ruling of the Speaker in this matter be sustained.

Those in favour "Aye", contrary "Aye". I am of the opinion that the "Ayes" have it.

HON. MEMBERS: On division.

MR. SPEAKER: Let the House divide. Call in the members.

#### DIVISION

MR. SPEAKER: Those in favour of the motion please rise.

The hon. the Premier, the hon. the President of the Council, the hon. the Minister of Highways, the hon. the Minister of Municipal Affairs, Mr. Noel, the hon. the Minister of Labrador Affairs, Mr. Hodder, Mr. Strickland, the hon. the Minister of Education, the hon. the Minister of Mines, Agriculture and Resources, the hon. the Minister of Community and Social Development, the hon. the Minister of Provincial Affairs, the hon. the Minister of Public Welfare, Mr. Barbour, the hon. Mr. Hill, the hon. the Minister of Supply, Dr. McGrath, Mr. Saunders.

MR. SPEAKER: Those against the motion please rise.

The hon. the Leader of the Opposition, Mr. Hickey, Mr. Collins, Mr. Earle, Mr. Hickman, Mr. Wells, Mr. Crosbie, Mr. Murden, Mr. Burgess.

MR. SPEAKER: I declare the motion carried.

MR. CROSBIE: Mr. Speaker, on a point of privilege. I have been called a liar in the House here this afternoon and I wish the matter dealt with. Does the hon. Minister wish to withdraw his allegation that I lied to the House this afternoon? A lie means that we deliberately told an untruth in the House this afternoon. I have no objection to giving him a chance to withdraw.

MR. NEARY: I withdraw because I realize the hon. member is not in possession of the facts, so I withdraw.

#### ORDERS OF THE DAY

MR. CROSBIE: Mr. Speaker, on orders of the day, could the Premier tell us whether representatives of the Government are now meeting and negotiating with representatives of the Canadian Union of Public Employees in connection with the situation in Corner Brook, Grand Falls and Twillingate?

MR. SMALLWOOD: Mr. Speaker, I repeat what I said earlier that negotiations are going on but I did not say with whom but I repeat that they are going on and

MR. SMALLWOOD:

they concern with the question of increases in pay for persons whose pay is given by the Government of this Province. Negotiations are proceeding, more than that I will not say.

MR. CROSBIE: Mr. Speaker, a supplementary question. As I understand the Canadian Union of Public Employees represents the workers, the hospital workers of Grand Falls, Corner Brook and Twillingate -

MR. SMALLWOOD: Is this a question, Mr. Speaker?

MR. CROSBIE: And my question is, are discussions being held with representatives of the Canadian Union of Public Employees? The hon. the Premier has not answered that question.

A further question, Mr. Speaker. In the absence of the Minister of Health, could the hon. the Premier tell us whether negotiations are presently under way with representatives of the Canadian Society of Laboratory Technologists in connection with the brief they presented to the Government eighteen months ago and their renewal requests of last night?

I have a further question, Mr. Speaker. We have the questions even if we do not get the answers. To the Minister of Justice and the Government leader in the House, and I ask this question the other day. Could the hon. Minister of Justice tell us when we are going to get some answers to the many questions still on the Order Paper unanswered? There are 120 questions on the Order Paper for myself alone, twenty-four of them up to March 10th this year, two months ago, still unanswered. Does the Government intend or can the hon. leader of the House see to it that we now start to get some of the answers to the many unanswered questions on the Order Paper?

MR. NEARY: He is saving them all for tomorrow.

MR. CROSBIE: For when?

Second Reading of a Bill, "An Act To Amend The Schools Act, 1969".

MR. CROSBIE: I have a further question, Mr. Speaker, on the orders of the day to the hon. the Premier. It was reported that the hon. Eric Dave was to make a magnificent statement on water and sewerage works and other projects coming under Municipal Affairs and Housing yesterday. Could the hon. the Premier tell us when this ministerial statement is now to be made?



MR. SMALLWOOD: Later.

MR. ROWE: Mr. Speaker, the most important piece of legislation on our statute books is the Schools Act of 1969, passed last year. At the time that that Bill was under discussion here and outside there were a great many comments, a great many statements and a great many attacks on it, some because it went too far and some attacks because it did not go far enough. I pointed out at that time that this was not the law of the Medes and Persians, that it would not end there with that Bill that we enacted last year into law and that as time went on especially in the light of the new arrangements that had been made following the reorganization of boards, the consolidation of boards and integration of boards that there would be further amendments. So of the eleven I think education Bills that come before the House this year, this I think from the stand point of content and in other ways too, is the most important.

Mr. Speaker, the House, I think, can tell from the quality of my voice that I seem to be getting another cold and I shall keep what I have to say on this to a minimum today. I shall give that satisfaction to some of my hon. friends opposite. But before I do go into some of the details on the amendments I would like to remind the House that under our legislation we have several very important educational bodies and the first of these and the most important perhaps is what is known as the General Advisory Committee -

But before I describe the work of that committee I want to say a word about the other bodies. Under the law of Newfoundland and Labrador, under our legislation the churches have certain rights and responsibilities and privileges. And to see that these are properly maintained this House created in our legislation a committee known as a body, known as the denominational policy committee. The Minister of Education sits on it, deputy minister sits on it, and the three representatives of the churches sits on it. Three men representing all the churches. These three men are not just anyone selected they are the denominational executive secretaries who sit on the three denominational executive committees. One for the Roman Catholic church and the representative is Dr. Tracey, the secretary. One for the Pentecostal church and the executive secretary is Pastor Shaw and the other three churches have the one executive committee and their executive secretary is Mr. Clifford Hatcher, formerly assistant superintendent for Anglican schools in Newfoundland.

Dr. Tracey is the Roman Catholic executive secretary. The House I think perhaps is aware that these bodies maintain joint offices in the Royal Trust Building. They do not belong to the Department of Education, they have nothing to do structurally administratively or officially with the Department of Education as such. They are of course in close touch with the Department of Education on those matters that concern them and their rights and privileges.

Now back to the general advisory committee which is by all odds the most important educational body in Newfoundland and the House will see why as I proceed. This body is charged under the law with the responsibility or recommending to the Government educational policy that is its specific responsibility to recommend educational policy to the Government of Newfoundland. And I suppose there is also the employed responsibility on the part of the Government and certainly one that this Government is following and that is that no important educational change will be

recommended to the House, will be undertaken by the Government without having at least the advice of the general advisory committee. In practice the the Government and in law the Government does not have to take that advice but in practice most of the time the advice would be followed and certainly that is what is happening.

Now since the main legislation was passed last year the general advisory committee has been working almost incessantly it is a formal body made up of, the chairman of the body is the Minister of Education ex officio and the vice chairman is the deputy minister of Education ex officio and sitting on that body is the associate deputy minister of Education ex officio. The Government or the Department is represented by other persons as well, and I think perhaps the House would be interested in knowing, in view of the importance perhaps that some of these amendments here, I think the House should be aware of who constitutes the general advisory committee with their important function and responsibility of recommending educational policy. They are the minister of Education Chairman, ex officio. The two deputy ministers from the Department and senior one of whom Mr. P. J. Hanley is the vice chairman and acts as chairman, if, as sometimes happen the Minister is unable to preside. The associate deputy minister is Mr. Cecil Roebothan, is also a member. The assistant deputy minister, Mr. John Acreman is also a member. And the other senior directors within the department, these are Dr. Brown who is head of our instructional division services and Mr. May who is the head of Vocational education in Newfoundland, director of vocational education, Mr. Clifford Andrews, who is the director of special services, special education, in the department. Mr. Charlie Grant, many will remember was formally identified with the, prominently identified with the Anglican education in Newfoundland. Perhaps I should also say in passing that Mr. Andrews was a former president of the N.T.A. on several occasions and a prominent United Church educator. Dr. Brown was formally director of curriculum, Mr. Roebothan, the present associate deputy minister was formally

superintendent of Anglican education in Newfoundland and I mentioned Mr. Grant, and to sit on the board as soon as he is transferred to the department to sit on the committee is Mr. Graham Snow whose appointment to the post of director of Physical Education for the Province I announced only a week ago.

Now these represent the Government, the department of Education, these men. All of them with the possible exception of the Minister who of course will preside no matter who he is. All of them are men with great experience and great dedication to education in Newfoundland. Now then, representing the churches are Dr. Tracey, a distinguished Newfoundland scholar. Pastor Shaw, whose work in Pentecostal education is so well known. Mr. Hatcher, formally, prominently identified with Anglican education in Newfoundland. Representing the University on the GAC is Dr. Philip Warren, who is director of educational research there. And representing the N.T.A. is Mr. Walter Cull, the N.T.A. President, the president of that important body. These persons make up the General Advisory Committee and every item therefore Mr. Chairman in this Bill, every item was first scrutinized, examined, analyzed discussed where necessary with the denominational advisory committee as well, discussed where necessary with other committees outside the general advisory committee, but every item in this Bill comes in the first instance to the Government from the general advisory committee. And I think I would, we do not make public reports of the meetings, the meetings are formal, they are held regularly once a month, but in actuality there have been I suppose there has been on an average every two weeks since last, since the committee was set up. We do not make public and this is understandable. But I think perhaps I can say that to the best of my knowledge everything in this Bill is unanimously recommended by the general advisory committee. Now that does not mean to say, and I stress this, Mr. Speaker, that does not mean to say that everybody on that committee feels that this Bill goes far enough. That does not mean to say that Mr. Walter Cull the President of the N.T.A. and a well known educator in his own right, administrator of one of the great

boards of Newfoundland now, that he would not like to see things farther. That does not mean to say that men with the experience and the background of our deputy minister Mr. Hanley, for example, whose record in Newfoundland's education record of dedicated work is so well known. That does not mean to say that he would not like to see things differently or that I for that matter or that any other member of the committee, what it does mean, Mr. Speaker, is that here we have a consensus of agreement which is coming to this House from the Government, <sup>with</sup> the agreement of the Government and recommended to the Government by this general advisory committee who represent in turn all the important educational interests of Newfoundland. Or at least most of them. Not all of them but indirectly most of them. I might say, Mr. Speaker, in passing that it is my hope and this may come about that there are other educational bodies in Newfoundland which might eventually be, from members or be represented on the general advisory committee, we can have more of that later.

Mr. Speaker, I want therefore at this time to pay a tribute. I know something of the past two years of how, what a burden responsibilities of education can place on any one. And I know how hard the members of the general advisory committee have worked and I wanted this time not only to pay a tribute, to pay a tribute not only to their dedication but also, and this is very important when I consider last year how many statements were made and criticisms were voiced by parties outside this House, I am thinking of now whose aim was not to advance the cause of education, its aim was to embarrass and obstruct and to take political advantage of it. When I think of that, and then I look back over the past year and realize how these men whose names I have cited here today they have worked with energy and dedication and above all with goodwill. The members of this committee are trying to improve education in Newfoundland and these recommendations some of them here are an evidence that there labours have borne fruit.

Now, Mr. Speaker, once more I would stress this that here again this is not the be-all the end-all, this is not the end of education. This is not

another, perhaps it is becoming a bit of a cliché, this is not another bed of Procrustes, into which we are fitting the 160,000 children and nearly 7,000 teachers and all the boards and administrators. This is a continuing piece of work and I again can say with confidence that next year somebody will stand up here again and introduce here another amendment to this main education Bill.

Mr. Speaker, I am now going to confine myself entirely for just a few minutes to a formal description of a Bill. And I would invite hon. members later who I am sure would want to speak on this, may I make this suggestion, Mr. Speaker, this Bill is pretty comprehensive, it has a lot of important matters in it. And I would suggest and I am being partly selfish in this because the House knows, I have functions outside the House tonight which means that I cannot, I will not be able to be here but I would certainly like to be here when the Bill is being debated, but in the interest forgetting any selfish reason I might have in the interest of being able to consider this Bill properly I would suggest that perhaps after I have finished we might adjourn the debate, Mr. Speaker, to give hon. members perhaps overnight to think it over, that is only a suggestion it is not <sup>what</sup> of my business of course ~~but~~ hon. members choose to do.

I will in a few moments, I will be, I would make this suggestion that I will be referring specifically to clauses and if hon. gentlemen would care to make notes as we go along later on when I do call the clauses themselves this I think will aid them later on when we come to, when they speak on the Bill and of course when we get into committee as well.

The hon. members will recall that several pieces of legislation were passed in 1968 and 1969 providing for a major reorganization of our educational system. These acts were designed to implement the major recommendations of the Royal Commission on Education and Youth. In the main there were two levels of which this reorganization occurred namely; the reorganization of the Department of Education itself, and the reorganization of Educational Administration at the school district level, at the school board level.

The schools Act which came into effect on July 1 last year 1969 provided a framework for the establishment of consolidated school districts and the appointment of new school boards. Our experience, and, Mr. Speaker, we are speaking now in the light of only about nine months experience. Our experience in the short time in which we have been operating in schools under the reorganized system has shown that the transitional stage from the former system to the new has been very smooth. Perhaps this fact indicates that the direction in which we have been heading meets with the general approval of the parents, educators and other interested persons of this Province. I should interject here, in my view we have been able to go through a drastic revolutionary period with a minimum of disruption and with a minimum of alarm and embarrassment to the thousands of people concerned.

Mr. Speaker, I wish to re-emphasize at this time that one of our main purposes in this reorganization of educational administration has been the establishment of strong, efficient, school boards having both the means and professional capabilities at their disposal to discharge their responsibilities effectively. As a matter of interest of the district boards established last year, twenty eight were able to appoint district superintendents, these would be professional men of the calibre of Mr. Walter Cull, for example, the president of the N.T.A who is one of those district superintendents, supervisors, business managers, and other district office personnel. The remainder, that is the remainder of the boards will be

MR. ROWE (F.W.): The remainder of the boards will be able to appoint personnel after consolidation plans have been completed and suitable persons can be found. It is our attention, Mr. Speaker, acting in conjunction with the denominational education committees, the district superintendents, the Newfoundland Teachers' Association and with school boards themselves to continue to assist boards in organizing their resources so that they are better able to perform their functions and to serve the people whom they represent. In this connection, I would point out that most of the recent appointments in the Department of Education have been consultants. In other words, they are people, consultants for what? Consultants whom boards might contact, whom teachers might contact, consultants who will in turn be going out and familiarizing themselves with work out all over the Province. Relative to this and to facilitate school boards in providing a means whereby the parents of a school district could have a more direct vote in the policy making process of the board, I intend to introduce an amendment to the Schools Act to provide for - and for many, I am sure, I am anticipating here, for many this will be, perhaps, one of the most significant amendments in the whole Act. (1) The compulsory selection of one-third of the membership of a school board by means of an election. I will read that again: The compulsory selection of one-third of the membership of a school board by means of an election. (2) The selection by election of a larger proportion of the board with the approval of the appropriate denominational education committees. There is nothing, then, to prevent the complete, the full election of an entire board providing the church concerned is in approval.

But whether in approval or not, one-third of the board must be elected in an open, popular, democratic election and by popular I mean popular in the native sense of the word popular referring to the public, the people. The details - we have not attempted here, Mr. Speaker, to put the



mechanics for this election in this Bill. That would be fatal. We did not have the time anyway. These mechanics will be worked out over the months to come, because ( I am speaking from memory now) the boards which were appointed last year, I think, it is two years before the first election - this will come out in committee, I think, it is two full years that we have before the first public election will be held and this will give us ample time to work out the mechanics, the various devices the procedures whereby these elections will be held. I do not need to point out to the House, Mr. Speaker, that if these elections are going to mean anything, they must be fully democratic. They must be elections which will give all the people concern in an area an opportunity to exert a voice, an opportunity to participate in educational government.

(3) Ordinary meetings of the board will be open to the public, but provision will also be made for the board to be able to declare that any meeting or special meetings would be privileged meetings and, therefore, closed to the general public. The purpose here again is to make sure that there is full, public participation in what is going on and the responsibility on the board will be to see to it that the meetings are public, except where the public interest decrees otherwise.

It has further been demonstrated to us this year that the intent of certain sections of the School Act are not - I do not think that the grammar of this is correct - it should be, is not completely clear, as they are presently worded. Therefore, I am recommending to this hon. House that certain sections of the Act be amended so that there can be no doubt as to their meaning. With a new Act brought in last year, so big, so comprehensive, so far ranging, obviously, there are bound to be portions there about which there would be debate, misunderstanding, confus

so on and here in the light of the experience of the last year, we are trying to clarify all these various sections. We have also found one or two important characteristics of our educational system which were not properly recognized in the present legislation. Among these are the right of parents to request that their children be exempted from religious instruction to which they do not subscribe.

Secondly, the right of teachers, as ordinary citizens and perhaps as parents to become members of the school board which is not the employer of that particular teacher. The teacher, for example, may be principal of a school under the board in St. John's, but he might very well be living in Kelligrews under the Conception Bay South Integrated Board. This will give him the right, which he does not have now, of serving on that board. Thirdly, the inclusion of a new section of providing a penalty for persons operating private schools who have not fulfilled other requirements of the Schools Act. The importance, in view of some of the things that is happening outside Newfoundland and perhaps inside Newfoundland, the significance of that, I think, will not be lost on the House. We have to make sure that even though people cannot operate private schools, without the consent of the minister and without proper inspection. We have to be sure that when they do break the law in certain jurisdictions, there are penalties in that law. There is peace. They can bring them to heel.

To amend Section 101 so that the Lieutenant-Governor in Council may make regulations governing the operation of special classes for handicapped children and also regulations governing the election of school board members.

Now, Mr. Chairman, I have given a general description. If hon. members would like to refer to their Bills which is Bill no. 39. I am going to take five minutes or so; it should not take much more than that,

five to ten minutes, then I am finished, to point out the principal amendments in specific clauses.

Section 7 - now the sections I am referring to are the sections in the main Act, in the parent Act, the Act which we enacted here last year known as the Schools Act, 1969. Section 7, this section is amended to make it compulsory for at least one-third of school board members to be selected by election. The denominational educational committees must recommend for appointment all those elected, but they cannot veto their appointment. That is under Subsection (3). Well under the law, as it presently stands, the denominational educational committee has the right to recommend to the Government, to the Lieutenant-Governor in Council the names of those who are to be appointed to the school boards. That is the present law. They will still continue that right but where anyone has been elected by a popular election, they have no choice in the matter. They cannot veto. They cannot veto a public election. That is what that amounts to.

I am sure hon. members see what we have done there. We have made sure that one part of the law does not nulify the other part. Section 10, this section is amended to permit a teacher - I am sorry. I was not finished with Section 7. I am sorry. I will go back to Section 7 again. This section is further amended to provide that school board constitutions may, subject to the approval of the proper denominational educational committee, call for the election of a higher proportion than one-third, and I have reason to think that that will be done. I am sure that some boards will tackle this cautiously, as you might expect, with all the problems, geographical and others. Other boards, in a more favourable position, perhaps, professionally and geographically and so on will, at the earliest possible date, have all their members elected in a public election and once that happens, they have no choice but to recommend them for appointment.

Now then Section 10, this section is amended to permit a teacher to serve on a school board, if he is not employed by that board. Hon. members will remember that this point was debated very considerably here last year and this is the result, in part, of that debate and that interest and concern that was shown in this House last year in the parent Act.

Section 12, Subsection (f) dealing with Physical Education is deleted and replaced by - Mr. Chairman, I have enough copies of this made, I will be circulating them later so hon. members will be able to check against any notes that they might care to make. There will be no need to make any extensive notes really. The quotation is: "Organize and carry out a properly supervised program of Physical Education."

Section 13, this section is amended to provide that the borrowing of amounts up to \$5,000 by school boards will not require the approval of the minister or the executive secretary, but the borrowing of amounts totalling more than \$5,000 shall have the approval in writing of both. No board will be able to borrow more than \$5,000 without having the approval of the Minister of Education in writing and the approval of the denominational secretary in writing; for amounts under \$5,000 that will be left entirely to the discretion of the board. In most cases the approval would merely be a formality, I am sure my hon. friend appreciates the reason behind this. All over the world there have been instances where boards in their anxiety and so on have gone in over their heads and the result has been catastrophic.

Section 13 again, subsection (r), this section is amended by removing the phrase "subject to the approval of the minister." This was the famous section that gave so much cause for concern and debate here last year. Boards can now experiment with school curriculum without this restriction. Remember the section deals with - it says that the approval

of the minister must be obtained in introducing teaching aids in the classroom. This, of course, again was a protective device. A lot of hon. members and others were concerned about it and the general consensus is that this restriction should be removed, not because of the damage it might do, but because of the confusion and the misunderstanding it causes. There is nothing now to prevent a board from experimenting on its own with curriculum and curriculum devices of one kind and another.

Section 19, subsection (p) is amended, no longer making it mandatory for superintendents to make a formal report on each member of his teaching staff. Subsection (n) is amended - I might say in that connection - I have vivid memories, when I was a supervising inspector of schools. One of the regulations of those days said that everytime you visisted a school, you had to make a report on the teacher and on all the classes in there and the result was: (1) Most of us had toted around a typewriter and half our time in the evenings was spent in typing out, usually with one or two fingers, reports which were repetitious and in most cases unnecessary. It was a waste of time. That was a regulation and this work went on year after year.

Section 19,also, Subsection (n) is amended to require the approval of school boards for the attendance of superintendents at departmental conferences.

Section 24, this section is amended to make ordinary meetings of the school board open to the public. Special meetings or meetings declared by the board to be privileged may be closed to the public.

Section 47, this section is amended to include the Clause:" after the minister approves the proposal" in Subsection (3). When we get into committee, we will be able to discuss some of these cases in more

detail, Mr. Chairman.

Section 51, this section is amended to clarify its intent, mainly that teachers may be permitted to conduct voluntary classes on weekends. We had some restrictions in there in order to protect children from being utilized by teachers and this happened, where a teacher plugged in every Saturday he could or part of a Saturday, not in the interest of the child, but so that he could close school earlier in the year and get out of the place and get home. Well nobody wants that to happen. It should not happen. On the other hand nobody should be permitted from carrying on legitimate exercises, school exercises on a Saturday or other periods of the week, when such is in the interest of the child. You might think, of course, of Physical

MR. ROWE, F.W.: physical education courses, among other things, and cultural courses of all kinds, dramatics, music and so on.

Section 54, this section is amended to provide that school boards may designate one day at the beginning of the year, at least one day at the end of the year, and three other days during the year to be used for administrative purposes by teachers, and be counted as part of the school year which is 195 days. This provision could not be done when the school year was only 189 days, because then the pupils would be deprived of time that they needed for their regular academic work.

Section 55, this section reduces the minimum length of the school days for grades two and three from five hours to four hours.

Section 57 this section is amended to authorize school boards to determine the amount of time teachers should spend in school, before and after, each session.

Section 59, Sub-section (1) of this section is amended to clarify its intent. It is not intended that the minister should have to approve the use of teaching aids in our school. That apparently is connected with the previous clause two.

Section 63(A) this is a new section which will exclude from religion instruction students whose parents do not wish them to take.

Section 72(A) this is a new section which will made it an offence to establish or operate a private school without meeting the requirements of this Act.

And Section 75, Sub-section (C) is amended to authorize school boards to dismiss teachers, some early with one month's salary in lieu of notice when incompetence has been established.

Sub-section(8) is amended to clarify its intent.

Sub-Section (I) is also amended slightly to clarify its intent.

Section 78 a new sub-section is added, E(a) I think it is, to require principals to submit an annual return to the Department of Education.

Section 97 this section is amended to prohibit school boards from imposing an assessment on parents who are subject to school taxes. Many people will regard this as a very important amendment, and one which will

MR. ROWE, F.W. protect our people, from what could otherwise be unduly burdensome assessments of one kind or another.

Section 98 this section is amended to empower the minister to authorize the expenditure of school assessments for purposes other than those stated, provided special circumstances warrant. And this, Mr. Speaker, complements what we did in the other Bill, in this Taxation Bill yesterday and previous days. This is a complementary section in this main legislation.

Section 101 this section is amended to enable the Lieutenant-Governor in Council to make regulations governing the operation of special classes for handicapped children and also to make regulations governing the election of school board members.

In Clause 21 in the Bill, (six) is the length of the present school year 1969-70, I might say that a great deal of difficulty arose there for a number of reasons in trying to fit the length of this particular school year. It will not arise in the future, but it arose because of overlapping and complications arising from public examinations and other factors as well. So we had to put a special clause in to legalize and validate the present school year in what we have been doing during the present school year. And this of course will only apply to this year, and the year after the regulation will take place.

Now, Mr. Speaker, I have outlined I think all of the principle amendments here, there are a multitude of others which we will come across when we go into committee, most of them put in for the sake of clarification for grammar, for elucidation of some kind or another. But these are the principle recommendations, they do not go as far as many would like for us to go. They may go further than some want us to go. These with the other amendments we are making this year, in my view, marks very substantial progress and it is my conviction that as time goes on, we will be able to update our legislation in such a way that it will be able to rank, and I think probably it can now rank with education legislation in other parts of the nation.

Mr. Speaker, I have enough copies here for the press and also for



MR. ROWE, F.W. hon. members as well, if they wish to refer to it for any purpose whatsoever.

I move second reading.

On Motion a Bill, "An Act To Amend The School Act, 1969", read a second time, ordered referred to a Committee of the Whole House on tomorrow.

MR. CURTIS: Bill No. 23.

MR. CHAIRMAN: Item 23, second reading of a Bill, "An Act Further To Amend The Trustee Act", (Bill No. 20)

MR. CROSBIE: I think when the debate adjourned on this, Mr. Chairman, that I was speaking and the Hon. Minister of Justice suggested that <sup>the</sup> House be adjourned. Just to summarize briefly I have no objection to the amendment. We are dealing here with the Trustee Act. And the Trustee Act sets out or governs the operation of Trustees in this Province. And in the original legislation it is stated what a trustee can invest in. Now a trustee is acting, "uberrimi fides", for other people. And in very many cases for children who are under twenty-one and so on, and he has monies that he holds for them and invest for them. And the Act specifies what he can invest in and what he cannot invest in.

Now it has always been the theory up to the last four or five years that trustee should only invest in first mortgages in urban areas up to an amount of sixty-six and two-third percent of the appraised value of a property or in debentures or bonds of Government or of concerns that have a Government guarantee. The idea being, Mr. Speaker, that the main thing is to ensure that the money a trustee invests is safely invested.

Now the change contemplated in section 4 of the amendment, so that a trustee can lend on a mortgage security insured under the National Housing Act, I have no objection to, because such a mortgage is insured by C.H.M.C. and there can be no loss even if on a foreclosure if the whole amount was not recovered.

But the amendment contained in section 2, <sup>is</sup> to permit a trustee to invest in certain preferred shares of corporation or in, under the new section 2(a), common shares of corporations, incorporated in the Laws of Canada or a Province who have shares listed on a stock exchange or in mutual

MR. CROSBIE: funds shares up to an amount of thirty-five percent of the market value of the trust estate, I am opposed to. And, Mr. Speaker, I do not care who has requested it, the experience of the last two years in the United States and Canada on the stock market, and particularly of the last several weeks, shows conclusively that investing in common shares even the most blue-chips of common shares is an extremely risky matter. Because, Mr. Speaker, even the best blue-chip stocks in the last few months or in the last year or so on the stock market have declined in value fantastically. And I do not feel that this House should permit trustees to gamble with the money they are given by settlers to invest.

Mr. Speaker, if a person who wants to leave money in trust or who wants to leave money in his will to a trustee, if that person wants to give the trustee certain broad powers he can do it. And in fact usually when the trust companies are involved as trustee they request that they be given power to invest in common shares etc. Well if the person making a will wants to agree to that, that is up to himself, and if he agrees that the trustee can invest in preferred shares or common shares, let him do so.

But as I understand it, if this House passes this amendment a trustee will be permitted to invest in common or preferred shares without the consent of anyone else. Now I do not think that this House should do that, particularly with the experience of the last few months in the stock market. So I would suggest to the minister, Mr. Speaker, that he should consent to the withdrawal of these amendments permitting trustees to invest in preferred and common shares. I do not know what the percentages are or how far the market has fallen in the last week, the last two weeks was certainly the Dow Jones average is now at the lowest seen, I think, for fourteen years.

MR. WELLS: It is down nineteen points in the last couple of days.

MR. CROSBIE: It is down nineteen points in the last couple of days. And it does not matter how blue-clip the companies are they have all lost value tremendously over the last several years, now they may go up again of course in a few years time, in the next two, three or four years. But I think, Mr. Speaker, that if this House errs, it should err on the side of caution, when it comes to trustee investments. And I can see no

MR. CROSBIE: convincing argument made, Mutual funds shares, What has happened to mutual funds shares? What has happened to mutual funds shares in the last two years? The good is gone right out of mutual funds shares because the market is gone down, and mutual funds shares have gone down with it. And mutual funds shares now are not selling, they are still selling but not selling in <sup>the</sup> tremendous volumes they did, when the market was rising during the past ten years. Why should we now permit trustees to invest in mutual funds shares?

I would definitely suggest, Mr. Speaker, that the Government, and I cannot see this is really a matter of life and death for the Government, that they should have second thoughts on this and withdraw that part which permits trustees to invest in preferred and common shares.

MR. C. WELLS: Mr. Speaker, I would like to add a few comments to what the hon. member for St. John's West has said on this, he has covered most of it and put forward most of the reasons for it. And anybody who, and a lawyer in particular, who had been involved with doing legal work for estate or preparations of wills, will know generally how people feel about this. In many instances individuals who wish the trustee, often a trust company, to be empowered to invest in other than trustee investment will specifically say so in his will. In point of fact everybody who has made a will today under which a trust has been settled on somebody, has done so on the clear understanding that trustees can only invest in certain blue-chip investments, debentures, certain bonds of the Government of Canada, bonds of the Government of this Province, and first mortgages within certain areas of the Province and again is limited to a number of communities within the Province, again with the idea of protecting the interest of the person upon whom the trust is settled. The idea of allowing a trustee to invest even a limited up to thirty-five percent of the capital value of the trust estate in speculative stock is wrong in principle as anything this House could do.

People have made their wills today on the understanding that this is the way it is, and these wills will be so effected by this, where they would have expected the trustee to invest in the kind of investment where even though the return may have been smaller at least the capital was secure.

MR. WELLS: What this Bill is asking would authorize the trustee to do, and give the trustee protection for doing is invest in speculate stock that might not only not earn an interest or a dividend in any particular year, but might result in half the capital being dissipated by a sudden drop in the stock market.

MR. WELLS: There was a time when the stock market's steady rate of rise and so on might have led one to believe that this might be a good course to take. But certainly the activities of the stock markets over the last couple of years point out quite clearly that this would be totally wrong to do this. To allow trustees to do it. And we must remember, Mr. Speaker, that while we are in the main dealing with reasonably reliable Trust Companies, and I do not want to name any of them in particular, but there are a number of them who carry on business in this Province, that have earned a good reputation for themselves over the years. And they are not likely to dissipate trust funds in widely speculated stock. While that is so, there is a good many instances where individuals are trustees and do not have the protection and resources of a major trust company behind them. There are a good many instances of that as well, as Your Honour is quite familiar with. And where individuals leave their estates or lifesavings or earnings to a trustee whether he be corporate trustee or an individual trustee to invest for the benefit and protection of his family. It is our responsibility to ensure that to the maximum extent possible, he is protected, and this is what we have done in the past, and this is one of the reasons while it covers many other things, but this surely is one of the reasons for the existence of the Trustee Act, to ensure the proper management of Trust funds, and permitting trustees to invest in stocks and any kind of investment that is in any way speculative is wrong.

The National Housing Act may be all right, because it is insured by the Government of Canada. This kind of investment may well be okay - it is an investment not unlike investments in the bonds of the Government of Canada. So it is quite secure, or as secure as anything can be. But to allow investment in the Common Stock or in the preferred stock of a company that has paid a continual dividend for the previous five years, or the common stock of a company that has paid a dividend for the previous seven years, is wrong. The next year anything could happen. The management of that company could change in such a way, a change in world markets and

so on, anything at all could happen to totally alter the situation, so that a \$10,000 investment that earned maybe a \$1,000 a year, has now become a \$5,000 investment, that earns a couple of hundred dollars a year, or less. While this is a possibility, we should not permit trustees to invest in such investments. Besides, Mr. Speaker, anybody who wants to - any individual who wants to can give specific authority to a trustee to so invest his money. If he wants a trustee to gamble on the speculative stocks with the hopes of increasing the capital value of his estate, any individual who wants to can do that, when he settles for trust. By the terms of the instrument he can authorize the trustee to invest in anything including non-trustee investment. So that there is no need whatever, Mr. Speaker, for this amendment to the Act. None at all, because any and every settler of a trust who has wanted the trustee to so invest his funds, has authorized, or will specifically authorize it in the instrument.

We should not amend the basic law that has been basic law for a long time. We should not so amend the basic law, as to run the risk of greatly reducing the capital that individuals have set aside for the protection of their wives and children after their death. And this is a risk, it is by no means certain, but this is certainly the risk that this amendment would take, and like the hon. member for St. John's West, I would ask the hon. minister to consider withdrawing those two particular sections of the Bill, because of the serious problems they do create. And it is not as if it were necessary to correct anything, any wrong that presently exists. Any individual who wants his trustee to so invest his funds can do so now. There is no prohibition against a trustee so investing, if the person who set up the trust in the first instance, says it is okay for you to do that. That can be done. We do not need legislative authority to enable that to be done. But it should be left on that basis and not the general basis, where it is in the trustee's discretion to invest in speculative stock. Thank you, Mr. Speaker.

MR. HICKMAN: Mr. Speaker, if I may add a word that has already been said, there is another factor that I think is very significant insofar as dealing with any amendment of the Trustee Act is concerned. Some other Acts enforced in this Province confers on administrative bodies, the right to invest trust funds within the provisions of the Trustee Act. And the one that comes to mind very quickly, is the Workmen's Compensation Board, under the provisions of the Workmen's Compensation Act. The Board may with the approval of the Minister of Finance. The Board does not have to go to the Lieutenant-Governor-in-Council, who with the approval of the Minister of Finance, the Workmen's Compensation may invest its funds in trustee security.

Now, Mr. Speaker, we should never lose sight of the fact that monies that are in the hands of the Workmen's Compensation Board are trust funds. It is not tax imposed on the public generally, but rather a contribution paid by force of legislation by employers to the Workmen's Compensation Board to be held in trust, and to be used for the benefit of workmen and their dependents. And if we deviate it all from the present or the existing legislation, and open the door for these administrative boards to start monkeying around with trust funds that have been created for the protection of workmen and their dependents, I think that we are opening the door to a pretty dangerous practice. Now I believe that some of the other provinces have legislation similar to this proposed here. But, Mr. Speaker, I have to agree with the hon. the member for Humber East, that where there is no demand, or no wrong is to be rectified by this Bill, it seems that this is one case where we should not follow the uniformity procedure and policy and philosophy that is quite good, and quite acceptable in respect of most legislation.

I cannot recall, this might have happened when I was Minister of Justice, I do not know, I cannot recall where the request came from, or where it emanated, from whom it emanated, to have this amendment brought in. The other part, the amendment permitting secured loans insured by the

National Housing Act, that is an excellent amendment, because the National Housing Act will ensure loans outside St. Johns, Corner Brook and Grand Falls, and it will eliminate that restriction. It will allow a trustee in certain circumstances for instance to put money in mortgages in Deer Lake or Fortune, or Grand Bank or Harbour Breton - any of these places where we now have housing developments under way, and no one could take issue with that amendment as proposed by Section (4). But the amendments in 2 and 3, and the awesome problem that might arise if at some time, a board, such as the Workmen's Compensation Board, might be tempted to take a flier and invest some of the monies that do not belong to them on the stock market, and in speculative stocks would, in my opinion, be something that would be quite undesirable. And I have no reason to suspect that that Board or any other Board would do it. But at the present time, workmen for instance in this Province, have absolute confidence in the fact that their monies are being securely and safely invested, and they are not being invested in a speculative manner. And the simple presence of this Act on our Statute Books might be cause for concern amongst those who have to look to these boards to protect their future. And this Mr. Speaker - I know of instances where because of the restrictions in the Trustee Act, very embarrassing situations have been avoided by over-zealous boards sometimes trying to - or considering investing money in areas where they were absolutely prohibited from doing under the Trustee Act. I think the risk is much too great. I am sure that the Government will not stand or fall in withdrawing Section 2 and 3 from this Bill. It is not any great principle, but at the same time, it would be a very unfortunate principle, if this was allowed to pass.

MR. CHAIRMAN: I would like to have a few words to say on this as a practicing solicitor for twenty years. I do not know where the pressure comes from to amend such Acts as the Trustee Act and these things. It seems to me that generally speaking, trustees fall into two classes. There are the large corporate trustees and statutory trustees, and these people



generally operate or can operate under technically drafted trust documents, or under legislation, a draft and approved by this House, and generally they are dealing with substantial sums of money, and special provisions can be made for them. On the other hand there are thousands and thousands and thousands and thousands of ordinary people who are trustees. And if I read this amendment correctly, the trustee can invest in any Canadian company listed on stock exchange in Canada, provided the stock exchange is approved by the Lieutenant-Governor-in-Council. So that would include Javelin and Brinco and Aska Mines and you name it. All these speculative mining stocks would come under that category. Any mining stock that is listed on a particular stock exchange, presumably they will approve - the Lieutenant-Governor-in-Council would approve the major stock exchange, Toronto, Montreal. And any mining stock issued on those stock exchange could be dealt with. And for that matter a trustee could have stocks in his own name. For example, suppose I were an executor of an estate which I happen to be, probably an executor or ten, or fifteen or twenty estates. So I go out and I am dabbling myself on the stock exchange, and I happen to buy some stock in something that somebody tells me is good, and it turns out it is not so good. It is listed on the stock exchange. And in my office I happen to have five or six estates with some money in them. So I can turn too, and sell my bad stock; or stock that I think is not going up too, but I can sell that to the estate. And if fact I could milk off quite a fair amount of money by doing that. And I think the thing is too loose. I feel that there are far too many ordinary citizens who are trustees. There are far too many ordinary executors who are trying to educate children. There are far too many church boards

MR. NOEL:

too many church boards, small vestries, lodge committees, society funds, employees associations. There are far too many of these small organizations being handled by ordinary citizens to permit any enlargement in the trustee investments along the lines contemplated here and I do not think any great hardship would be imposed by not passing that particular section. Because in the case of the large corporate trustees dealing with large corporations which have trust funds or statutory bodies that have trust funds well then either the enabling legislation or the trustees themselves can spell out that the trustee can invest this money as they please.

I am not thinking so much about the people who have large amounts of money to invest or the statutory trustees, I am thinking of the thousands and thousands of children and widows, church organizations, lodges, employee associations which are handled by ordinary individuals and I do not think that these ordinary individuals should be entitled to go out and take a flyer on the stock exchange at the expense of their people that they hold the money in trust for.

MR. CURTIS: Mr. Speaker, I do not know if anybody else wants to speak or not but I am very much impressed by what my hon. friends have said and particularly my former colleague, the former Minister of Justice. This is a Bill that I inherited, I did not give instructions that it be printed, I did not give instructions that it be prepared as I presumed that all that had been done by my predecessor and in good faith I brought the Bill before the House. I am glad to know that he does not support it because I am very, very lukewarm on it myself. I do not think I agree with my colleagues and do not in fact agree with all the members of the House as I think the Bill is a dangerous one.

It is true that it is the law of Alberta, it is true it is the law of Saskatchewan, it is true it is the law of Nova Scotia and I think it is subject to certain restriction. It is the law in Ontario, in Ontario I believe the restriction is that you have to apply to Court for permission to do it but when I saw the Bill I saw that it had been the law in these various Provinces and I was impressed by the fact that it was part of the law in Nova Scotia because we are very similar, the two Provinces, Nova Scotia and Newfoundland and I thought perhaps well we will have it printed anyway and we got it printed

MR. CURTIS:

anyway but I might tell the House that when we get in committee we will take out these clauses and limit the Bill to investments in mortgages guaranteed by Central Mortgage and Housing. This was really the only reason I brought the Bill in because that was the clause and if hon. members will remember that was the only clause I emphasized when I was introducing the Bill.

Of course, in the other Provinces and in this Bill too there is a limitation on the amount that could be invested, I think it was thirty-five-per-cent only of the estate could be invested. I believe the request for the legislation came from one of the investment houses in St. John's. I have been looking up the file since I introduced the Bill and I find that although and although I did not submit it, although the Bill, I think, was submitted to the law society we have had no reply from them either negative or affirmative. So in the absence of having an affirmative answer I will, when we get in committee, wipe out this session because, while I think it would be alright, it would be subject to risky abuse and I do not think we ought to encourage that.

I move Second Reading of the Bill.

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

Motion: Second Reading of a Bill, "An Act Further To Amend The Crown Lands (Mines and Quarries) Act, 1961."

MR. CALLAHAN: Mr. Speaker, this is not a very large amendment, Sir, but it is a rather important one and what the amendment would do principally is to define or redefine what may be regarded as a beach, a beach area. The reason for it, Mr. Speaker, very simply is that in attempting to enforce the Act, Crown Lands (Mines and Quarries) Act, as it has stood we have run into some difficulty and indeed had at least one magistrate rule that beaches are not in fact the property of the Crown and really that is not the precise finding. I think the precise finding or the precise position was that Crown officers were required to define the particular beaches in respect of which action had been taken by construction companies which had proceeded in contravention of the Act to remove sand, rocks and gravel without a proper permit, without in fact applying for a permit.

MR. CALLAHAN:

These cases were taken to court and then the particular one which established position and then for the precedent for the others, the magistrate demanded a specific definition of the particular beach area and, of course, the Crown officers involved undertook to rely upon the Act as it stood but the magistrate felt that that definition was not sufficiently specific and dismissed the case. We have run into this on a number of occasions in attempting to enforce the law in respect to beaches to protect the beach areas. So essentially what we have done, Mr. Speaker, is to try to arrive at a reasonable definition of a beach in order to overcome the problem which exists at the moment which is that by a magisterial judgement beaches, in fact, being undefined or undefineable cannot be claimed into the Crown.

So the really pertinent part of the amendment, because Section 88 (1, 2 and 3) really are worded almost exactly as they are in the Act as it now stands, Section 4 really is the substance of change. It says that for the purposes of sub-section 1, 2 and 3 indeed the word beach means all lands in the Province lying within a horizontal distance of 1,000 feet from and within an elevation of 50 feet above ordinary low water mark of any body of tidal water.

Previously, Mr. Speaker, if I can find it, 88 Section 4 simply said that for the purposes of this section the expression beach means crown lands extending from low water mark inland to the bourne of the coastline. The question that arose in the case to which I have referred was really the definition of bourne, what was the bourne? That was the edge really, the inward edge of the beach.

So we are now seeking, Sir, and I hope the House will support the position that we attempt to take in this amendment to define the beach area as being an area that would extend inland one thousand feet from low water mark and up to a height of fifty feet above sea level so that we can in fact assume control which at the moment we cannot do in view of the precedent that has been set and in view of the rather indeterminate nature of the definition as it stands in Section 88 (4) of the Crown Lands (Mines and Quarries) Act, 1961.

I move Second Reading, Mr. Speaker.

MR. EARLE: Mr. Speaker, just a word on this. I am very happy about this Bill personally, and I suppose of all districts in the country probably I have had this problem more than any other member. It is a rather peculiar figuration of the coastline in Fortune Bay particularly on the East side where the beaches are continually in motion. This is a phenomena which is quite unexplainable but due to the prevailing winds and tides in that area beaches do shift a great deal and some of the complaints by the people, my constituents in the area are quite justified. Contractors have been known to take large quantities from a beach and upset the conformity of the beach to the extent that passageways and channels have been spoiled. I can think of a number on the East side of Fortune Bay where these circumstances have taken place.

The fact now that if the description of a beach will carry it back one thousand feet from low water mark I think is an excellent provision because these beaches are flat by nature and do carry back considerable distances and the flooding which occurs sometimes within settlements or near settlements because certain natural obstructions on the beach have been removed and has been very troublesome to the residents in these areas and I support very strongly this legislation. I can only hope that the Minister can find ways of enforcing it because I think the most difficult part of this is enforcing the regulation. There are always fellows trying to take advantage of this and the fact that the law forbids it is certainly a step in the right direction and I hope that the Minister will be able to enforce this Act once it is passed.

MR. CROSBIE: Mr. Speaker, I agree with the principle that the Minister should control taking away the beaches in this Province which I gather is what the amendment is supposed to commit him to do, although I do not know why one thousand feet above low water mark has been picked. In fact it says that all lands in the Province lying with a horizontal distance of one thousand feet from and within an elevation of fifty feet above ordinary low water mark, does that mean fifty feet inland from ordinary low water mark or does it mean at a height of fifty feet above sea level? So it will be a thousand feet back. But I mean if you go inland a half mile for example you might still be less than fifty feet above sea level.

MR. CALLAHAN: You could be as there are some places where the beach is very narrow and quite high.

MR. CROSBIE: Well, the only problem I see is saying a flat area like down on the Fort au Port Peninsula this might take you inland for miles and miles.

MR. CALLAHAN: . I know, but it is still limited to a thousand feet.

MR. CROSBIE: Yes, but it is only a thousand feet anyway, is it?

MR. CALLAHAN: It might only be a hundred feet if it is more than fifty.

MR. CROSBIE: Well, I will take the Minister at his word there. He says it is necessary, Mr. Speaker. But while we are on the Crown Lands (Mines and Quarries) Act there is a question I asked in this House sometime ago as to whether all the registries dealing with Crown Lands in the Ministers department were open to the public and the Minister claimed that they were and I state again -

MR. CROSBIE: they were, and I state again, Mr. Speaker, in speaking to this amendment that the mineral branch or the registry of crown lands, the branch that deals with mineral mining grants is not open to the public of this Province. That there is a closed registry for some reason in the Department of Mines, Agriculture and Resources dealing with leases of mining land or grants of mining land

MR. CALLAHAN: To a point of order, Mr. Speaker, I do not think is relevant Sir, and in the second place the question has been answered.

MR. CROSBIE: Mr. Speaker, this is a Bill to amend the Crown Lands Mines and Quarries Mineral Act, and I am speaking to the fact that there is a registry in the Department of Mines, Agriculture and Resources which deals with mines and quarries and grants given in connection therewith which is not opened to the public, contrary to what the minister has stated. That there is a registry for some reason which you can only see if the minister advises the person in control of the Crown Lands Registry, that that particular person can have a look at it. And I do not know why this is, will presumably the minister has the power to do it, but I think that the minister should tell this House why it is necessary or why this particular registry should be closed? Well after all any mining branch given or quarries grants given or whatever, what public interest is there in the keeping them secret? That only special people with permission from the minister should be allowed to see them.

MR. CALLAHAN: Mr. Speaker, on a point of order. Is this really relevant, Sir, to the principle of the Bill, and secondly as I have said the question has been answered, there is no closed registry. The hon. gentleman keeps insisting there is, there is not. It is still not relevant to the principle of the Bill.

MR. SPEAKER: To the point of order, I can see the hon. minister taking exception to the fact that this matter has been answered, he says. The other hon. member said it has not. I can see relevancy to a registry not been available in relation to mines and quarries and so on. And in that way it is relevant. But at the same time if we are now going to open a question that has already been discussed, the question has been asked and answered or any hon. member does not like the answer and wants to reopen the question again, well of course that would be out of order.

MR. CROSBIE: This matter has not been discussed in the House before, there was a question tabled and answered improperly, because I can testify from my own experience as can many other members in this House that there is a closed registry, the mining registry of the Department of Mines, Agriculture and Resources is closed to the public.

MR. SPEAKER: If the hon. member does not mind my interrupting again, the hon. minister says there is not, and the hon. member for St. John's West says that it is. Now this is an argument of something that an answer to a question, or this is something there is a difference of opinion between the two hon. members. But as to what a definition of a beach is, I think it is stretching the rules of irrelevance a little bit far, when we get into an argument about what one hon. member said, as to opposed to what another said, when the principle of the Bill is to redefine what a beach is under the Mines and Quarries Act.

MR. CROSBIE: This Amendment, Mr. Speaker, also deals with the minister making grants, leases or licences for persons to be permitted to carry away rocks, sand, gravel or clay from beaches. And my submission, Mr. Speaker, is that if the minister does grant ...

MR. CALLAHAN: On a point of order, Mr. Speaker. That is not the amendment, as I have already said, Sir, in introducing the Bill the amendment is to define beaches, one, two and three of eighty-eight are worded almost precise except for minor rewording as they are already in the Act. There is no change in the principle of those sections. ....

MR. CROSBIE: Here is a section, Mr. Speaker, section 88, <sup>subject to</sup> sub-section 2 and 3 of this section, and to any grant, lease or licence of the crown, no person shall remove, sub-section 2 subject to any grants, lease; or licence the minister may issue permits. This amendment deals with the minister issuing permits for people to remove, take

MR. WELLS: To remove.

MR. CROSBIE: It does not matter if there is a substitute or change this is an amendment to the Crown Land Mines, and Quarries Act, and Section 88 gives the minister permission to issue permits. And what I say, Mr. Speaker, is that if the minister is going to issue permits under this section, that



MR. CROSBIE: the copies of the permits should be in the registry of Crown Lands and assessable to the public to see, who was granted the permit, for how long a term the permit was granted, what the terms of the permit are.

And from my own experience, I know they were out, a note from the minister, you are not allowed to look at the minerals registry in his department. It is no good

MR. SPEAKER: I would like to point out to the hon. member too, that if this is a section in this Act at the present time, when we come into committee on this particular clause of the Bill dealing with permits, I think there will be ample time to go into the question of how permits are issued, or how they are not issued. But I think we are straying a bit from the principle of the Bill itself, and as I say, there is ample opportunity when we get to clause by clause to ask any question that any hon. member wishes to do in connection with this particular clause.

MR. CROSBIE: Well, Mr. Speaker, I will conclude my remarks by saying that I have no objection to the minister having the power to issue these permits, because somebody must have the power. But what I do object to is issuing permits which the public cannot find out nothing about.

MR. FRÉCKER: Just a brief remark, Mr. Speaker, if I may. It seems to me that the hon. member for St. John's West has missed one of the key points behind this Bill. As matters stand at present, we have experienced without permits persons, contractors, have been able to denude beaches and damage them and could make irreparable damage from the point of view that the hon. member for Fortune has referred to as well as from <sup>a</sup>scenical point of view.

I think this Bill is deserving of full support from this House. I support it.

MR. H. COLLINS: Mr. Speaker, just a few words in support of my hon. friend from Fortune Bay. Certainly the more pampering we find taking place on beaches around the Province of Newfoundland, the greater the problem experienced by our fishermen, fisherman mainly and other who might use boats and so on. We find that through the effects of tides that the contours of beaches change radically from spring to fall, from year to year. We also

MR. COLLINS: know, at least I know, and I am sure the hon. member from Fortune Bay and other members also realize that by tampering with the outline of the beaches, we very often cause piles of sand or stone to washed up in front a stage head, which certainly creates a very serious hazards for fishermen who have to bring their boats along side.

I am certainly in favour of trying to force some control here and certainly the effect which it will have will be determined by our success by the minister who is patrolling this and ensuring that licences are not issued for the removal of gravel in certain areas, and also that people are not permitted to take away the beach.

However, Mr. Speaker, I would say possibly just as important a feature and possibly more so, is the fact that along the Trans-Canada Highway in Newfoundland and along many of the new roads which are being constructed, we find gaping holes where contractors have been permitted to go in, cut down the trees, tear off the top soil, go into the bough of the hearth as it were, goodness knows there are sections of our highway, I will not mention any of them, which are not too appealing to the eye. I am not talking about Central Newfoundland, Sir, I am talking about other sections. Certainly goodness we do not need to let contractors go out of their way and make matters much worse. I would suggest to the minister that he take a good strong look at this, and see if something can be done to restore the natural beauty along the side of our highways.

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

MR. CALLAHAN: Mr. Speaker, just one or two things I might add to what I said in introducing the Bill. I am glad the hon. member from Gander specified protecting beaches in certain areas, because obviously there are need for sand and their are needs for rock and gravel which can only be met in many parts of the Province from beach areas. And this is true, the necessity of this is borne out not only in terms of the public interest, the building of roads or whatever it may be, but also in terms of the private interest, and I have known people to come to me in desperation wishing to obtain two or three truck loads of sand for example from a beach in order to build a

MR. CALLAHAN: basement on which to build a home. And I think, if there is one thing that we cannot forget in terms of crown land areas and beaches and all the rest of it is, that essentially they are there, perhaps the major purpose for them, the major use for them is the use of ordinary people whether it be for recreation or for whatever else. When a man wants to build a house, then he has got to go a hundred miles to get some sand for a basement, when there is sand just down the road, you have got to think very seriously about whether you should allow him to have a few barrels or truck loads or two or three pickups full of sand with which to build a basement.

I think in this matter, as in so many other matters, we have to be selective, that perhaps we have to designate the best beaches or the most popular beaches or the beaches that are most convenient to particular communities or whatever it happens to be, and start from that point. In other words I do not think we can close off and lock up every beach, and say that, no more roads will be built with sand from beaches, or no more houses will be built with sand from beaches. After all these things essentially belong to the people of this Province, and they have I think some reason to expect that they should be able to use them not only for recreation, but also to build a home or to have their Government build roads or whatever it happens to be.

So I think the first thing we have to do is become selective; and the second thing, and it is a very major problem, Mr. Speaker, in trying to control beach areas, I do not know really how one does it effectively, unless one has an army of people doing nothing else. And I think it may be necessary to enlist somehow or other, I do not know what their rights are under the law, there probably would have to be some changes in the law. But I do think that municipalities which have an interest to the citizens as municipal citizens have an interest in beaches near those municipalities perhaps should take some responsibility for them. It would not be difficult for a municipality to have some of its municipal employees going out and cleaning up a beach area or keep an eye on it. It would be very difficult

MR. CALLAHAN: it would require an army of men, if the Province had to do it all over the Province.

So I think the first step is to designate particular beaches that should be absolutely protected for various reasons, whether it be for the use of fishermen or for recreational purposes or whatever; and in the second place perhaps ask the municipality, give them some rights and ask them to take some responsibility in looking after these areas, because I cannot see any other way, short of as I said, having an army of people soing nothing else, I cannot see any other way out of really protecting beaches that require to be protected.

At the same time it is necessary to build roads, it is necessary to build homes and in many cases to build schools and churches and public buildings using sand from beaches. So I think we have to be prepared to face that need, Mr. Speaker, and it would be short-sighted and impractical and I think rather foolish to take the position that beaches and the sand on them should be not at all used for these purposes. I think it is a matter of judgment, judgment must be exercised and in virtually every case where there is any interest other than the crown lands interest, if it happens to be near a municipality, or if it happens that the beach for which an application is made, is used or is known to be used for recreation or fishing activity or any other known purpose, then there is a very great reluctance and in most cases, the permit is not issued in that area, the contractors have been send a good many miles to other areas in order not to distrub beaches which are already providing some use, a use which would be impeded or destroyed if large quantities, particularly large quantities of sand were removed.

And I think of another problem too, while I am on my feet, Sir, and that is the difficulty that there are some private rights involved were people have been there for generations and where families appear to have some rights to beach areas. Now I think the amendment as it stands cannot overcome that particular problem, it may be that over a period of time, we may have to try to secure rights back and I am thinking particularly, I think it was brought to my attention by the member for Baie de Verde, I think Western Bay sands is an example, I think there are some private rights involved in this

MR. CALLAHAN: And it is very difficult for us, or Northern Bay Sands rather, it is very difficult for us to prevent a private owner of an area of beach, a man who can prove his ownership from allowing a contractor to come in and remove sands from that private section of the beach. We do not own it, it belongs to the private party, and it is rather difficult to attempt to require the private party not to sell some of that material for his own emolument, I do not know how we would do that, unless somehow we can get the rights back.

MR. COLLINS: Mr. Speaker, I wonder would you permit a question, in many areas of Newfoundland, and very many fine beaches, I am sure the hon. minister will agree, we find that not only have there been damage by removing sand and stone, but certainly the beauty of the beaches have been impaired by the dumping of cans and bottles and what have you, forms of garbage I suppose, in areas where there is no municipal body, no town council. Does the minister have any jurisdiction, anything to say where those cans can be dumped and garbage can be dumped and so on? Is there any law restricting this? If there is, is there any attempt being made to enforce it? It is a crying shame because many of our beaches are ruined, many people coming into the Province from the mainland and the United States are astounded to see this thing happening in this modern age. Certainly it detracts from the surroundings inland and so on, and so forth. Would the minister care to comment?

MR. CALLAHAN: Yes, Mr. Speaker, the waste material disposal Act deals with this very matter, and without getting into what is proposed I hope there will be an amendment before the House to that legislation as well. As it

as it stands at the moment. The operation of the Act, in the final analysis, is intended to be vested in local committees. It would operate almost like local roads' boards. The committee is elected - they are assisted in finding a disposal area, that they manage the disposal area, that they see to it that it is properly kept and that kind of thing in their own interest, being citizens of the community.

MR. COLLINS: There is a tremendous cleaning up job to be done in..

MR. CALLAHAN: Yes, I agree, Mr. Speaker, there is, but in the meantime to carry on with the other point. The difficulty has been that their committees - that in many places people have not rushed out to form committees and even where committees have been formed, they have not functioned terribly well. I think the reason is that there is really no control over the and no provision been made for the actual disposal of garbage, waste material. As I have said, without getting into the amendments that we will propose to the House in the Waste Materials Disposal Act, I think, if a system might be devised to provide for the collection and disposal of waste materials, then the Act might be much more workable than it is and, of course, that would involve not only providing for collection and disposal but also for a very strict prohibition on disposal anywhere but in the dumping area and I think, you know, with <sup>and</sup> a carrot,stick method, it would be much more attractive for people to pay fifty cents a week to have someone, even in an area which is not incorporated, to come and pick up the garbage and get rid of it, but I do not want to go too far into that, Sir, before the Bill comes before the House. We certainly are cognizance of that, and we hope that the changes we will propose to the House will help alleviate the problem the hon. gentleman raises. We were thinking in terms of how we can clean up some of the situations that exist, but there are two difficulties; one

of them is that many of the problems we have are associated with old wreck of cars, refrigerators and bedsteads and all the rest of it, and you do not have to go very far, your Honour, to find the evidence and if you pick them up in one place, you will have to bring them somewhere else. It is a very major expense and it is a problem and really the solution is to prevent it in the first place, and in that regard, we have been doing some digging around in getting information from other provinces, and I think, putting it altogether, we may be able to come up with one or two means of dealing with the thing which will not be all that costly, which in fact may help in the process, may help pay for itself.

To get back to this particular amendment, Mr. Speaker, I, too, hope as the hon. member for Fortune Bay hopes that we can enforce this legislation now that we have a pretty realistic, I think, definition of what a beach is. We should not have any further problems with the legal position. We certainly will continue to take action, to take prosecution where we become aware of the situation. I will get to the registry, Mr. Speaker, the so called registry.

We certainly will continue to take action against persons, who unlawfully remove material from beaches, but I think again, it depends very largely on people in a local area or in a municipality or in a community, because we cannot be there all the time and I would think, looking back over my two years dealing with this, most of the cases where action has been taken or where we have become involved in preventing and stopping this kind of thing, the awareness on our part has come in the first instance from the community. Somebody has telephoned or wired or something and complained.

Now we have not taken action in every case, because in some cases it would have been unreasonable. The same people who complain are the people

who are complaining because the road is not done or something. Where it has been a reasonable and justifiable complaint, we have taken action and, of course, we will continue so to do.

Mr. Speaker, just so there is no question, the hon. member for St. John's West referred to Port au Port, this incidentally had nothing whatever to do with Port au Port. The problem area we found with the Burin Peninsula where there has been some massive highway work going on and a great demand for road building material and this is where several cases occurred and this is where the particular one occurred which resulted in the magistrate's judgment which in effect made this particular amendment necessary.

It is purely a matter of judgment, Mr. Speaker, because of the very many variations of the coastline. It is purely a matter of judgment as to how far back we should go from low water mark or how high. There are some beaches which are very shallow in terms of the distance from the low water mark to the barm of the beach and there is some where the distance would be quite significant. We have taken these particular measurements as a sort of an average that should fit most cases and should in fact - one-fifth of a mile is a pretty fair distance, and I think there would not be too many beach areas as such that would extend further back from the low water mark than that. But in any event that seems to be fairly adequate protection in terms of the distance back and, of course, the height, the vertical distance is simply to provide for beaches that are extremely narrow and rise very steeply.

Now on the business of the so called closed registry, Mr. Speaker, I have to say again that there is no closed registry. What exists in the mines' branch of the Department of Mines, Agriculture and Resources is an extension. The filing system of the branch, which is kept in the vault of this building, simply for the purpose, because the House will imagine the paper work that is involved and the number of files with every crown



grant, every lease, every fee simple grant and every mining agreement and all these other things, Mr. Speaker, that normally are in the internal files of the department. Now these files, obviously, grow year by year and because of the nature of the matters contained in them, because of the long life of leases, because of the need to preserve agreements over long periods of time, for all kinds of reasons, all boiling down to the reason of security, for the purpose of keeping this overflow of material in a safe place, rather than just stacking it up somewhere outside the departmental offices or providing space in the departmental offices for it. There is a growing mass of material. It is kept together in the vault of this building and that is what, Mr. Speaker, from time to time, is referred to as a closed registry. It is not a closed registry. It is not a registry. It is in effect an extension outside the department and into the vault of this building of certain important documents which are best for security reasons, kept there.

Now, as I have said earlier, this question has been answered at least twice previously in this session and is now answered for the third time and I have no doubt that it will have to be answered a dozen times again, but the answer, Mr. Speaker, whatever the question, will remain the same. It is the simple truth. It is not a registry, therefore, it is not a closed registry. It is an extension of the filing system.

On motion, a Bill, "An Act Further To Amend The Crown Lands (Mines and Quarries) Act, 1961", read a second time, ordered referred to a Committee of the Whole House on tomorrow.

On motion, a Bill, "An Act Further To Amend The Department Of Education Act, 1968", read a third time, ordered passed and title be as on the Order Paper.

On motion, a Bill, "An Act Further To Amend The Memorial University Act", read a third time, ordered passed and title be as on the Order Paper.

On motion, a Bill, "An Act To Amend The Education (Teacher Training) Act, 1968", read a third time, ordered passed and title be as on the Order Paper.

On motion, a Bill, "An Act Further To Amend The Child Welfare Act, 1964", read a third time, ordered passed and title be as on the Order Paper.

On motion, a Bill, "An Act Further To Amend The Department of Public Welfare Act, 1965", read a third time, ordered passed and title be as on the Order Paper.

On motion, a Bill, "An Act Further To Amend The Education (Teachers' Pensions) Act, 1962", read a third time, ordered passed and title be as on the Order Paper.

On motion, a Bill, "An Act To Amend The Teachers' Loan Act, 1957", read a third time, ordered passed and title be as on the Order Paper.

On motion, a Bill, "An Act Further To Amend The Securities Act", read a third time, ordered passed and title be as on the Order Paper.

On motion, a Bill, "An Act To Amend The Forest Fires Act", read a third time, ordered passed and title be as on the Order Paper.

On motion, a Bill, "An Act Further To Amend The Public Libraries Act", read a third time, ordered passed and title be as on the Order Paper.

On motion, a Bill, "An Act Further To Amend The Dog Act", read a third time, ordered passed and title be as on the Order Paper.

On motion, a Bill, "An Act Further To Amend The School Attendance Act, 1962", read a third time, ordered passed and title be as on the Order Paper.

On motion, 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", read a third time, ordered passed and title be as on the Order Paper.

On motion that the House go into Committee of the Whole on 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. Speaker left the Chair.

Committee of the Whole on Bill, "An Act To Provide For the Appointment of a Parliamentary 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."

Clause 7 carried.

MR. HICKMAN: Mr. Chairman, last evening when we were discussing this particular section there was an indication from the hon. minister who introduced the Bill that he would consult with other members of the Select Committee on the Government side I think, and with the Department of Justice, concerning the provision that presently exists for the suspension or removal from office of the Ombudsman. The provision now is that the Lieutenant Governor in Council may for a cause and outlines the cause suspend the ombudsman where the legislation is not in session. But, Mr. Chairman, before we come to that may I direct the attention of the committee to the provision in the report page 6, on removal or suspension from office. It says as follows: The ombudsman could at any time be removed or suspended from his office by the Lieutenant Governor on the recommendation of two-thirds of the House of Assembly for disability, neglect of duty, misconduct or bankruptcy. Now that again is not contained in this Bill and I am subject to correction by the Hon. minister but I believe that in any legislation that we have providing for the appointment of or creation of an office where the appointee will be a servant of the House, that invariably the two-thirds majority rule prevails and it seems to me that same provision which was recommended in the report of the Select Committee unanimously recommended should be carried in this particular section because unless you have that and unless we can convey as was said last night the clear impression and this is the clear, obviously the clear intention of Government as well as of this House, the clear and understanding that this gentleman is not a servant of the Government but a servant of the House. One way to do it is to follow the parliamentary tradition of this House as well as other parliaments and follow the Select Committee report of providing that the ombudsman could at any time be removed

on the recommendation of two-thirds of the House of Assembly for disability for cause and neglect of duties.

And again section (2) of Section 7 provides, Mr. Chairman, for the removal of the ombudsman by the Lieutenant Governor in Council or the suspension when the House is not in session. I realize that the Province of Alberta has a somewhat similar almost identical section. But it is my submission that in passing this Act, and so that we can be certain of carrying out what clearly every member of this House wants and what is quite clear the Select Committee wanted is that there should be no suggestion at all that this man, this ombudsman should be subject to any decision by the Lieutenant Governor in Council that he is not a servant of the Lieutenant Governor in Council but rather that he is a servant of this House.

Under the New Brunswick Act it provides that where the House is not in session the Lieutenant Governor in Council having arrived at a conclusion that cause now exists for his removal he can do so only by, or the Lieutenant Governor in Council can only do so by making application to a Judge of the Supreme Court. This gives the ombudsman the right to defend himself if he so desires and there is also another provision in that same section Mr. Chairman, which is equally important and that is where a Judge of the Supreme Court suspends the ombudsman, that Judge(a) shall appoint an acting ombudsman to hold office until the suspension has been dealt with by the Legislative Assembly and (b) shall table a report of the suspension within ten days following the commencement of the next ensuing session.

This has a great deal of merit, Mr. Chairman, for this reason. That if the Lieutenant Governor in Council suspends an ombudsman for cause or a vacancy occurs and then the Lieutenant Governor in Council appoints a new ombudsman, true it is that within two months after the commencement the next ensuing session of the House of Assembly the appointment lapses unless it is confirmed by the House. But that so often happens where a vacancy occurs and I can think of an association that the hon. member for Harbour Main and I remembers of another hon. gentleman where people

remain in office in perpetuity simply because they reappoint themselves. Now take the situation where this House is not in session the ombudsman is removed or he dies or he retires and then the Lieutenant Governor in Council appoints a new ombudsman but says now this is subject to ratification by the House of Assembly within two months after the next session convenes.

Well that in effect means that the ombudsman has been appointed by the Lieutenant Governor in Council. 1. The Government is not likely to vote against the decision that has been made by the Lieutenant Governor in Council and 2. Unless other hon. members of the House has any real good and sufficient reason almost the same reason that would result in an ombudsman being removed for just cause he is not going to be removed. And it seems to me that as much to give the impression that justice will be done to the people that this is a completely independent gentleman that we are setting up here, that the provisions of the New Brunswick Act which obviously commended itself to the Select Committee and the recommendation of the Select Committee on this two-thirds majority has a great deal to commend itself to this House. And I therefore move, Mr. Chairman, that Section 7 be amended and by deleting the section, present section and substituting therefore the following words: 7 (1) On the recommendation of two-thirds of the members of the House of Assembly, the Lieutenant Governor in Council may at any time suspend or remove the commissioner from his office for disability, neglect of duty, misconduct or bankruptcy.

MR. SMALLWOOD: Mr. Chairman, we oppose the amendment, we support the Bill as it is presented to the House and passed Second Reading. And we oppose the amendment. The most important officer of this House is the Auditor General, the man who audits the Government's accounts in behalf of this House. A man who not only audits the government's accounts, government's accounting, all the cash transactions of the Government and do hundreds of millions of dollars every year, but, who also as the officer of this House checks to see whether the money that the Government spends is spent in

accordance with the instructions of this House. The man who reports back to this House annually on the government's conduct of the financial affairs, financial matters generally, the most important man, officer of every House, every House in the World, the Auditor General, is removable by a simple majority of the members of this House, a simple majority, just as the members of the House is elected by simple majority. Just as the Speaker is elected by simple majority, just as everything is done by simple majority, so the removal of the ombudsman should be by simple majority.

I have not raised the question of whether or not this amendment is in order. I would prefer not to waste time on that or at least not to spend time on it, I do not know that it would be wasted if we did spend it but I would prefer not to spend time on that and settle the matter by vote, again by majority vote, it will be settled by majority vote. Remember this, Mr. Speaker, that you could pass an Act now here today or in this present session, saying that ninety-nine per cent of the members of the House will be required to remove the ombudsman. You could make that the law. Not two-thirds, but ninety-nine per cent. Say it would require in a House of forty-two, forty-one members to remove him. You could do that that would be the law of the land. Then if the Government of the day five years, ten years any time in future had these reasons that are spelled out for removing the ombudsman, these reasons that are spelled out here, as reasons for removing him. They could come into the House and then get the legislation amended to read it that one-third of the House could remove him, that any three members of the House could remove him. In other words the law whatever amendment we might make today could be reamended next session.

MR. CROSBIE: No, everybody knows that so -

MR. SMALLWOOD: No, why not? So it could, so that it is quite pointless to make the removal of the ombudsman different from the removal of the Auditor General. Different from the removal of Mr. Speaker. Different from the defeat of the members of this House if they run again for election. Anyone

who in this House today, who runs for election, in the general election .  
whenever it comes, who fails to get half the votes, unless it is in a  
three-cornered fight will lose his seat.    The ones who will gain their  
seats are those who will get fifty plus one of the votes.    Simple majority  
this is democratic rule.    But the



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HON. J. R. SMALLWOOD (Premier): The most powerful fact is that the Auditor General was an official who could be removed only by two-thirds members of the House. But that was changed. Years ago that was changed, ten, fifteen years ago, that was changed - fifteen or eighteen years ago whenever it was. That was changed, and the law of the land now is that the Auditor General was removable by a simple majority, in the same way that Mr. Speaker is. And there is no reason really why the ombudsman should not be subject to the same rule. A simple majority. A democratic rule. Democratic Government. Democratic parliamentary Government. If a majority of the House at any time, wish to remove him, they have a right to do it in the Bill, as the Bill now reads.

But if the amendment were carried, it would require two-thirds. But why should it require two-thirds? Why? Why, what is the reason? What is wrong with the majority? What has suddenly happened to make a majority wrong? What is it? I mean what is it in principle that makes a majority wrong? Every single piece of legislation that passes in this House, passes for law and is made law. All the laws of this land are made law by simple majority. All the changes that are made in the laws are made by simple majority. It is majority rule. What is wrong with majority rule? What has suddenly become wrong with it? What new principle has come up that makes simple majority rule wrong? The whole House is run by a majority rule. And should be. Certainly is, and properly so. Now we are hearing objections. We are hearing objections now - the majority rules. We are hearing objection now to passing the laws by majority vote. They do not like majority vote, because they are minority. If they were majority, they would be very staunch and stout upholders of the idea of majority rule. But while they are minority, they do not think majority should rule. Maybe they think minority should rule. Whoever recommended anything, and whatever recommended, the Bill was drafted and brought in here and passed by this House. And not only that, it was drafted by the hon. gentleman himself. Not maybe in person.

AN HON. MEMBER: Not in person,

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MR. SMALLWOOD: Not in person, no. But he was Minister of Justice.

MR. HICKMAN: It did not have my approval and the hon. minister knows it. It was in the process of drafting and going from member to member of the committee.

MR SMALLWOOD: The fact is that the House has passed it by simple majority rule. The House has passed this section which says -

MR CROSBIE: It has not.

MR SMALLWOOD: It has.

MR CROSBIE: It has not. On the understanding that ....

MR SMALLWOOD: Oh, stop the interruptions. Stop the interruptions, big bully, stop it.

MR SPEAKER: Order.

MR SMALLWOOD: Stop it big bully! Bully Roy!

MR CROSBIE: Go ahead. Rave on.

MR. SMALLWOOD: Bully boy, look at the hair cut. Look at the Kennedy hair-cut. Look at big sook.

MR. CROSBIE: Rave on.

MR. SMALLWOOD: Big sook, big sook.

MR. SPEAKER: Order please!

MR. SMALLWOOD: There is something else that is not in order. A continual barrage of interruption by three men one after the other and simultaneously. That is in order too, is it not?

Mr. Speaker, the democratic method is that the Government drafts a piece of legislation, presents it to the House. It is debated. It is given second reading. Then it comes in here to be examined word for word, and clause for clause. But this Bill has been adopted by the House in principle at second reading. It has passed by majority vote. By majority vote, and now this amendment that has been moved would be settled by majority vote. The whole second reading would be adopted by majority vote. It will be given third reading by majority vote. That is how in a democratic land we are ruled, by a majority vote. Now what suddenly has become wrong with

majority vote? The hon. gentleman has not told us. He has not given us any hint. He has not told us any reason why we should drop the idea of majority vote. He has not told us why we should drop the idea of majority vote. Is he going to propose that if anything now, it will take two-thirds of the House to carry anything? Is he going to tell us that? Is he going to advocate that? Is he going to advocate an amendment to the Revenue and Audit Act, saying that the Auditor General can be removed only by two-thirds vote. Are they going to propose an amendment that Mr. Speaker can be removed only by two-thirds vote? Are they going to move a new rule that laws can be passed only by two-thirds a vote? That people can be elected to the House of Assembly in general elections only by two-thirds vote. That the majority idea shall go down the drain, the majority rule, the majority vote shall cease. There must be two-thirds not majority. Now they have to show that before we can accept this amendment. This amendment says majority rules. Everything is majority rule and what is wrong with it? What is wrong with it? Now after it is all over with, Your Honour will put it to the vote. And we will settle it, by majority rule, by a majority vote, the way it should be.

MR. CROSBIE: We have heard an illustration of the Premier's philosophy there today. Right is right. The majority is right. The majority is going to carry. The minorities have no right. The hon. the Premier certainly would not suit the U.S. Constitutional system where there is a Bill of Rights. Only the majority. Only the majority can be right. Mr. Speaker, I rise to support this amendment. It was recommended by the Select Committee, not only that -- Oh listen to the Crown Prince Number twenty-one. He is so fat since the House started. The only man in the House who can eat a banana sideways. Mr. Speaker, referring to the report of the ombudsman of the Province of New Brunswick. Was the Premier trying to say something? He was so abused a few minutes ago when somebody else tried to interrupt him. This is the third report of the ombudsman

of the Province of New Brunswick. We look at their ombudsman chart, a comparative analysis of what the provisions are in other countries. Finland - the ombudsman is appointed and cannot be removed during his term of office, which is four years - cannot be removed at all by any Government. Norway - may be removed from office by a two-thirds vote - by a two-thirds vote of a Parliament. Quebec - the authoritarian Province of Quebec. Quebec - may be removed by a vote of two-thirds of a Legislative Assembly. There are three jurisdictions that a two-thirds vote is required.

In this House, Mr. Chairman, a two-thirds vote of the members of the House is required to change the rule, and it is a good thing that that is so, because we must face the fact - and the facts are that Houses of Assembly are controlled by Governments who control the majority of the members. And if the minorities are to have any rights, then some other protection is needed.

The hon. the Premier mentioned the Auditor General. All his argument means is that the Auditor General should not be able to be dismissed by this House without a two-thirds vote, because the Auditor General does not have sufficient protection in this House. What this Government wants is an ombudsman Bill to be passed so that the Government can say, "we have an ombudsman, we have a parliamentary commissioner, but in substance for it to mean nothing, because a man has no independent position. If we look at this Clause (7) - a bare majority of the members of the House are going to be entitled to remove him at any time, a bare majority. So that a Government at any time can have an ombudsman removed, if he becomes a nuisance to the Government. And under Subsection (2), he can be suspended by the Lieutenant-Governor-in-Council. There are many jurisdictions. Mr. Chairman, yes majorities must control the House, but they do not have to use their power to trample on all rights, or to forbid anyone to be entrenched in the Constitution. In the United States of America it is an excellent principle that the majority cannot override the Bill of Rights. In Canada the majority cannot amend the BNA Act by custom without the agreement of two-thirds of the Province. Majorities just do not have

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all the rights and the minorities no rights. A Government interested in democracy entrenches the rights of minorities which should be done in this Bill for the ombudsman.

MR. CURTIS: I wonder if the hon. member would allow me to introduce a motion that the Committee rise report progress and ask leave to sit again. We should leave this question open for further consideration.

On Motion Committee rise report progress and ask leave to sit again on tomorrow.

Mr. Speaker returned to the Chair.

MR. CURTIS: I would move, Mr. Speaker, that the remaining Orders of the Day do stand deferred and the House at its rising do adjourn until tomorrow Wednesday at 3 P.M.